

1 BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the
2015-2016 EXECUTIVE BUDGET ON
5 ELEMENTARY AND SECONDARY EDUCATION

6 -----

7 Hearing Room B
Legislative Office Building
8 Albany, New York

9 February 3, 2015
9:36 a.m.

10

11 PRESIDING:

12 Senator John A. DeFrancisco
Chair, Senate Finance Committee

13

Assemblyman Herman D. Farrell, Jr.
14 Chair, Assembly Ways & Means Committee

15 PRESENT:

16 Senator Liz Krueger
Senate Finance Committee (RM)

17

Assemblyman Bob Oaks
18 Assembly Ways & Means Committee (RM)

19 Senator John Flanagan
Chair, Senate Education Committee

20

Assemblyman Fred Thiele

21

Assemblyman Charles Lavine

22

Assemblywoman Barbara Lifton

23

Assemblyman Steven Otis

24

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3 PRESENT: (Continued)

4 Assemblywoman Shelley Mayer
5 Assemblywoman Earlene Hooper
6 Senator Andrea Stewart-Cousins
7 Assemblyman Edward P. Ra
8 Assemblyman Peter Lopez
9 Senator George S. Latimer
10 Assemblywoman Jo Anne Simon
11 Assemblyman Al Graf
12 Senator Simcha Felder
13 Assemblyman Felix W. Ortiz
14 Assemblyman Matthew Titone
15 Senator Marc Panepinto
16 Senator David J. Valesky
17 Assemblywoman Ellen Jaffee
18 Senator Gustavo Rivera
19 Senator Velmanette Montgomery
20 Assemblyman Jeffrion L. Aubry
21 Senator Elizabeth O'C. Little
22 Assemblywoman Amy Paulin
23 Assemblyman David G. McDonough
24 Assemblyman Peter Lawrence

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3 PRESENT: (Continued)

4
 Assemblywoman Patricia Fahy
 5
 Assemblyman Steven F. McLaughlin
 6
 Assemblyman Christopher Friend
 7
 Assemblyman William Scarborough
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1 CHAIRMAN FARRELL: Good morning.

2 Today we begin the fourth in a series
3 of hearings conducted by the joint fiscal
4 committees of the Legislature regarding the
5 Governor's proposed budget for fiscal year
6 2015-2016. The hearings are conducted
7 pursuant to Article 7, Section 3 of the
8 Constitution and Article 2, Section 31 and
9 32A of the Legislative Law.

10 Today the Assembly Ways and Means
11 Committee and the Senate Finance Committee
12 will hear testimony concerning the budget
13 proposal for elementary and secondary
14 education.

15 I will now introduce members from the
16 Assembly, and Senator DeFrancisco, chairman
17 of the Senate Finance Committee, will
18 introduce members from the Senate.

19 We have with us Assemblyman Steve
20 Otis, Assemblyman Charles Lavine, and
21 Assemblywoman Shelley Mayer.

22 Mr. Oaks.

23 ASSEMBLYMAN OAKS: Yes, and we've also
24 been joined by Assemblyman Graf and

1 Assemblyman Ra.

2 CHAIRMAN FARRELL: Senator?

3 CHAIRMAN DeFRANCISCO: Yes, I'm joined
4 by Senator Little and Senator Krueger.

5 SENATOR KRUEGER: And Senator Gustavo
6 Rivera.

7 CHAIRMAN FARRELL: Before introducing
8 the first witness, I would like to remind all
9 of the witnesses testifying today to keep
10 your statement within your allotted time
11 limit so that everyone can be afforded the
12 opportunity to speak. What that means is the
13 quicker you make your presentation, the
14 quicker we get to hearing the questions,
15 which is really the big thing.

16 The first person to testify:
17 Elizabeth Berlin, acting commissioner,
18 New York State Education Department.

19 Good morning.

20 ACTING COMMISSIONER BERLIN: Good
21 morning. Good morning, Chairman DeFrancisco,
22 Chairman Farrell and members of the Senate
23 and Assembly here today.

24 My name is Beth Berlin. I am the

1 acting commissioner of the State Education
2 Department. And I am joined by our senior
3 deputy commissioner, Dr. Ken Wagner, and the
4 deputy commissioner of the Office of P-12,
5 Dr. Cosimo Tangorra.

6 You have my full testimony before you.
7 I will speak to a few slides, and then we
8 will be happy to address your questions.

9 In December the Regents gave final
10 approval to a state aid proposal calling for
11 a \$2 billion increase in state aid designed
12 to address many of the challenges we face and
13 to provide new opportunities for our students
14 to graduate ready for college and career
15 success.

16 On Slide 2 you will see the highlights
17 of the Regents' state aid proposal, which
18 recommends a \$1.1 billion increase in
19 operating aid, \$597 million through GEA
20 restoration that unfairly penalizes many
21 districts, and \$526 million through
22 Foundation Aid, in addition to the
23 \$306 million to honor obligations and
24 expense-based aids, and \$572 million in

1 strategic investments to ensure that school
2 districts can improve performance consistent
3 with the goal of college and career
4 readiness.

5 Among these investments, seen on
6 Slides 3 through 8, we recommend \$65 million
7 to expand Career and Technical Education
8 programs. One of the best ways we can make
9 more of our children ready for college and
10 career is to expand access to CT Education.
11 Unfortunately, current funding formulas
12 disincentivize many high-needs districts from
13 participating in these programs since they
14 have not been adjusted to reflect inflation
15 since 1990.

16 After voting at its January meeting to
17 provide multiple pathways to graduation,
18 including a "4+1" option that will allow
19 students to take four Regents exams and a
20 comparably rigorous CTE exam, the board
21 recommends, as you can see on Slide 3,
22 enhanced Special Services Aid for CTE
23 Pathways Programs operated by the Big 5 and
24 non-component school districts and modernized

1 BOCES aid for CTE Pathways Programs.

2 Two hundred fifty million dollars for
3 expanded access to full-day pre-kindergarten
4 funds. The board recommends building on last
5 year's investment in full-day
6 pre-kindergarten by expanding funding by
7 \$250 million as the first step of a multiyear
8 plan to move to a consolidated and truly
9 universal full-day program.

10 The board's proposal on Slide 4 would
11 add \$70 million to the \$300 million allocated
12 to New York City last year and add
13 approximately \$180 million to the rest of the
14 state to supplement the \$40 million allocated
15 last year.

16 These funds would allow New York City
17 to continue to expand its historic investment
18 in pre-kindergarten while allowing districts
19 across the state to do the same. This would
20 help existing pre-kindergarten programs
21 achieve quality standards, streamline data
22 reporting, and consistent regulations
23 regarding staffing and facilities.

24 Eighty-six million dollars to support

1 English language learner programs. If we
2 truly intend to close the achievement gap, we
3 must increase our support for 200,000 ELLs in
4 New York State. These students make up a
5 significant percentage of New York's
6 lowest-performing students and are much more
7 likely to fail to complete high school within
8 six years.

9 On Slide 5 the board recommends an
10 additional \$86 million in aid for districts
11 serving ELLs, to support team teaching
12 approaches, instructional resources and
13 supports, to improve instructional practice
14 and meaningful professional development.

15 Forty million dollars for districts
16 experiencing increases in enrollment. As you
17 can see on Slide 6, the board recommends
18 \$30 million for districts with new students
19 and an additional \$10 million to be provided
20 to districts to address the recent arrival of
21 unaccompanied immigrant children. Many of
22 these districts are already high-need
23 districts and should not be forced to choose
24 between providing a quality education to

1 incoming students and preserving core
2 academic programs for the district as a
3 whole.

4 Eighty million dollars to strengthen
5 teacher and leader effectiveness. Turning to
6 Slide 7, the board recommends \$80 million to
7 target funding for instructional improvement
8 programs that leverage the most effective
9 teachers as mentors and coaches for their
10 colleagues, such as expansion of the
11 Strengthening Teacher and Leader
12 Effectiveness program, which has been a
13 central part of the effort to prepare
14 teachers and school leaders to teach college-
15 and career-ready standards.

16 On Slide 9 we outline the Regents'
17 four recommendations for programmatic
18 opportunities for one-time use of settlement
19 funds, including \$360 million for payment of
20 existing school aid liabilities, to keep the
21 promises on claims already submitted by
22 districts; \$238 million to support
23 acceleration of pre-kindergarten payments
24 related to the new statewide universal

1 full-day pre-kindergarten program, which was
2 structured in such a way that school
3 districts were required to pay out-of-pocket
4 for a majority of the first year of the
5 program before receiving any state funds;
6 creation of a \$50 million CTE Technology
7 Facility Construction Fund to support
8 upgrades to facilities necessary to support
9 high-tech training programs.

10 Slide 10 summarizes the agency's
11 budget priorities. I'd like to briefly bring
12 your attention to three.

13 As you can see on Slide 11, we are
14 requesting \$8.4 million to reduce testing
15 time and release more test questions. We
16 have heard from many of you and many of your
17 constituents about both of these issues. In
18 order to address these concerns, the
19 department requires this additional funding
20 to be able to print more versions of our
21 Grades 3-8 ELA and math tests. This simple
22 fix would allow us to embed more field-test
23 questions in the operational exams, eliminate
24 stand-alone multiple-choice field testing,

1 and publicly release significantly more
2 questions than the 50 percent we released
3 last year.

4 On Slide 13 we detail our request for
5 agency resources to provide curriculum
6 support, technical assistance, monitoring,
7 and develop a native language arts exam for
8 our English language learners, and to support
9 implementation of the newly revised Part 154
10 regulations. And we seek your continued
11 support for adult education programs with a
12 request of \$5 million detailed on Slide 14.

13 By most indicators we know that
14 college and career readiness matters. It
15 reduces the chances that a student needs
16 remediation in college, it improves the
17 chances that a student will stay in college
18 once they enroll, and it results in higher
19 earnings and lower unemployment rates.

20 Last year we celebrated the
21 60th anniversary of the Brown vs. Board of
22 Education decision, and just a few weeks ago
23 we recognized the Reverend Martin Luther
24 King's birthday. Despite all our efforts and

1 the sacrifices and struggles of Dr. King,
2 Oliver Brown and so many others, we remain a
3 society with unequal schools and unequal
4 outcomes. You see this in the persistent
5 disparity in our graduation and college
6 completion rates across every grade and every
7 subject.

8 The evidence is clear: Our country
9 spends less to educate poor children than
10 wealthy children. Our poor children have
11 less access to the programs that make a
12 difference, such as preschool and
13 after-school programs. They have less access
14 to rigorous academic programs such as AP
15 classes.

16 The Regents and the department are
17 prepared to partner with you to change the
18 narrative, to change funding formulas to
19 promote equity, to provide truly universal
20 preschool, to support students with
21 disabilities and English language learners.
22 But we can't do any of those things without
23 teaching high standards and holding ourselves
24 accountable.

1 Thank you.

2 CHAIRMAN DeFRANCISCO: Thank you. I
3 think I'll be starting.

4 You were smiling at the beginning.
5 That must mean you're the acting
6 commissioner, you're not --

7 (Laughter.)

8 CHAIRMAN DeFRANCISCO: Because --

9 ACTING COMMISSIONER BERLIN: You read
10 me well.

11 CHAIRMAN DeFRANCISCO: The first
12 question I had is you've been talking about
13 the Regents proposal, but there's school
14 districts out there -- I'd estimate the
15 number of school districts, all of them --
16 who have no idea how to make a budget right
17 now. Because there's no school aid runs and
18 there's a big contingency as to whether
19 certain -- which have been labeled reforms
20 are enacted or not, depending on how much
21 they're going to get.

22 As acting commissioner, tell me what
23 your advice is to the school districts as to
24 how they could prepare their budgets.

1 ACTING COMMISSIONER BERLIN:
2 Information is available that districts can
3 use that is from the November runs and
4 database that the department has provided.
5 We will be updating that data and releasing
6 it on February 13.

7 I understand what you're referencing,
8 though, Senator, is as related to the
9 Executive Budget. The department does not
10 have the ability because we do not have the
11 information that would allow us to make runs
12 specific to that. So certainly the data that
13 is available is the information both from
14 November and what will be released shortly by
15 the department on February 13 that could be
16 of assistance.

17 CHAIRMAN DeFRANCISCO: So you're
18 basically saying, I think, that the districts
19 should assume they would be getting at least
20 the amount of money in -- that are shown in
21 the November runs. Is that --

22 ACTING COMMISSIONER BERLIN: I think
23 what I'm offering is that the data that is
24 available is certainly reflected in the

1 November runs, as well as an update will be
2 reflected in the February 13th runs. It does
3 not represent or incorporate any of, you
4 know, the components that may be in the
5 Executive's formula.

6 CHAIRMAN DeFRANCISCO: All right.
7 So -- and the Regents don't submit a school
8 run if -- they're proposing \$2 billion in
9 addition; correct? There's no school run
10 associated with that proposal; is that
11 correct?

12 ACTING COMMISSIONER BERLIN: That is
13 correct.

14 CHAIRMAN DeFRANCISCO: All right. So
15 I don't know what advice to give the school
16 districts. Because it's going to be
17 somewhere between what the November runs and
18 updated runs show and \$2 billion more. Is
19 that a fair statement?

20 ACTING COMMISSIONER BERLIN: I think
21 what we generally observed is that the
22 Executive Budget presents a floor in some
23 ways. But again, without knowing exactly
24 where the formula is allocating those funds,

1 we are not in a position to provide that
2 additional information to districts.

3 You are correct, the Board of Regents
4 feels very strongly that a \$2 billion
5 investment is necessary and critical at this
6 juncture. So certainly we would be happy to
7 talk more about the components that are in
8 the Board of Regents proposal.

9 CHAIRMAN DeFRANCISCO: All right. Let
10 me bring up an old topic that I've been on
11 for some time, and that deals with the cost
12 of remedial education to the colleges.

13 (Coughing.) Excuse me. I think I've been in
14 this room too long.

15 But in any event, you get a high
16 school degree that guarantees you entry into
17 a SUNY -- at least a two-year school; is that
18 correct?

19 ACTING COMMISSIONER BERLIN: That is
20 correct.

21 CHAIRMAN DeFRANCISCO: Okay. That
22 doesn't mean that they're qualified or
23 prepared to take college courses, it just
24 means they have a piece of paper that said

1 they went through whatever you go through in
2 each different school, which is different at
3 each school.

4 The cost to SUNY colleges is
5 astronomical to prepare those students for
6 college, because they need remediation. And
7 in many instances some of the college aid the
8 students get is absorbed in taking the
9 remediation courses. So they're no further
10 along in college, and they're using a lot of
11 their money. Okay.

12 Now -- and I've had these discussions
13 with the former commissioner, with the
14 chancellor of SUNY, CUNY, the whole drill.
15 We had a big meeting over at the Education --
16 maybe you were there.

17 ACTING COMMISSIONER BERLIN: I was
18 not.

19 CHAIRMAN DeFRANCISCO: Oh, nuts.

20 ACTING COMMISSIONER BERLIN: I'm
21 sorry, Senator --

22 CHAIRMAN DeFRANCISCO: In any event,
23 it was pretty much recognized -- in fact, the
24 commissioner, the former commissioner said

1 that it's true what I learned, and that is in
2 your senior year in high school there is --
3 there's either a lot of study halls, if
4 you've got your required courses, or there's
5 a work release program that you could learn
6 some skills to work, but they still haven't
7 got the skills to do college work and they're
8 going to college.

9 It seemed to me that there should be
10 some test taken, either the PSAT or some new
11 test that someone can create, to see how
12 prepared they are for college before the
13 junior year. And that way they can take the
14 remediation, take what they need to be truly
15 prepared to go to college.

16 Has anything like that been done?

17 ACTING COMMISSIONER BERLIN: The board
18 and the department are steadfast in our
19 efforts to move to college and career
20 readiness. So we agree with you in that
21 there needs to be a lot more that prepares
22 students for that final phase.

23 We've made significant investments in
24 multiple areas to really support districts as

1 they move students to prepare for the higher
2 standards, which when they graduate not only
3 do we want to celebrate the increase in
4 graduation rates, we really want to be able
5 to celebrate the increase in college
6 readiness.

7 We do recognize, though, that the work
8 is not done. We have advanced several
9 funding requests that we think are critical
10 to continue to be able to provide districts
11 with tools, the \$80 million in professional
12 development certainly being one of the most
13 critical areas where we need to continue to
14 support districts.

15 CHAIRMAN DeFRANCISCO: Is there any
16 test used now at the end of the junior year,
17 the beginning of the senior year, to predict
18 their readiness for college? And if so, what
19 is that test?

20 ACTING COMMISSIONER BERLIN: So I'm
21 going to ask Dr. Wagner to speak specifically
22 about --

23 CHAIRMAN DeFRANCISCO: I can't --
24 could you -- could you put the mic closer?

1 I'm missing something.

2 ACTING COMMISSIONER BERLIN: Oh, I'm
3 going to ask Dr. Wagner to speak specifically
4 about the testing component.

5 CHAIRMAN DeFRANCISCO: Okay.

6 DR. WAGNER: Good morning, everyone.

7 I think it's important to make a
8 distinction between the learning standards,
9 the learning expectations that we have for
10 our students, and the assessments that are
11 used to measure student progress.

12 What we would say is the work that
13 we've been doing together since 2010 around
14 raising the learning standards is exactly
15 addressing the need that you've raised to
16 make sure that our students are on the path
17 toward college readiness. The department is
18 making a very clear distinction. We would
19 not recommend the introduction of a new test.
20 What we would say is that the learning
21 expectations, coupled with our state aid
22 proposal to support the implementation of
23 those standards, coupled with the existing
24 assessment program, would be sufficient to

1 move us forward.

2 CHAIRMAN DeFRANCISCO: I have no idea
3 what you just said. And I -- it's a long
4 statement that to me is gobbledygook. And I
5 apologize.

6 I asked a simple question, is there
7 any test that's done right now. Because when
8 they go to college, you know what they do?
9 They give them a test to see their college
10 readiness.

11 So why would you wait to get that test
12 when they waste their senior year in study
13 halls and some phony baloney job that is not
14 nearly as important as being prepared for the
15 college they're going to?

16 DR. WAGNER: So our current assessment
17 program offers information to teachers on an
18 annual basis in Grades 3 through 8 as well as
19 at different points in high school about
20 whether or not students are on the path
21 toward being ready for college and careers.
22 We would not recommend the introduction of an
23 additional test.

24 CHAIRMAN DeFRANCISCO: You know what

1 SUNY and CUNY say? And I'll stop here. What
2 SUNY and CUNY say to this is they can't agree
3 on the test. They give two different tests.
4 They can't agree on the test.

5 And all of -- this has been about
6 three years now. It would seem to me they've
7 got to figure out, when a kid goes to
8 college, whether they're prepared. And if
9 they can't agree on a single test that
10 they're giving anyway to try to make that
11 assessment -- and maybe that single test
12 could be given a little earlier so you don't
13 send people off with one of these pieces of
14 paper to college and they waste all of this
15 money they're getting to help them go to
16 college.

17 DR. WAGNER: So we agree with you.
18 And we work closely with our colleagues in
19 CUNY and SUNY. But we feel that the best
20 preparation for students to be ready for
21 college is the instruction that goes on in
22 classrooms as opposed to the introduction of
23 a new test.

24 CHAIRMAN DeFRANCISCO: Well, that

1 hasn't done much at this point in time, has
2 it, if we're sending kids out with a diploma
3 that's not ready for college when they go to
4 college. You think maybe you might want to
5 rethink?

6 DR. WAGNER: We believe that
7 collectively, together with teachers across
8 the state, we have made progress toward that
9 goal.

10 CHAIRMAN DeFRANCISCO: Okay. Thank
11 you.

12 CHAIRMAN FARRELL: Thank you very
13 much.

14 We've been joined by Assemblywoman
15 Jaffee, Assemblywoman Jo Anne Simon, and
16 Assemblywoman Lifton.

17 Mr. Oaks?

18 ASSEMBLYMAN OAKS: Yes, we've also
19 been joined by Assemblyman McDonough and
20 Assemblyman Lawrence.

21 CHAIRMAN FARRELL: First to question,
22 Assemblywoman Lifton.

23 (Discussion off the record.)

24 CHAIRMAN FARRELL: Mr. Lavine.

1 ASSEMBLYMAN LAVINE: Thanks,
2 Mr. Chairman. And whether it's La-veen or
3 La-vine, you know in our field I'm called
4 much worse.

5 Beth, I'm pleased to see the
6 Regents are beginning to focus on reducing
7 the hours spent in testing our children,
8 especially in our public schools. And as I'm
9 sure you are aware, there is intense
10 dissatisfaction among the parents of New York
11 State with what seems to be our devotion to
12 testing. But that's a subject that I think
13 will be continuing, and I doubt you're going
14 to be able to -- I'm not going to ask you to
15 give us any dispositive answer on your
16 particular views with respect to that
17 subject.

18 But I do have a couple of questions
19 that are more concrete. One has to do with
20 the amount of money to support districts that
21 are experiencing increases in enrollment. So
22 I see that \$30 million is provided for all
23 the districts in New York State, and an
24 additional \$10 million is being provided to,

1 I take it, current-year -- current-year
2 districts that are experiencing unique
3 distress. So it's \$30 million overall, and
4 \$10 million for particular districts.

5 How will it be determined -- if we
6 know right now -- the method under which that
7 \$10 million is going to be driven to the
8 particular districts?

9 And the other question I've got has to
10 do with \$30 million to support school
11 district purchases of optical scanning voting
12 machines for school board elections and bond
13 elections. So the \$30 million I think is a
14 step in the right direction, but does the
15 budget anticipate, the proposed spending plan
16 anticipate money for the districts to use to
17 purchase the paper ballots that get scanned
18 and money for the districts to purchase
19 software for the scanners and to provide
20 placement for the scanners when they're not
21 in use?

22 So basically it's two quick questions.
23 How does the \$10 million get spent for the
24 particular districts experiencing intense

1 enrollment increases, and is there additional
2 funding beyond the \$30 million to be used to
3 purchase the scanners for the operation and
4 maintenance of the scanners?

5 ACTING COMMISSIONER BERLIN: For the
6 \$10 million to support the increase in
7 unaccompanied minors -- I am sorry, no, my
8 fault -- for the \$10 million that is
9 recommended to support the unaccompanied
10 minors, we would work with the districts to
11 come up with a formula that allocated those
12 funds in an appropriate way. So certainly we
13 would be taking into consideration --
14 increase would be a specific element that we
15 would look at.

16 We don't have that formula directly at
17 this point in time decided upon and certainly
18 welcome thoughts as to what would make that
19 an equitable distribution of funds.

20 With regards to the \$30 million, that
21 was seen as a one-time investment to support
22 districts, recognizing that this is a unique
23 cost that the state has imposed on them and
24 so it really is intended to support them in

1 fulfilling the statutory obligations of
2 having the voting machines.

3 ASSEMBLYMAN LAVINE: Thank you.

4 CHAIRMAN DeFRANCISCO: Senator
5 Krueger.

6 SENATOR KRUEGER: Good morning.

7 ACTING COMMISSIONER BERLIN: Good
8 morning.

9 SENATOR KRUEGER: Many questions.

10 And our ranker, George Latimer, is a
11 little delayed, but he will also be here.

12 So we passed a Smart Schools Bond Act,
13 and it was approved by the voters. Can you
14 give me an update about what happens now,
15 what's SED's schedule for creating a review
16 board, getting the standards or I guess the
17 RFP or something equivalent to that out to
18 the localities, and time frames going
19 forward?

20 ACTING COMMISSIONER BERLIN:
21 Certainly, Senator. Very pleased to see the
22 confidence and the recognition that the
23 voters had in the need for the investment in
24 the Smart Schools Bond Act. We think it will

1 be critical to districts in identifying
2 supporting needs that they have at the local
3 level.

4 The statute establishes a governing
5 council which includes the State Education
6 Department, the Division of Budget, as well
7 as SUNY. We have begun conversations with
8 our colleagues to outline what we think
9 should be in the application process. And
10 our hope is early this spring we will be
11 releasing to the field the process which they
12 can follow to submit their plan for approval
13 so that they can proceed with the investments
14 that they think are most appropriate for
15 their district.

16 SENATOR KRUEGER: And what do you
17 expect the turnaround time will be between
18 them submitting in April, I think you just
19 said, and actually getting approval of their
20 plans?

21 ACTING COMMISSIONER BERLIN: Some I
22 think will depend on the request that is
23 actually before us. Obviously, if there's a
24 request that would have construction, there

1 which was set up as a "you front the cash and
2 then you get it back." So we now seem to
3 have four different UPK programs funded
4 through a variety of mechanisms, or we will
5 if the Governor's new proposal goes forward.
6 So we have one in the amount of \$385 million
7 funded through the school aid formula;
8 another funded as a competitive grant in the
9 amount of \$25 million; third, the
10 \$1.5 billion program funded in last year's
11 enacted budget; and, finally, a new expanded
12 pre-K program for 3-year-olds.

13 Is SED thinking about just trying to
14 make one UPK program without different
15 standards and rules? Because if I was a
16 school district trying to figure out how to
17 set up a UPK program and be assured of
18 continued funding beyond a one-year period, I
19 would be enormously confused about all these
20 different programs and what I'm doing and
21 whether I have to run and operate different
22 UPKs within my school district.

23 So I'm just wondering whether you
24 think there's a way to streamline this or

1 even, radically, just have one UPK program
2 for the state.

3 ACTING COMMISSIONER BERLIN: Right.
4 The board did advance in their recommendation
5 that \$250 million be invested to further
6 expand universal pre-K. They did also
7 acknowledge and recommend that we look as a
8 state to consolidate the various funding
9 streams. There are some inherent differences
10 that are statutorily established that would
11 currently prohibit the department from
12 consolidating the programs.

13 As you reference, Senator, there's --
14 in the original pre-K program, 385, that goes
15 to districts by allocation. In the most
16 recent, that was distributed through a
17 procurement process. So --

18 SENATOR KRUEGER: Through a what?

19 ACTING COMMISSIONER BERLIN: A
20 procurement process.

21 So there are some just statutory
22 differences. But we would be happy to work
23 with the legislative body if there was
24 interest in looking at ways to consolidate

1 the programs.

2 SENATOR KRUEGER: Thank you. I do
3 have time for one more.

4 The proposed education tax credit in
5 the Governor's budget says that there will
6 be -- excuse me, that the commissioner shall
7 publish criteria used to determine and select
8 the educational -- I'm looking for the term
9 used -- the educational foundation, school
10 improvement organization, local education
11 funds that can take the tax credits and
12 distribute them.

13 Do you have any understanding of what
14 definitions you would use as to making a
15 determination of what groups, what criteria
16 for the groups, how many groups you would be
17 proposing?

18 ACTING COMMISSIONER BERLIN: Not at
19 this time.

20 SENATOR KRUEGER: So since you don't
21 know who you would be approving to run this
22 program, you probably don't necessarily have
23 standards of how to monitor and evaluate that
24 they are in fact doing with the money what

1 they are supposed to do. Would that be fair?

2 ACTING COMMISSIONER BERLIN: That
3 would be fair. Outside of, you know, the
4 normal monitoring processes and protocols
5 that are used. But not specific.

6 SENATOR KRUEGER: Do you have an
7 estimate of how many staff it would require
8 to operate this program?

9 ACTING COMMISSIONER BERLIN: I
10 certainly appreciate that question, Senator.
11 We recognize that taking on a workload such
12 as this would require additional bodies. But
13 I would have to get back to you with
14 specifically our estimate.

15 SENATOR KRUEGER: I think I'm out of
16 time. Maybe I'll come back. Thank you.

17 ACTING COMMISSIONER BERLIN: Thank
18 you.

19 CHAIRMAN FARRELL: Thank you.

20 Assemblyman Ra.

21 ASSEMBLYMAN RA: Thank you, Chairman.

22 Good morning. I just want to ask a
23 couple of questions regarding some of the
24 standardized testing issues that are cropping

1 up within the local districts.

2 I'm hearing a lot of frustration from
3 some local school boards and other folks in
4 the districts because we have the Governor,
5 you know, really pushing forward with his
6 reliance on the standardized tests with a lot
7 of his proposals. And there's this growing
8 opt-out, refusal movement, whatever you want
9 to call it. I know there's no kind of
10 official position on that, but there seems to
11 be a lot of frustration within the local
12 districts because there's not really any
13 concrete action from SED on how they're
14 supposed to handle it and it's created a
15 very, very wide range of approaches amongst
16 the local districts.

17 Is there anything SED is doing to work
18 with the local districts with regard to that
19 issue?

20 ACTING COMMISSIONER BERLIN: Yes. I'm
21 going to ask Dr. Wagner to talk about the
22 significant efforts that we've taken.

23 DR. WAGNER: So it's important to
24 remember that the assessments -- with two

1 exceptions, social studies Regents exams --
2 the assessments that are required are
3 actually required by the federal government.
4 There haven't been any additional tests that
5 have been introduced, for example, when we
6 changed learning standards.

7 School districts understand that the
8 state assessment program, which is required
9 by the federal government, is a required part
10 of the instructional program and students are
11 expected to participate in assessments just
12 like they would participate in English or
13 science or math.

14 We think that the assessments serve a
15 very important function to do two things.
16 One is, first, to tell us exactly how all of
17 our students are doing on an annual basis,
18 and second, to provide information to the
19 public, to the taxpayer, about our
20 multi-billion-dollar investment.

21 As school districts address issues of
22 students or parents who refuse to take the
23 test, we've advised them that they need to
24 consult with their attendance policies, which

1 they all have to have in place, about whether
2 or not a student is considered absent or
3 present in school. And then schools have
4 discretion about how to implement the
5 procedures -- whether or not they offer an
6 alternate learning environment, for example.

7 ACTING COMMISSIONER BERLIN: I'd like
8 to add that the department has worked very
9 actively with the field to support them in
10 identifying those assessments that are not
11 necessary. We had issued a procurement to
12 provide grants to districts so that they
13 could go through a process in identifying
14 tests that were not mandated and find
15 alternatives. We also provided a letter
16 consistent with last year's enacted budget, a
17 letter detailing to districts an
18 assessment -- or a survey, an inventory of
19 those tests that they were issuing that were
20 not required or mandated.

21 So we recognize that this is a
22 concern. We continue to address it as best
23 we can. We would greatly welcome your
24 support. We have asked, the Board of Regents

1 has asked for now two years for an investment
2 of \$8.4 million which would allow us to
3 further reduce some of what we're hearing
4 from the field as it relates to the testing
5 concerns.

6 So there is more to be done, but we
7 are steadfast in our efforts to support
8 districts in reducing the testing.

9 ASSEMBLYMAN RA: Sure. I mean, we
10 can -- this issue, as it gets talked about a
11 lot, I'm well aware of the federal mandates
12 regarding it. I'm also well aware that
13 there's a lot of talk at the federal level of
14 possibly reducing that. So it gives me great
15 concern that the Governor is pushing hard to
16 really cement that into place in New York.

17 And I think if we're honest, when we
18 talk about tests that maybe we deem
19 unnecessary or not mandated, a lot of them
20 have been caused the last couple of years
21 also by the APPR system that, you know,
22 indirectly requires that local share.

23 So, I mean, that's the kind of
24 give-and-take of the proposal to go to

1 these budget plans that's going to allow for
2 districts that have, you know, really
3 obviously pushed ahead with a lot of the
4 changes that came with Race to the Top to
5 fill in some of the gaps that are going to be
6 created there by the Race to the Top funding
7 not continuing past this year?

8 ACTING COMMISSIONER BERLIN:

9 Absolutely. The Board of Regents was very
10 mindful that there would be a loss of Race to
11 the Top funds at a time when we continue to
12 be committed to achieving the higher
13 standards.

14 The board advanced the \$2 billion
15 request, which we think is absolutely
16 critical. Within that, there is \$80 million
17 for professional development, which would
18 allow us to strengthen teacher and leader
19 effectiveness. We've seen these programs
20 work across the state and work well. We've
21 also identified a need for \$51 million to
22 increase instructional materials and aids to
23 support districts as they are securing the
24 tools they need to support their instruction

1 programs.

2 So yes, the board is particularly
3 mindful of the environment that districts are
4 in and feel that a \$2 billion investment is
5 fully appropriate.

6 ASSEMBLYMAN RA: Okay. And just
7 lastly, you know, with regard to all the Race
8 to the Top funding, I know a lot of it was
9 used within State Ed to do a lot of the
10 curriculum modules and all that stuff, and
11 there was a movement last year to start to
12 bring in some educators from New York State
13 to refine and revise some of those resources
14 that are provided to the district.

15 What's going on with that?

16 DR. WAGNER: So we've worked with
17 teachers and other educators throughout the
18 field throughout the development of the
19 modules. But you're absolutely right, as we
20 transition our capacity after Race to the
21 Top, we're working collectively with our
22 partners in the field to determine the best
23 way to keep the modules up-to-date as we
24 learn more about best practice.

1 We intend to work with our regional
2 partners -- for example, our BOCES, our
3 teacher centers. And we've also put out a
4 grant that we've just started work around for
5 Common Core Institute fellows, which would
6 give funds to local school districts to
7 provide release time to talented teachers to
8 help us with this work.

9 ASSEMBLYMAN RA: Thank you.

10 CHAIRMAN FARRELL: Thank you.

11 We've been joined by Assemblyman
12 Titone, Assemblywoman Paulin, Assemblywoman
13 Earlene Hooper, Assemblyman Scarborough,
14 Assemblyman Aubry and Assemblyman Ortiz.

15 As to questions, Senator?

16 SENATOR KRUEGER: We've been joined by
17 Education Ranker George Latimer.

18 CHAIRMAN DeFRANCISCO: And the
19 chairman of the Health Committee -- excuse
20 me, Health is on my mind from yesterday --
21 the Education Committee, who is with us as
22 well, John Flanagan.

23 ASSEMBLYMAN OAKS: And we've also been
24 joined by Assemblyman McLaughlin, Assemblyman

1 Lopez, and Assemblyman Friend.

2 CHAIRMAN DeFRANCISCO: Senator
3 Flanagan.

4 SENATOR FLANAGAN: Thank you.

5 Good morning, Ms. Berlin. I just want
6 to ask a number of quick questions.

7 Going back to what Senator Krueger had
8 asked about in terms of the Smart Schools
9 Bond Act, I had sort of a bifurcated question
10 between that and the, quote, unquote,
11 efficiency plans that schools have to come up
12 with based on other actions that we took in
13 the budget last year.

14 What I hear from school districts in
15 the field is -- and your response to Senator
16 Krueger that plans will be submitted by
17 April? What I think they're really looking
18 for is better and more detailed guidance now,
19 so that by the time of their submission it's
20 a lot cleaner, a lot more efficient.

21 What do you feel is being done now?
22 Because without being critical, it sounds
23 like people are grasping. They want to do it
24 the right way, and the last thing they want

1 to do is get stuck in the pipeline.

2 ACTING COMMISSIONER BERLIN: Yeah. So
3 what we're going through now is looking at
4 and identifying the procedures and protocols
5 that exist for investments that would be
6 similarly situated.

7 So for example, there already is a
8 capital structure, process, protocol that
9 districts engage the department in when they
10 want to advance. So what we'd like to do is
11 really build upon processes and practices
12 that districts are familiar with and
13 incorporate that into the application
14 process.

15 So that's -- we obviously are --
16 there's a three-entity governing panel, so
17 we're going through that process by which we
18 can communicate to them and share with them
19 how the existing mechanisms work if there's a
20 need, because of some of the statutory
21 requirements in the bond act, to make some
22 modifications.

23 We agree with you, Senator. We really
24 want this process to be clear, we want it to

1 be efficient, and we want to be able to move
2 through the approval process quickly so that
3 districts are in a position to make
4 decisions --

5 SENATOR FLANAGAN: Okay. So on that
6 point, who is either the office or the
7 person -- and if it's the handsome gentleman
8 to your right who gets stuck with this, I
9 understand that. But who are the go-to folks
10 in SED on this subject?

11 ACTING COMMISSIONER BERLIN: Right
12 now, I mean, we have a team of individuals
13 that are working on it. So we certainly have
14 individuals right within the office areas
15 that either speak specifically to the ed
16 technology efforts or the construction
17 efforts. Those are right now in two
18 different areas. And we have someone
19 who's coordinating that work for us.

20 DR. WAGNER: It is important to keep
21 in mind, though, the structure of the bond
22 was that there's a three-part governance to
23 this process which includes the Executive and
24 SUNY. So we're working, SED is working

1 collectively with those other two parties to
2 finalize the guidance to the field.

3 SENATOR FLANAGAN: Right. And that's
4 both a blessing and a curse for everybody, as
5 you well know. If it were just one
6 repository of information, that might make it
7 a little easier.

8 But how -- what's the status of the
9 commissioner's search?

10 ACTING COMMISSIONER BERLIN: The board
11 is moving swiftly. They have identified a
12 search firm to assist in the process. They
13 are engaging feedback and information from
14 stakeholders so that they can get a better
15 sense of, you know, the type of environment
16 that New York has, the candidate
17 qualifications that are seen as critical.
18 And they will move as quickly as possible,
19 but of course recognizing that this is a
20 critical position and we want to make sure
21 that there's quality throughout the process.

22 So it is well underway, and it
23 certainly has the top attention of the
24 board's leadership.

1 SENATOR FLANAGAN: Okay. A couple of
2 other quick things.

3 I know you care very deeply about
4 this, I'm just going to bring them up: 853s,
5 Special Acts, 4201s, the 4410 programs. And
6 you in particular have been extraordinarily
7 helpful on a number of these issues.

8 I'm hoping that we get some real
9 headway during this session and in this
10 budget on the 4410s in particular. The
11 workgroup that you put together has some very
12 good recommendations. I'd love to be able to
13 see more concrete proposals in terms of
14 legislation that you could use either during
15 the budget process, which I would prefer, but
16 if not, separately.

17 So what's been done has been helpful
18 and we've made some real good progress in
19 some of those areas, but we still have a lot
20 of room for improvement. Do you believe that
21 we will see any legislative proposals,
22 particularly as relates to the 4410s?

23 ACTING COMMISSIONER BERLIN: Well,
24 thank you, first, Senator, for your direct

1 involvement. We know that you and the
2 legislative body has been very supportive and
3 active in these areas.

4 There is -- before we talk about
5 4410s, I will note that there is a
6 legislative priority bill that we have
7 advanced and will continue to advance this
8 year as it relates to 853s and Special Acts
9 so that we can, instead of having a mechanism
10 of administratively modifying other rates on
11 an annual basis, set that in statute.

12 Also we think it's important to
13 provide a statutory framework that would
14 allow for those schools to have reserve
15 pools. Currently they rely on loans when
16 they need to make some significant changes.
17 So we would very much like to work with you
18 and your colleagues to see that legislation
19 advance.

20 You're correct, we did advance in
21 December and provided to the Legislature and
22 the Executive a report that provided a
23 significant amount of information that
24 relates to the 4410s. I think our immediate

1 next step would really be to see what
2 discussions emerge through the legislative
3 process. We are available to be helpful in
4 any way that we can.

5 And then we will be embarking upon our
6 own process of reviewing both the
7 administrative recommendations that we may
8 have for rate-setting and to see if from our
9 internal deliberations if there is also an
10 appropriate track for legislative action to
11 come forward, as that was the process we had
12 found with the 853s.

13 SENATOR FLANAGAN: Okay. Two final
14 things.

15 One is under the Governor's proposal
16 for chronically underperforming schools or
17 schools in need of review, under his proposal
18 I would appreciate seeing a list of schools
19 that you believe, if that were enacted as
20 proposed, who would fall in that category.
21 That's number one.

22 And number two, I took a quick glance
23 at your book here, and I would like to see
24 more aggressive postures being taken by the

1 department and by the Legislature, frankly,
2 vis-a-vis the federal government. You know,
3 we have English language learners, we have
4 undocumented minors. In reality, the federal
5 government keeps getting a pass. I've seen
6 editorials saying, Well, they're not going to
7 do anything, so the state's going to have to
8 pick up the slack. And that's not the way it
9 should be.

10 We need you to be aggressive in terms
11 of what the ask is of the federal government,
12 whether it's in regulatory relief or
13 certainly in a financial capacity. And I
14 think you would find strong partners in both
15 the Assembly and the Senate, because we don't
16 mind and you don't mind meeting your
17 obligations and responsibilities. But if
18 it's the federal government's job to provide
19 the funding, that should be part of what's in
20 this book as we move forward.

21 So thank you for your help.

22 ACTING COMMISSIONER BERLIN: We would
23 certainly welcome your support on the two
24 waiver requests that we have pending before

1 the federal government. So we have a waiver
2 request pending for students with
3 disabilities as it relates to testing, and
4 English language learners. Be happy to
5 follow up with your office at a later time to
6 share those requests with you.

7 SENATOR FLANAGAN: Thanks.

8 CHAIRMAN FARRELL: Thank you.

9 Assemblyman Otis.

10 And we've been joined by Assemblywoman
11 Fahy.

12 ASSEMBLYMAN OTIS: Thank you,

13 Mr. Chairman.

14 Thank you, Commissioner.

15 And I want to touch again on the Smart
16 Schools Bond Act issue, specifically as it
17 relates to how school districts are going to
18 account for this money as it relates to the
19 tax cap process. What I am hearing from
20 school districts is the fear -- and while
21 your triumvirate has not issued a guidance
22 document yet, the fear that they are going to
23 have to put in their budgets the money
24 they're expecting to get from the Smart

1 Schools Bond Act, and in a sense to comply
2 with the tax cap, cut other things in the
3 program, because then they're going to get
4 the money back in the next cycle in the
5 reimbursement.

6 My suggestion would be -- and I
7 understand this whole issue is currently
8 under discussion -- that we find a mechanism
9 either to exempt that from the tax cap, treat
10 it like a grant, or find some other way so
11 that we don't have in a sense current
12 programming in every school district cut or
13 teachers' positions eliminated just to create
14 a space within the tax cap for the funds that
15 are going to be coming forth.

16 And especially our higher-needs
17 districts get a nice-size technology grant
18 out of the Smart Schools Bond Act. This
19 would be very devastating if they had to lose
20 current educational operating expenses just
21 to make budget space for money they're going
22 to be getting a few months later.

23 So I'm curious as to what the position
24 of SED is on this in these ongoing

1 discussions. And clearly I'm urging you in a
2 certain direction as that gets worked out.
3 Comments?

4 ACTING COMMISSIONER BERLIN: Thank
5 you, Assemblymember. I think what I'd like
6 to offer is that I take your concern as well
7 as your recommendation back to the governing
8 council and make sure that we look at this
9 issue thoroughly as well as provide specific
10 guidance. So happy to get back with you.

11 ASSEMBLYMAN OTIS: Does SED have a
12 position yet, your own position, as you're
13 working this through? Or is this the first
14 time you're hearing this issue?

15 ACTING COMMISSIONER BERLIN: I --
16 it's -- certainly we're working through a lot
17 of the issues in areas. So I just want to
18 get back with a response that would address
19 all potential situations or circumstances
20 that could come up.

21 ASSEMBLYMAN OTIS: Okay. So I guess
22 I'll just underscore my bottom line, is that
23 we don't want to see current educational
24 programming harmed. Because we're giving a

1 great supplement to the districts through the
2 bond act, we don't want to have an unintended
3 consequence that way.

4 The second issue I wanted to ask about
5 is last year the Legislature acted to end the
6 inBloom project. And there were many issues
7 raised and concerns raised within the
8 Legislature, and more broadly by parents and
9 school districts, about student record
10 privacy.

11 But school districts do on their own,
12 as SED is well aware, compile information,
13 use outside vendors to maintain that
14 information. I'm wondering what the status
15 of SED guidance since last year has been to
16 school districts looking for ways to try and
17 improve the privacy and control of student
18 records. Even in a bifurcated, decentralized
19 system, school districts seem to be not that
20 well prepared to protect the privacy of those
21 records. And I think this is something that
22 SED can play a useful role.

23 Where are we on that?

24 ACTING COMMISSIONER BERLIN: Sure. So

1 last year, obviously, the Legislature and the
2 Executive advanced several components to
3 address this issue. The department has moved
4 forward in -- to support the enactment of
5 that. We've issued a Parents Bill of Rights
6 for data privacy. We've appointed an interim
7 chief privacy officer. We've sought the
8 approval for a permanent chief privacy
9 officer position. And once that was
10 obtained, we embarked upon a national search.

11 I will say this is an area where the
12 Legislature could be helpful to us, in that I
13 think there was some confusion because there
14 was reference in the statutory language that
15 the person could carry multiple tasks or it
16 could be like a part-time job, that when it
17 was being looked at it was not seen as -- the
18 department had a slightly different
19 expectation of the roles and
20 responsibilities, in that we really see it as
21 a critical role in a full-time capacity.

22 So we have not been able to really --
23 we have not been able to find an individual
24 who fulfills the qualifications, so we are in

1 conversation now with Civil Service to see
2 if, because of the track record we have, if
3 there's an opportunity to make some
4 modifications so we can bring in candidates.

5 And the department has implemented
6 data privacy protections with respect to all
7 of our contracts.

8 So we have taken several steps on our
9 end. But most certainly having and hiring a
10 full-time chief privacy officer is critical
11 for the department so that we can have
12 somebody who gives this issue their full-time
13 attention, day in and day out.

14 ASSEMBLYMAN OTIS: Thank you very
15 much.

16 CHAIRMAN DeFRANCISCO: Senator
17 Latimer.

18 SENATOR LATIMER: Thank you,
19 Mr. Chairmen -- Chairman Farrell, Chairman
20 DeFrancisco.

21 Thank you, Commissioner.

22 A couple of questions in general about
23 local school financing. This budget, as
24 presented to us by the Executive, is silent

1 on the issue of Gap Elimination Adjustment.
2 I don't know if this question's been asked
3 already; I apologize if it has. What is
4 SED's position, if any, about wanting to see
5 a reduction or elimination of the GEA as part
6 of this budget cycle?

7 ACTING COMMISSIONER BERLIN: So the
8 board put forward a plan that would allow for
9 the GEA to be eliminated in two years. We
10 have advanced \$1.1 billion in additional
11 general operating that would allow for a
12 \$597 million restoration of the GEA as well
13 as an increase of \$526 million in Foundation
14 Aid.

15 I just want to restate that we think
16 that this provides the state with an
17 opportunity to lay out a pathway for
18 eliminating the GEA in a two-year time span.

19 SENATOR LATIMER: Okay. Thank you.

20 This budget extends the property tax
21 cap, property freeze program over an extended
22 period of time. Are there analyses within
23 the SED that analyzes what the solvency or
24 insolvency of some or many school districts

1 will be should that happen? We've seen
2 reports from Comptroller DiNapoli that
3 highlight specific instances of concerns, and
4 there are certain districts that are in much
5 worse shape financially, aside from whatever
6 the product result is of the students.

7 Is there any analysis from the SED as
8 to what will happen should we agree to a
9 permanent or long-term extension of the tax
10 gap, tax freeze?

11 ACTING COMMISSIONER BERLIN: I'll need
12 to get back to you, Senator.

13 SENATOR LATIMER: And a final
14 question -- and thank you to the chairmen for
15 the indulgence -- this budget has within it
16 some unfunded-mandate references. What is
17 the sense of SED about the unfunded mandates
18 that should be addressed, both in the
19 Executive Budget or where you think the
20 Legislature should go beyond that, in order
21 to provide some relief?

22 Because realistically, we don't know
23 the school aid that's going to go to
24 different schools, whether Foundation Aid or

1 GEA. We look at a tax cap reality. So the
2 third avenue is reduction of unfunded
3 mandates. And I'm interested in any thoughts
4 that the department has in that area.

5 ACTING COMMISSIONER BERLIN: The board
6 has advanced legislative proposals to address
7 some unfunded mandates. Be happy to make
8 sure to get a copy of our legislative request
9 to you and have further discussions.

10 SENATOR LATIMER: Do those also
11 include, Commissioner, administrative
12 mandates that have been created outside of
13 the legislative purview?

14 ACTING COMMISSIONER BERLIN: Such as?

15 SENATOR LATIMER: Well, those mandates
16 that came as an outgrowth of either the
17 department or any other operating entity in
18 the government creating rules and regulations
19 that represent a mandate, separate from those
20 mandates that may have been imposed by
21 specific legislation language.

22 ACTING COMMISSIONER BERLIN: Yeah.

23 SENATOR LATIMER: Do your
24 recommendations include recommendations in

1 those areas as well as those that require
2 legislative fixes?

3 ACTING COMMISSIONER BERLIN: I'll need
4 to re-look over the bill language and then
5 certainly be prepared to have that
6 conversation with you.

7 SENATOR LATIMER: Okay. Thank you,
8 Commissioner.

9 Thank you, Mr. Chairmen, both
10 chairmans.

11 CHAIRMAN FARRELL: Thank you, Senator.
12 Next is Assemblyman Thiele.

13 ASSEMBLYMAN THIELE: Good morning.

14 ACTING COMMISSIONER BERLIN: Good
15 morning.

16 ASSEMBLYMAN THIELE: My first question
17 has to do with school consolidations and
18 school mergers. I represent a district on
19 the East End of Long Island. In my Assembly
20 district I have 20 school districts, some
21 common school districts. I have a K-12
22 district that has 150 students in it,
23 K through 12. And most recently two
24 districts, Southampton and Tuckahoe,

1 attempted a merger which was unsuccessful.
2 Which has been the case, I think, throughout
3 the state, that mergers are very difficult to
4 accomplish.

5 My first question on this is during
6 the fall I remember the Governor proposing,
7 in a speech to the Business Council, taking
8 some of the settlement surplus and utilizing
9 that for incentives to promote consolidation.
10 Could you tell me what is in this budget that
11 would implement that particular commitment?

12 ACTING COMMISSIONER BERLIN: So the
13 Board of Regents did recognize that there
14 should be some incentives and some
15 modifications made so that districts who are
16 embarking upon a consolidation aren't
17 fiscally penalized for that. That has
18 certainly been some of the feedback I think
19 that we've heard and have identified an
20 opportunity to really address.

21 ASSEMBLYMAN THIELE: Well, there
22 always are winners and losers in these
23 consolidations, you know, as far as tax rates
24 go.

1 So last year we did this 10-year
2 phase-in which, while it mitigates some of
3 the tax impacts, certainly still leaves
4 winners and losers. What kind of incentives
5 are we talking about?

6 DR. WAGNER: So it's important to keep
7 in mind that if the goal is to increase
8 offerings for students while at the same time
9 increasing efficiency of school district
10 operations, mergers and consolidations is
11 certainly not the only option available and
12 not the only tool that people should pursue.

13 In the board's proposal we talk about,
14 for example, things like regional high
15 schools, where services could be shared
16 without necessarily going the full step of
17 consolidation, which has perhaps some
18 unintended consequences.

19 So we think that model of
20 regionalization of secondary-level services
21 is a viable one that people should keep in
22 mind as they're trying to tackle these
23 challenges.

24 ASSEMBLYMAN THIELE: We would need new

1 legislation for regional high schools; is
2 that correct?

3 DR. WAGNER: We have put forward --

4 ASSEMBLYMAN THIELE: Does Mr. Flanagan
5 have a bill in that regard?

6 SENATOR FLANAGAN: (Nodding.)

7 ASSEMBLYMAN THIELE: We would need
8 state legislation for the concept of regional
9 high schools.

10 ACTING COMMISSIONER BERLIN: Correct.
11 That's right. And the Regents have proposed
12 legislation that we'd be happy to share with
13 you.

14 ASSEMBLYMAN THIELE: Second question,
15 different topic. Libraries. I note that
16 library aid is flat this year, which I guess
17 is a victory of sorts because last year's
18 Executive Budget actually proposed a cut in
19 library aid. But simply being flat is not
20 even -- it's still falling behind. We're
21 below the formula, what the formula would
22 dictate as far as library aid.

23 And viewing libraries as an integral
24 part of the education system, shouldn't

1 libraries at least get as much,
2 percentage-wise, as the school districts do
3 as part of the budget? And what is your
4 position on library aid?

5 ACTING COMMISSIONER BERLIN: So we
6 were pleased also to see that in the
7 Executive Budget it was not cut. The Board
8 of Regents had made a request to have an
9 increase in the library construction fund.
10 That's been a fund that has been very
11 valuable statewide. It's really made for
12 modifications in local libraries so that they
13 can have technology put into their local
14 districts.

15 So we did and do feel that there are
16 further investments that would be valuable to
17 the libraries.

18 ASSEMBLYMAN THIELE: Well, it's been
19 flat at \$14 million, I think, for quite some
20 time. What was the Regents' recommendation
21 with regard to construction aid?

22 ACTING COMMISSIONER BERLIN: We had
23 asked for a \$2.8 million increase.

24 ASSEMBLYMAN THIELE: Okay. And the

1 bond act that was passed, are libraries in
2 any way eligible for any of that money?

3 ACTING COMMISSIONER BERLIN: I don't
4 believe so, but we'll confirm.

5 ASSEMBLYMAN THIELE: Okay. Thank you
6 very much.

7 CHAIRMAN FARRELL: Thank you.

8 CHAIRMAN DeFRANCISCO: Senator
9 Krueger.

10 SENATOR KRUEGER: Thank you again.

11 So the Governor has a number of
12 proposed reform changes. One is to close
13 low-performing teacher education programs,
14 where you would require SED to deregister and
15 suspend operation of teacher education
16 programs that have more than 50 percent of
17 its graduates failing in any state
18 certification exam in a given year.

19 How many programs in the state
20 currently fall into that category of having
21 more than 50 percent of its graduates fail to
22 pass the state certification exam?

23 DR. WAGNER: So we -- our current
24 regulations require 80 percent of students to

1 pass the certification tests. In the most
2 recent data available -- I believe it's based
3 on the 2012-2013 test-taking cycle -- we had
4 a number but not very many institutions that
5 have met that criteria. We haven't run the
6 data at 50 percent, for example, but at
7 80 percent it's not very many at all.

8 We should keep in mind, though, that
9 the board has moved forward with, as came out
10 of recent legislative sessions, the idea of a
11 bar exam for teachers to raise the standards
12 for entry into the profession, to better
13 prepare teachers for the complexities of the
14 work that they will need to do in the
15 classroom, as we've raised the learning
16 standards for all students. And we think it
17 very important to be very transparent about
18 the progress as we move forward with those
19 higher standards for teacher preparation
20 programs, as well as higher standards for
21 students learning in the classrooms.

22 So we have posted data that show the
23 pass rate on the various exams, and we'll be
24 tracking that very closely. It's available

1 to the public. As well as we're looking at
2 placements for graduates of teacher
3 preparation programs, whether or not they
4 place into the kinds of jobs that school
5 districts need to fill.

6 SENATOR KRUEGER: Okay. So we don't
7 know how many would fall out of the system if
8 you had a 50 percent standard instead of an
9 80 percent standard. Do you know how many
10 people who take the tests annually fail now,
11 what percentage of the test-takers fail?

12 DR. WAGNER: So we have a number of
13 different tests. We have our
14 performance-based tests, we have our content
15 specialty tests and so on. We can get back
16 to you with specific pass rates for each of
17 those tests. And they're also posted on our
18 public website.

19 SENATOR KRUEGER: So for state
20 certification as a teacher, do you have to
21 pass all of the tests?

22 DR. WAGNER: So there's different
23 components. So for example, we have
24 performance-based tasks for a teacher to

1 demonstrate the kinds of skills that would be
2 required in the classroom. We have a
3 literacy test that teachers need to
4 demonstrate a level of literacy
5 sufficient for the job. We have an
6 educating-all-students assessment for
7 teachers to demonstrate the ability to
8 diversify instruction based on student
9 learning needs. We have content specialty
10 tests.

11 And the answer is yes, teachers need
12 to demonstrate minimum competency across all
13 of those different areas.

14 SENATOR KRUEGER: So if I'm reading
15 the Governor's proposal right, they would
16 have to pass all of these tests in order to
17 get state certification. And if a school had
18 50 percent of its graduates fail all of these
19 tests, then you would have to decertify them
20 as a school. Is that your understanding of
21 the Governor's proposal?

22 DR. WAGNER: It's important to realize
23 the work of a teacher is incredibly important
24 and incredibly complex. And we share the

1 need to have high standards for entry into
2 the profession. And if we find, with those
3 high standards, that there are certain
4 teacher preparation programs that just can't
5 adequately prepare teachers, then we believe
6 we should take action with those programs.

7 SENATOR KRUEGER: And I'm not making a
8 judgment call on your approach to it, I'm
9 just trying to clarify am I reading the
10 Governor's proposal correctly that if his
11 proposal was implemented through the budget,
12 SED would have to close down the schools that
13 have a 50 percent failure rate of its
14 graduates in all of the tests? Because you
15 have to pass all of the tests to meet state
16 certification. And under his proposal, your
17 school would close.

18 So I do have one follow-up question.
19 So you --

20 DR. WAGNER: Typically what we do is
21 we offer the opportunity for corrective
22 action plans prior to even considering
23 closure of a program. So we support the
24 program through the improvement through the

1 corrective action plan.

2 SENATOR KRUEGER: And when teachers
3 take these tests, can they take them multiple
4 times if they don't get them right the first
5 time?

6 DR. WAGNER: Yes.

7 SENATOR KRUEGER: So even how will you
8 decide does the school lose its certification
9 after they don't get it right the first time,
10 or the third time, or what?

11 DR. WAGNER: What we do is we look at
12 the overall performance for people who have
13 completed the teacher training program. So
14 we look at the overall performance for
15 completers of the program, and if the
16 percentage of pass rate falls below a certain
17 threshold, which is currently 80 percent,
18 then the teacher prep program is required to
19 submit a corrective action plan.

20 SENATOR KRUEGER: And in the last,
21 say, five years, how many schools of
22 education have you closed under the
23 80 percent criteria you're using now?

24 DR. WAGNER: We have had corrective

1 action plans over the past several years. We
2 could get back to you with the particular
3 details.

4 SENATOR KRUEGER: So you don't know
5 how many have closed?

6 DR. WAGNER: I don't know it offhand.

7 SENATOR KRUEGER: No one else does
8 either? Okay.

9 How much time do I have? One minute,
10 thank you. It's a whole section.

11 So the Governor also has a proposal to
12 give the SED a very large new mandate to
13 handle takeover and receivership of school
14 districts, with a projected 2.5 percent of
15 school districts per year falling into the
16 category of receivership, or perhaps more.
17 Because the way he writes it, if deemed to be
18 a failing school district by designation of
19 being in the lowest 2.5 percent of school
20 districts statewide, but if a school is in
21 the lowest-achieving 5 percent of public
22 schools in the state for at least 3 years.
23 So it could be far more than 2.5 percent.

24 So I do have a series of questions,

1 and I'm nervous about starting them right now
2 unless I'm going to be given more time. But
3 have you -- do you feel like you have a whole
4 series of answers for me when I come back to
5 you with the question?

6 ACTING COMMISSIONER BERLIN: Certainly
7 the issue of struggling schools is an issue
8 that the Board of Regents and the department
9 have been looking at for a long time, both in
10 that we have been -- we are very active in
11 working with schools that have the
12 designation of priority schools, focus
13 schools. But the board has recognized and
14 has advanced, for several years, the need for
15 additional tools and to have some statutory
16 modifications so that we can take additional
17 action and address the systemic and
18 governance issues that occur in certain
19 districts.

20 We like to think that in most
21 districts what we've seen is there's been
22 success with the interventions and the
23 collaborative working together. There are
24 other scenarios where, through a progressive

1 process, you know, the outcomes are improved.
2 But there are certain districts,
3 unfortunately, that have not been successful.
4 And currently the limitations in education
5 law do not allow the department to go
6 further.

7 So we have advanced the Regents'
8 priority bill on support and intervention in
9 chronically underperforming schools for
10 several years in acknowledgment of those
11 unique districts that continue to fail in
12 their obligations to provide for an
13 appropriate education for their students.

14 SENATOR KRUEGER: So my time is up,
15 but just prepare, because I'm going to have a
16 series of follow-up questions. Thank you.

17 CHAIRMAN FARRELL: Thank you very
18 much.

19 Assemblywoman Mayer.

20 ASSEMBLYWOMAN MAYER: Good morning.

21 My first question has to do with the
22 tremendous challenges districts face on
23 special-needs students, particularly
24 out-of-district placements. I did not see

1 any recommendations from the Regents or SED
2 about modifying or enhancing the formula to
3 reflect the substantial costs that districts
4 like mine, the City of Yonkers Public
5 Schools, face -- particularly in
6 out-of-district placements -- and the costs
7 associated with appropriate special ed
8 placements.

9 So I ask, what is your position about
10 these additional costs that districts are
11 maintaining?

12 ACTING COMMISSIONER BERLIN: Sure.
13 Out-of-state placements is an area --

14 ASSEMBLYWOMAN MAYER: Excuse me, I
15 didn't mean out of state. Out of district.

16 ACTING COMMISSIONER BERLIN: Out of
17 district. Out of district, as well as out of
18 state, is an area certainly that the
19 department has been spending a lot of time
20 thinking about, ways that we can support
21 students being served within their
22 communities. We've seen and have seen
23 successes in both decreasing those numbers,
24 but recognize that there are still

1 out-of-district placements that are being
2 made.

3 So we work directly with districts,
4 whether it's providing information,
5 professional development. We also have
6 parent centers across the state to help be
7 strong voices in supporting parents who are
8 trying to navigate the system for their
9 children, so that they know what all the
10 options are that are available to them. We
11 will continue and have several initiatives
12 earmarked for this year that will really
13 continue to focus and strengthen on those
14 opportunities.

15 ASSEMBLYWOMAN MAYER: But there isn't
16 a specific financial add in your proposal to
17 address the costs that districts face, am I
18 right?

19 ACTING COMMISSIONER BERLIN: Well, the
20 Regents does have in its budget an increase
21 of \$66 million to support students with
22 disabilities.

23 ASSEMBLYWOMAN MAYER: Okay. And can I
24 have -- I would ask that the waiver request

1 that you filed with the federal government
2 that Senator Flanagan referenced, that you
3 share them with my office as well.

4 My second question is about
5 after-school. My understanding is that over
6 the last three years more than 667 schools
7 have applied for after-school funds and were
8 rejected, even though they met basic quality
9 standards as determined by SED for that
10 particular grant funding, the Extended School
11 Day/School Violence Prevention Program.

12 What is your recommendation and what
13 are you doing to address the needs of
14 after-school programs that are high-quality
15 but where there is not currently sufficient
16 funding?

17 ACTING COMMISSIONER BERLIN: So you're
18 correct, the after-school funding is an area
19 where we have more viable, eligible
20 applicants than we have funds available. So
21 certainly where there are opportunities for
22 increased funding to support the expansion of
23 those program models, we recognize that
24 they're very valuable.

1 ASSEMBLYWOMAN MAYER: But have you
2 recommended additional funding in your
3 funding proposal?

4 ACTING COMMISSIONER BERLIN: I don't
5 believe it's included this year.

6 ASSEMBLYWOMAN MAYER: No, okay.

7 And thirdly, for districts like
8 mine -- again, the Yonkers public schools,
9 one of the Big 5 -- with ongoing financial
10 challenges, I heard your answer about the Gap
11 Elimination Adjustment recommendation that
12 SED gave. But do you have a program or a
13 solution for how districts like Yonkers are
14 going to address systemic inadequacy of state
15 funding?

16 ACTING COMMISSIONER BERLIN: Again, I
17 think it's important to note that the board
18 put forward a \$2 billion increase, which both
19 speaks to the Gap Elimination Adjustment as
20 well as an investment in Foundation Aid.

21 We also recognize, and the board
22 advanced, several areas where we feel
23 districts do need further investment in
24 funds. So the board concurs that an

1 investment in the funding that goes to school
2 districts across the state is warranted.

3 ASSEMBLYWOMAN MAYER: I look forward,
4 with the department, for districts like mine
5 that really need an additional investment on
6 top of any across-the-board investment. But
7 thank you.

8 ACTING COMMISSIONER BERLIN: Thank
9 you.

10 CHAIRMAN DeFRANCISCO: We're joined by
11 Senator Montgomery, who has some questions.

12 SENATOR MONTGOMERY: Yes, thank you.

13 Good morning, Commissioner.

14 ACTING COMMISSIONER BERLIN: Good
15 morning.

16 SENATOR MONTGOMERY: Thank you very
17 much, Mr. Chairman.

18 Commissioner, I just would like to --
19 I see in the information that you've provided
20 that you're looking to expand the P-TECH
21 program with an additional \$3 million, is
22 that right?

23 ACTING COMMISSIONER BERLIN: The
24 Executive Budget does recommend \$3 million to

1 expand the P-TECH program.

2 SENATOR MONTGOMERY: All right. The
3 question that I have is, what is the
4 relationship between this P-TECH program and
5 the Early College program?

6 ACTING COMMISSIONER BERLIN: P-TECH is
7 a program model that brings together both the
8 high school, the school district, a higher ed
9 institution, as well as a business partner.
10 And the business partner has made a
11 commitment to the other two institutions that
12 for anyone who graduates through the P-TECH
13 program that those students will be first in
14 line for available jobs.

15 SENATOR MONTGOMERY: Okay. And so the
16 Early College program has been proven to be
17 extremely successful. So I'm just wondering
18 where are you in terms of, one, expanding the
19 program and, two, making sure that we
20 certainly don't lose any of the students that
21 are already enrolled in those Early College
22 programs?

23 And is that -- are we looking at now
24 an addition to the number of students in

1 Early College, with the P-TECH students? Or
2 are we talking about the same pool of
3 students, essentially?

4 ACTING COMMISSIONER BERLIN: For the
5 P-TECH, I believe we would be -- it would be
6 a new procurement that the department would
7 issue, so we would invite in interested
8 applicants from across the state.

9 The P-TECH program, as well as the
10 Early College High School programs, are
11 intended to target those students who are in
12 high-need communities who are at risk of
13 otherwise not graduating high school. So we
14 would still continue to bring in students who
15 find themselves in that situation.

16 We have, with the Early College High
17 School, continued to be giving a great deal
18 of attention to the cohorts that we've been
19 working with so that their program models can
20 be successful as well as the P-TECH model,
21 which is obviously newer to the State
22 Education Department's portfolio.

23 SENATOR MONTGOMERY: Okay. So how
24 many students do you have in those two

1 different programs, do you know? Can you let
2 me know at some point?

3 ACTING COMMISSIONER BERLIN: I'll need
4 to let you know, Senator. Thank you.

5 SENATOR MONTGOMERY: Sure. All right.

6 And I don't see my time, I don't see
7 my clock. Do I have some time?

8 CHAIRMAN DeFRANCISCO: Four minutes.

9 SENATOR MONTGOMERY: I have four
10 minutes. I have plenty of time. Thank you.

11 The other exciting -- I guess it's not
12 new, but we're putting more focus on it, I
13 believe, certainly in New York City, on the
14 CTE programs. And there -- we're hopeful
15 that we might begin to establish more CTE
16 middle schools. Is that something that the
17 department has been looking at? And where
18 are we now with that?

19 DR. WAGNER: So we're very excited to
20 continue to learn from the field about the
21 best models to serve students, particularly
22 models that can start early.

23 What the department did is it created
24 flexibility for graduation requirements for

1 additional options around CTE. So basically
2 a CTE pathways assessment could help to serve
3 as one of the graduation requirements, which
4 opens up an opportunity for school districts
5 to become even more innovative.

6 We've heard a lot about BOCES-based
7 and Big 5-based CTE programs. And as those
8 programs start to move into the middle
9 school, we're excited to learn in those
10 partnerships.

11 ACTING COMMISSIONER BERLIN: I will
12 note, Senator, since it is a budget hearing,
13 that the board did advance a need for funding
14 modifications in order to support the work of
15 CTE, both in the Enhanced Special Services
16 Aid for the CTE Pathways program operated by
17 the Big 5 cities and the non-component
18 districts as well as the enhanced BOCES for
19 CTE Pathways. Because we, like you, are very
20 excited about the opportunities that CTE
21 Pathways presents for students, but need to
22 make sure that the infrastructure is
23 strengthened. And certainly some funding
24 modifications are critical to ensure that.

1 SENATOR MONTGOMERY: And I suppose
2 you're going to be looking forward to working
3 with some of the very local schools and
4 districts to make sure that we're in a
5 position to advance that process?

6 ACTING COMMISSIONER BERLIN: Most
7 certainly. Most certainly.

8 SENATOR MONTGOMERY: Thank you very
9 much.

10 ACTING COMMISSIONER BERLIN: Thank
11 you.

12 CHAIRMAN FARRELL: Thank you.
13 Assemblyman Lopez.

14 ASSEMBLYMAN LOPEZ: Thank you,
15 Chairman.

16 And, Commissioner, you're very well
17 composed being in the lion's den here, so I
18 give you credit. And thank you for your
19 thoughtful answers.

20 I want to go back to the Gap
21 Elimination Adjustment, and many of my
22 colleagues have asked about this already.
23 And I guess I go back to the initial premise
24 of the GEA. And again, my understanding was

1 a Gap Elimination Adjustment tied to
2 deficit-funding situations, scenarios for the
3 State of New York.

4 So presumably we have been
5 deficit-free two years in a row at this
6 point, roughly, and I'm just curious why we
7 are continuing to underfund or slowly attack
8 the GEA. What's the rationale with that? I
9 don't get it.

10 ACTING COMMISSIONER BERLIN: So when
11 the board was going through its deliberations
12 for the funding requests, there were certain
13 models and scenarios that were looked at.
14 There was the potential for advancing a
15 recommendation that eliminated the GEA in its
16 totality. There was a second option in which
17 the funding request would reflect investments
18 in Foundation Aid solely. And then there was
19 the third approach, which is what the board
20 did advance, and that is a hybrid approach in
21 which we are both addressing the need to be
22 eliminating the GEA, the board determined
23 that that should occur over a two-year
24 period, at the same time making needed

1 investments into the Foundation Aid.

2 So it was seen that the two together
3 would really bring school districts across
4 the state the financial stability that would
5 be most valuable.

6 ASSEMBLYMAN LOPEZ: So that was a
7 softball, so let me put a little more edge on
8 it, if I may.

9 ACTING COMMISSIONER BERLIN: That was
10 your softball.

11 ASSEMBLYMAN LOPEZ: So after the
12 softball, the -- so when Foundation Aid is
13 awarded, all schools receive Foundation Aid.
14 Gap Elimination Aid, if I understand it, then
15 goes into the Foundation Aid and says "Gimme
16 that." Is that accurate?

17 ACTING COMMISSIONER BERLIN: It's a
18 net loss, yup.

19 ASSEMBLYMAN LOPEZ: Effectively. So
20 we're talking about aid -- and this has been
21 a mantra for many, opportunity for every
22 student. And so my adjustment of that is
23 equal opportunity. So we are now saying, we
24 have been saying for several years now, we

1 will give you Foundation Aid, which some
2 argue there's still issues with Foundation
3 Aid and how well every school is served by
4 Foundation Aid.

5 But now we have Foundation Aid and
6 everyone receives Foundation Aid, and then we
7 have the Gap Elimination that's saying "Give
8 me that back." How do we justify that?

9 ACTING COMMISSIONER BERLIN: So
10 what -- again, what I can offer is that --

11 ASSEMBLYMAN LOPEZ: From a --
12 philosophically, how do we justify that?

13 ACTING COMMISSIONER BERLIN: Sure.

14 What I can offer is that the board
15 advanced its budget recommendation with the
16 information that it had in front of it, both
17 the data, conversations with stakeholders,
18 and we've advanced a proposal for the
19 Legislature and the Executive to consider.
20 The Executive has advanced his proposal, and
21 certainly we look forward to participating in
22 whatever discussions are appropriate as the
23 Legislature and the Executive finalize your
24 budget negotiations, which would ultimately

1 be reflected in the enacted budget.

2 ASSEMBLYMAN LOPEZ: I'm going to turn
3 it up just a little bit more, if I may.

4 So it was explained to me last year --
5 and please correct me if this is wrong --
6 that the balancing act between GEA and
7 Foundation Aid, the final numbers, were more
8 a reflection of the fact or an assertion that
9 certain school districts, particularly
10 inner-city and the Big 5 school districts,
11 have already more or less gotten through the
12 GEA, and that their GEA aspect is -- was more
13 residual. So their need for a GEA treatment
14 for the Big 5 and for other school districts,
15 particularly inner-city, have been met. And
16 so Foundation Aid was advanced equal to GEA.

17 So I guess I go back to my point. Is
18 this balancing act again a reflection that if
19 we put more in GEA that others will -- that
20 others who have had their GEA addressed will
21 feel slighted somehow? What's the reason for
22 balancing? And am I accurate with that?

23 DR. WAGNER: So you asked about the
24 philosophy of the proposal. I think the

1 bottom line of the philosophy of the proposal
2 is \$2 billion is a big number. The board has
3 never put forth a \$2 billion recommendation.

4 So we believe, at this particular
5 point in history, that kind of investment is
6 absolutely critical. That's the number we
7 put on the table. And then the best question
8 is how to balance the various perspectives in
9 order to make sure that number works.

10 So if you're concerned about monies
11 would be removed through the continuation of
12 the GEA, we would say at least we put a
13 bigger pot on the table so when those funds
14 are removed it does less harm that you're
15 concerned about.

16 ASSEMBLYMAN LOPEZ: So back to my
17 question, is it accurate that there's a
18 certain cadre of school districts who have
19 had their GEA effectively resolved? Is that
20 accurate?

21 ACTING COMMISSIONER BERLIN: I don't
22 know that that's accurate.

23 ASSEMBLYMAN LOPEZ: I'm asking. So if
24 you find --

1 ACTING COMMISSIONER BERLIN: I don't
2 know that that's accurate. I'd need to --

3 ASSEMBLYMAN LOPEZ: Okay, it would be
4 helpful to know.

5 ACTING COMMISSIONER BERLIN: Sure.

6 ASSEMBLYMAN LOPEZ: Assemblyman Pete
7 Lopez. And if you could seek me out on that.

8 ACTING COMMISSIONER BERLIN: Sure.

9 ASSEMBLYMAN LOPEZ: And so that --
10 that, to me, remains an issue. I'd be very
11 much interested in finding out if that
12 assertion made last year is accurate.

13 I only have a couple of minutes left.
14 If I may, quickly, back on the unfunded
15 mandates and underfunded mandates, a number
16 of years ago we had the task force that the
17 Governor initiated, which the Lieutenant
18 Governor presided over. And in the midst of
19 that we had school district officials come to
20 us and say, "Jeez, Pete, we're very happy
21 about this task force. Where is it going?
22 How will it manifest?"

23 However, in the midst of that, we were
24 seeing any number of new mandates, including

1 body mass index, et cetera, being initiated
2 by the State Education Department. And they
3 claimed at that time, a couple of years ago,
4 there were as many as eight new mandates.

5 And again, I'm not sure how long
6 you've been with the department, but what's
7 the department's answer to a proliferation of
8 unfunded and underfunded mandates by
9 administrative fiat when we're trying to
10 control mandates? What's your answer to
11 that?

12 ACTING COMMISSIONER BERLIN: Well, as
13 I had noted earlier, the Board of Regents has
14 advanced legislation to address areas of
15 opportunity so that we can support districts
16 in eliminating mandates that exist. Be happy
17 to share that bill with you and see if
18 there's opportunities to advance that through
19 the legislative process.

20 ASSEMBLYMAN LOPEZ: Sure. Thank you
21 again. Thanks for your gracious answers.

22 ACTING COMMISSIONER BERLIN: Sure.

23 CHAIRMAN FARRELL: Thank you.

24 Assemblywoman Hooper.

1 ASSEMBLYWOMAN HOOPER: Thank you very
2 much, Mr. Speaker -- or Mr. Chairman.

3 And Commissioner, thank you.

4 I want to ask some very important
5 questions as it relates to the district that
6 I represent, a specific school district,
7 Hempstead School District. In the year 2014,
8 as we are all aware, as it related to
9 unaccompanied minors the Hempstead School
10 District took in, in one week, over 1,500
11 students who had never been in school, who
12 had no English background, and some of whom
13 had never even seen what we call a latrine or
14 bathroom. The Hempstead School District
15 graduation rate at that point in time was
16 37 percent.

17 And I have been unable to determine
18 whether or not the other districts in
19 juxtaposition to the Hempstead School
20 District took any of these students into
21 their school districts.

22 My question initially is will the
23 Hempstead School District, which has a
24 37 percent graduation rate at this point in

1 time, be held to the same standards that the
2 other school districts will have in light of
3 the fact that they are required to educate
4 students who have come with exceptionally
5 unprepared backgrounds?

6 In addition, I would like to know --
7 and I've been attempting to get this
8 information for the past few months -- does
9 the department keep track of the numbers of
10 students on a district-by-district basis --
11 I'm going to ask all the questions and then
12 follow through. What has the department done
13 to help the district, in this case the
14 Hempstead School District, to educate these
15 students, and what should the state do to
16 accommodate the needs of unaccompanied
17 minors, refugees or students with interrupted
18 education?

19 I would like to know your position on
20 this and what in fact will be happening in
21 the Hempstead School District, as I
22 previously laid out? Would you be kind
23 enough to help me with this?

24 Lastly, I would like to know to whom,

1 where or how do I get a list of how many
2 students went to what particular district in
3 that region. Thank you.

4 ACTING COMMISSIONER BERLIN: Thank
5 you. So yes, we have heard from districts
6 across the state who have seen an increase in
7 the number of unaccompanied minors who have
8 come seeking educational services. What
9 we've seen in response to that increase is
10 varied. Many districts have been successful
11 in supporting the enrollment of those
12 individuals into their schools, as well as
13 making sure that they get into the right
14 educational program. Other districts, such
15 as Hempstead, are struggling in that
16 responsibility.

17 ASSEMBLYWOMAN HOOPER: Excuse me. The
18 Hempstead School District enrolled 1,500
19 students in one week.

20 ACTING COMMISSIONER BERLIN: Most
21 certainly, we acknowledge that the numbers
22 that are being seen by some districts are
23 significant, which is one of the reasons why
24 the board advanced specifically a \$10 million

1 budgetary request to provide school districts
2 with funding in this as quickly as possible
3 in this school year, fiscal year, funds to
4 offset some of the costs that they've
5 incurred.

6 We recognize and think that it's
7 critical that districts not have to make a
8 decision between the educational program that
9 they provide to their student body as well as
10 the constitutional responsibility that they
11 have to provide the educational services to
12 students that are coming in new to the
13 district. So we are recommending that these
14 funds be made available to support those
15 districts.

16 ASSEMBLYWOMAN HOOPER: Okay, thank
17 you. But just two questions.

18 The \$10 million that you're
19 requesting, for what would that be allocated
20 to be used as? And will the Hempstead School
21 District be held to the same standards as the
22 surrounding school districts in light of the
23 fact that they have an exorbitant amount of
24 students where the other districts did not?

1 Will they be held to the same standards as
2 the other school districts in the same
3 vicinity?

4 ACTING COMMISSIONER BERLIN: Yes. It
5 is our expectation that the Hempstead School
6 District provide educational services to
7 students that are coming into their schools.

8 ASSEMBLYWOMAN HOOPER: So then how
9 will the Hempstead School District be able to
10 educate 1,500 students who were placed there
11 in one week and be able to compete with the
12 districts in the same -- in juxtaposition
13 that took no students, and their graduation
14 rate is 37 percent now? Their graduation
15 rate I would think would be even lower. How
16 would they be able to compete?

17 ACTING COMMISSIONER BERLIN: So we
18 recognize that it will mean potentially
19 difficult decisions. We are happy to work
20 with Hempstead to look at -- we are, in fact,
21 working with Hempstead. They have submitted
22 a corrective action plan. We have --

23 ASSEMBLYWOMAN HOOPER: What kind of
24 plan? I'm sorry. You said they submitted a

1 plan.

2 ACTING COMMISSIONER BERLIN: In which
3 Hempstead is in a position to outline the
4 activities and steps that they take to ensure
5 that appropriate educational services are
6 being provided.

7 ASSEMBLYWOMAN HOOPER: And so the
8 \$10 million is allocated for them to -- is it
9 for capital or is it for programs, is it
10 for --

11 ACTING COMMISSIONER BERLIN: I think
12 there would be flexibility. I mean,
13 depending on what the enacted budget
14 ultimately said. We would certainly have to
15 work within the parameters that are reflected
16 there.

17 But we recognize this is a unique time
18 for districts. And those districts that are
19 experiencing the numbers that you're
20 discussing, it may vary, what one district
21 from another district feels that it needs.
22 So certainly we are looking to make those
23 funds available to support the district in
24 making certain that the educational

1 responsibilities are adhered to and provided.

2 ASSEMBLYWOMAN HOOPER: Lastly, may I
3 reach out to the State Department of
4 Education to determine -- I need a list as to
5 what districts, how many each district took.
6 And may we reach out to you for that
7 information? We've been seeking it, but
8 we've been unsuccessful.

9 ACTING COMMISSIONER BERLIN: Okay, let
10 me follow up on that.

11 ASSEMBLYWOMAN HOOPER: Thank you
12 kindly.

13 CHAIRMAN FARRELL: Thank you very
14 much. Thank you.

15 Assemblywoman Paulin.

16 ASSEMBLYWOMAN PAULIN: Thank you so
17 much.

18 I have two lines of questioning. One,
19 the first, is on pre-K funding. I know we
20 spent some time talking about that. And I
21 saw that the department is advocating for
22 increased money, both in New York City and
23 out of New York City, the rest of the state.

24 Did all the money get used, the

1 \$340 million that was allocated in last
2 year's budget? I mean, did it all get
3 allocated to different programs?

4 ACTING COMMISSIONER BERLIN: So yes,
5 but there's a little bit of an asterisk to
6 that, if I may.

7 Three hundred went to New York City.
8 Some of the 300 that was available within
9 New York City was to support one -- one --
10 startup costs that were needed. So given
11 that that's an ongoing appropriation, there
12 is an opportunity to reinvest those funds
13 into the city's pre-K program. That, I
14 believe, is --

15 ASSEMBLYWOMAN PAULIN: I don't know
16 what a one -- what do you mean, a one?

17 ACTING COMMISSIONER BERLIN: So when
18 the budget was passed last year, there was an
19 opportunity to use funds both to support the
20 individual slot as well as to support some
21 one-time investments that providers needed to
22 make to either reflect the increased capacity
23 that they were going to be absorbing or maybe
24 to support the hiring of teachers. So the

1 statute allowed for a one-time investment. I
2 believe the --

3 ASSEMBLYWOMAN PAULIN: I still don't
4 understand what that means. You know, are
5 you talking about capital?

6 ACTING COMMISSIONER BERLIN: It could
7 have been capital, yup. Yup.

8 ASSEMBLYWOMAN PAULIN: Okay. All
9 right.

10 ACTING COMMISSIONER BERLIN: So there
11 will be \$40 million of that \$300 million that
12 the Executive is proposing would be available
13 to go into New York City to support further
14 growth of the program.

15 Outside of New York City, there may be
16 about \$2 million that would be available to
17 issue to the remainder of the state to
18 support.

19 ASSEMBLYWOMAN PAULIN: So there were
20 10 regions outside of the City of New York.
21 So I'm assuming that \$4 million was allocated
22 for each. Was there any regions that didn't
23 use the money, or was it intermingled?

24 ACTING COMMISSIONER BERLIN: There

1 were two applicants. Again, I think the
2 statute required that the organizations run
3 for a school year. So there were two
4 organizations who, upon determination of them
5 getting a grant, realized that they would not
6 actually be able to run the full school year.
7 So for that reason, there are those funds
8 that would be available in the remainder of
9 the state.

10 ASSEMBLYWOMAN PAULIN: You know, I
11 read last night the standards or the scoring,
12 you know, reread the statute which identifies
13 the criteria and then, you know, what the
14 department uses for scoring.

15 Is that the same in both New York City
16 and outside? Is there a scoring done in both
17 the city programs and for the rest of the
18 state, or is it just for the rest of the
19 state?

20 ACTING COMMISSIONER BERLIN: In the
21 procurement?

22 ASSEMBLYWOMAN PAULIN: Yes.

23 ACTING COMMISSIONER BERLIN: It was
24 done for all regions.

1 ASSEMBLYWOMAN PAULIN: It was done for
2 all regions.

3 ACTING COMMISSIONER BERLIN: Yup.

4 ASSEMBLYWOMAN PAULIN: And my
5 understanding from an earlier inquiry to the
6 department was that there was about
7 \$70 million worth of programs outside of the
8 City of New York that were qualified but did
9 not get funded because of the inadequate
10 funding. But yet you recommend \$180 million.

11 Is that because you believe that there
12 were programs that didn't have time? I know
13 there are in my own district, you know. Or,
14 you know, what is the number based on? I'm
15 just trying to understand it better.

16 ACTING COMMISSIONER BERLIN: So the
17 number is based upon what we believe is the
18 capacity to support the growth of the
19 universal pre-K program outside of New York
20 City.

21 ASSEMBLYWOMAN PAULIN: Thank you.

22 The next area that I wanted to ask
23 about is the APPR. You know, it's a great
24 deal of expense to our districts. Recently

1 we had a meeting in the Hudson Valley with
2 all of our superintendents. And it was going
3 to be a general meeting, and they really
4 concentrated on their disappointment with the
5 APPR. And they identified things like, you
6 know, that the APPR is really only designed
7 for 20 percent of the teachers because the
8 only statewide tests, you know, are 4th
9 through 8th. They identified the problem
10 that the Education Law's current way of
11 dismissing teachers makes it even more
12 difficult. They identified that the APPR
13 sets up failure for good school districts.

14 For example, in mine in Scarsdale,
15 where I live, they advocate for Regents to be
16 taken in 8th grade. And so when the children
17 do not take them in 9th grade, the principal
18 could get an "ineffective" rating because
19 there aren't enough students that are
20 actually taking the Regents exam at the time
21 they're being evaluated.

22 That's true of students who are
23 high-performing and then go to another grade
24 and they're still high-performing, so there's

1 no differentiation between them because
2 they're doing so well.

3 So they pointed out all these
4 fallacies in the current system. We looked
5 at the HEDI scale along with them and
6 understand now that the 60 percent that
7 they're responsible for doesn't make sense in
8 light of the fact that it's -- the scale
9 isn't mathematically -- it's mathematically
10 flawed.

11 So I wonder, you know, is the
12 department or has the department advocated in
13 their proposal for a change, since it's
14 having such a detrimental effect both in cost
15 and has no -- and is not showing to be of any
16 merit and in fact school districts are
17 finding it -- think it's almost ridiculous.

18 So I'm just wondering what your
19 comments are, if you support the Governor's
20 proposal -- which I think just exacerbates,
21 frankly, the problem -- and wondered if you
22 had your own model.

23 DR. WAGNER: So there's two basic
24 ideas to the Teacher/Leader Evaluation work,

1 which we all came together on, you know, four
2 or five years ago back in 2010, and we've
3 revisited the system several times since
4 then.

5 The two basic ideas are that the
6 system should be designed to help support
7 teachers to get even better at what they do,
8 so to provide meaningful information back to
9 teachers so they can use that information to
10 improve their instruction or help students
11 learn even more.

12 And the second idea is that students
13 can and should show growth over time, both
14 our lower-achieving students as well as our
15 higher-achieving students. We've learned a
16 lot from the system over the past few years.
17 When the chancellor and the former
18 commissioner were asked very specific
19 questions by Mr. Malatras, we responded with
20 some policy options, the chancellor responded
21 with some policy options to advance those two
22 goals.

23 So for example, one of the things that
24 we've learned over time is the local

1 achievement measure just didn't offer the
2 kinds of differentiation, the kinds of
3 information that would really help teachers
4 improve their craft. And if anything, it had
5 the unintended consequence of encouraging the
6 establishment of additional tests, which
7 people in local communities, including
8 parents, were very concerned about.

9 So what we recommended, for example,
10 was to remove that component because it just
11 wasn't doing what we had all hoped that it
12 would do to provide meaningful information
13 back to teachers.

14 The second thing is you mentioned the
15 20 percent of the teachers, roughly, who are
16 affected by a state assessment versus the
17 80 percent of teachers who are not. The
18 80 percent of teachers for the state-provided
19 growth, they're expected to use something
20 called the Student Learning Objectives. And
21 what we've found over time is that some of
22 the SLOs, the Student Learning Objectives,
23 actually are not reflective of rigorous
24 learning targets. We've had people submit

1 Student Learning Objectives that are less
2 than one year of growth.

3 So the second recommendation that the
4 chancellor made in response to Mr. Malatras's
5 letter was, for those SLOs, let's make sure
6 either that they're tied to building wide
7 measures of numeracy and literacy through the
8 state assessments or that they have to be
9 anchored in at least one year of growth.

10 The third thing that we recommended
11 was --

12 ASSEMBLYWOMAN PAULIN: I just wonder
13 how you expect to achieve that, since each of
14 the districts is a local one. You know,
15 locally developed, how you expect to achieve
16 that.

17 DR. WAGNER: So to provide a statewide
18 expectation of at least one year of growth
19 would help to make sure that even though
20 school districts have to submit their local
21 plan, they would have to conform with certain
22 statewide expectations.

23 In addition, the other 60 percent, the
24 other evaluation piece, we've also found that

1 there have been some incentives which allowed
2 people to set up scores on those other
3 60 percents that -- that doesn't provide
4 meaningful information back to teachers. So
5 the third component of the chancellor's
6 recommendation was to provide statewide
7 bands. So when people have their measures in
8 their 60 percent "other," similarly, the
9 information is meaningful to teachers to help
10 them advance their instruct and student
11 learning.

12 CHAIRMAN FARRELL: Thank you very
13 much.

14 Next, Mr. Ortiz.

15 ASSEMBLYMAN ORTIZ: Thank you,
16 Mr. Chairman.

17 And good morning, Commissioner. It's
18 still good morning.

19 I have a few questions, and one of
20 them has to do with I want to follow up
21 quickly on unaccompanied minors, those kids
22 that are coming from other countries,
23 including those who are refugees. And the
24 few questions I have, one is, what kind of

1 assessment the department has done regarding
2 these minors and what procedures the
3 department has taken in order to address the
4 needs of these children.

5 ACTING COMMISSIONER BERLIN: So we've
6 provided guidance to districts with regards
7 to the steps that they need to take. Where
8 we've heard of situations where districts are
9 not meeting those needs, we've gone in, we've
10 monitored, we've required corrective action.

11 We also working with the Attorney
12 General's office to make sure that processes
13 are in place and being followed and adhered.

14 We do, though, recognize that this is
15 a unique situation. Districts are working
16 diligently to make sure that they're meeting
17 the needs, but they are certainly challenged.
18 And then, of course, as I noted earlier,
19 there are those districts who are not yet in
20 the needed compliance, and we continue to
21 work with them to ensure that.

22 I think both the funding that was
23 identified by the Board of Regents, the
24 \$10 million to support districts with

1 unaccompanied minors, is an important
2 conversation.

3 I also want to make note, because I
4 don't think we've talked very much this
5 morning about the Board of Regents' request
6 to make significant investment for districts
7 supporting English language learners in
8 general is something that really warrants our
9 attention. Because districts are committed
10 to providing the right educational
11 opportunities for their students, but there
12 is a need to be making -- we recommend an
13 \$86 million investment to support districts.

14 We think that that would allow
15 districts to develop team-teaching approaches
16 to ensure that ELLs have complete access to
17 new higher standards, and that's teachers
18 with training and certification. We want to
19 support districts as they obtain materials
20 and instructional resources that are
21 linguistically age- and grade-appropriate.
22 And we want to also make sure districts are
23 positioned to provide high-quality supports
24 and feedback to educators.

1 So we think that there are investments
2 that are needed both to support the
3 unaccompanied minors specifically for
4 districts, but we also think that there are
5 broader fiscal investments that need to be
6 embarked upon to support the English language
7 learners.

8 ASSEMBLYMAN ORTIZ: Does this also
9 include an assessment of the physical and
10 mental ability of the children as well?

11 DR. WAGNER: So we have done a lot of
12 work recently. The board has, for the first
13 time in 30 years, advanced changes to our
14 Part 154 regulations, which are the set of
15 regulations that guide services to the
16 English language learners.

17 And that initiative has a
18 comprehensive approach to evaluation of the
19 needs of ELLs, helping to make proper service
20 options available for ELLs, communications
21 with families around those services,
22 different pathways to exiting from the
23 services, as well as new options to
24 differentiate between students' needs that

1 are related to their English language
2 acquisition versus students' needs that might
3 be related to other learning needs, including
4 potential disabilities. So there's been a
5 lot of work that we've done together around
6 those regulation changes.

7 We've also been working around
8 providing additional scaffolds and supports
9 to the fields so that as they are
10 implementing instruction in classrooms for
11 ELLs, that they have additional tools to make
12 sure that that instruction is tailored to
13 unique learning needs. We're translating
14 some of our curriculum resources as well as
15 coming up with resources that are available
16 in their native language.

17 So there's been a comprehensive
18 approach to the instructional needs of ELLs.

19 ASSEMBLYMAN ORTIZ: I do apologize,
20 but we do have -- I do have to go, but I will
21 just put these two other aspects on the
22 record.

23 Going back to that, you know, it would
24 be great if the chairman can get some kind of

1 report about how this logistically has been
2 approached. You know, I have visited some of
3 these schools, I have visited some of the
4 places, and some of the kids, as you probably
5 have identified, some of them are probably
6 12, 13 years old who have never been in
7 school.

8 And the other thing that you're
9 finding out is that some of these kids
10 also -- they don't speak Spanish, they
11 speak -- they have their own dialects.

12 ACTING COMMISSIONER BERLIN: Yes.

13 ASSEMBLYMAN ORTIZ: So creating more
14 difficulty.

15 Very quick -- and also just for the
16 record, Mr. Chairman -- how are the black and
17 Hispanic students performing in New York
18 State schools -- reading level, math level,
19 graduation rates -- and what progress has
20 been made regarding our minority community?

21 And my last question is regarding that
22 I have a bill that I've been introducing for
23 many years now because I do believe that
24 early intervention and tackling the issues of

1 our children at the early stage of their life
2 will give us a better outcome, rather than
3 incarcerating our kids at the end of the day.
4 One of the ways that you have to do that is
5 mandating more guidance counselors,
6 psychologists, as well as social workers
7 throughout the education system, which has
8 been from pre-K all the way through high
9 school.

10 You don't have to answer now, because
11 we do have to rush back to session right now,
12 but I would like for you to probably send
13 something to us in writing on this issue.

14 Thank you very much.

15 CHAIRMAN DeFRANCISCO: Thank you.

16 Assemblyman Oaks.

17 ASSEMBLYMAN OAKS: Yes --

18 CHAIRMAN DeFRANCISCO: Excuse me, I
19 missed Simcha Felder, Senator Felder, three
20 times and want to recognize he's been here
21 for quite some time, I'm sorry.

22 You can come in the more expensive
23 seats, if you'd like.

24 (Laughter.)

1 ASSEMBLYMAN OAKS: Thank you,
2 Chairman.

3 In the State Education Department's
4 recommendations with the tax cap, it suggests
5 that the applicable Executive Budget computer
6 runs be used to estimate the Building Aid and
7 Transportation Aid as they develop their
8 budgets without the runs.

9 How are the -- do you have a
10 recommendation to the districts who are in
11 the midst of creating the budgets how to
12 handle those items?

13 ACTING COMMISSIONER BERLIN: What
14 we've noted is that there's data available
15 from November and the November runs. We will
16 be issuing information and runs on
17 February 13th that could be of value.

18 We are not in a position to issue the
19 runs reflective of the Executive Budget.

20 ASSEMBLYMAN OAKS: The Governor is
21 also proposing to implement the new
22 turnaround model for the failing schools.
23 And I would suggest that this and most of the
24 Governor's proposals are kind of a top-down

1 effort to try to effect change in education
2 in the state. And perhaps with our
3 lowest-performing schools, some of that is
4 required, and I know we already have things
5 in place, but certainly these are greater
6 recommendations. But for most of our schools
7 in the state, personally I believe that the
8 best opportunity to improve them and to have
9 significant change is to have more of an
10 opportunity for local districts to choose how
11 they're, you know, going to do that and have
12 more impact and control over that.

13 Are there models that the department
14 has to choose for local buy-in? You know, so
15 we've got the lowest-performing schools and
16 the Governor is focusing on it. But what
17 about those schools that are, you know, above
18 that level moderately or ones that just want
19 to improve? Are we constantly working on
20 models to do that?

21 ACTING COMMISSIONER BERLIN: We're
22 constantly working with school districts. As
23 you note, there are school districts that
24 reflect a spectrum. There are those that are

1 performing very well, and then there are
2 those that are struggling.

3 For those school districts that are
4 struggling, we have a team of individuals who
5 engage with the school districts to provide
6 options and talk about approaches that they
7 can be embarking upon to be making changes.
8 And we are successful. We see districts
9 successful through that approach on a regular
10 basis.

11 But what that board has noted and what
12 we have to acknowledge is that there are
13 school districts, despite the best efforts
14 and intervention mechanisms, that are still
15 unsuccessful in meeting their obligations to
16 provide a good education to their students.
17 And they have shown a consistent inability to
18 make the needed modifications so that
19 students can be graduating college- and
20 career-ready.

21 In those areas, the board has
22 identified a need to establish upon the
23 department additional tools so that we can
24 address the systemic issues that could not be

1 addressed through other mechanisms, whether
2 they're governance or other aspects and
3 elements. And for that reason, the board has
4 long advanced the Regents' priority bill on
5 support and intervention in chronically
6 underperforming schools. And --

7 ASSEMBLYMAN OAKS: But my suggestion
8 would be, though, I think that all schools
9 are under the gun. Low-performing -- and I
10 understand that and I accept that, but I
11 would suggest that all districts, in our
12 effort -- the pressure from the Legislature,
13 from the Executive, obviously from the
14 department trying to pull up -- does the
15 department welcome suggestions and models of
16 trying to elevate, you know, districts across
17 the spectrum for improving --

18 DR. WAGNER: Yes, and we've done a
19 number of different initiatives during the
20 past few years to help support districts.

21 So, for example, the question came up
22 earlier about the implementation of the
23 Teacher/Leader Evaluation Program, and I had
24 commented that that should really be grounded

1 in improving instruction. And we have our
2 STLE, our Strengthening Teacher/Leader
3 Effectiveness grants that we have provided
4 out to school districts that have affected --
5 about one-third of our school districts
6 across the state have done exactly that, to
7 give them funds and time to explore models to
8 see how they can not only help support
9 student learning but they can also help
10 support teachers and teacher effectiveness.

11 And we put a request for additional
12 funds, about \$80 million, in the board's
13 state aid proposal.

14 We've done lots of work around state
15 professional development through our Network
16 Teams Institute, where we've trained over
17 12,000 teachers statewide who are expected to
18 go back to their local community and help
19 turnkey some of that information so districts
20 get even better at providing services.

21 So there's been a number of different
22 programs. And in our state aid proposal we
23 hope that at least some of that work can
24 continue after Race to the Top ends.

1 ASSEMBLYMAN OAKS: Thank you. And
2 shifting gears just a little bit, in regards
3 to student data, last year there was in the
4 budget I believe a private officer,
5 appointment of that. Where are we with that?

6 ACTING COMMISSIONER BERLIN: We've
7 appointed an interim chief privacy officer.

8 We had gone through our national
9 search to hire a chief privacy officer;
10 unfortunately, we were not successful. An
11 area that we have gone back and are working
12 with Civil Service to see if we can get an
13 increase in the salary grade because we have
14 some difference of opinions as to what is
15 needed for that position, and we think it
16 needs to be someone who can be focused on the
17 work day-to-day, and who meets standards that
18 are reflective of the work that was in the
19 enacted budget.

20 ASSEMBLYMAN OAKS: Are there any
21 numbers on how many parental inquiries have
22 been fielded or whatever?

23 ACTING COMMISSIONER BERLIN: We have
24 established an email for folks to submit

1 inquiries. I'd need to look into how many
2 we've received at this point in time.

3 ASSEMBLYMAN OAKS: Thank you very
4 much.

5 CHAIRMAN DeFRANCISCO: Senator
6 Latimer.

7 SENATOR LATIMER: Thank you again,
8 Mr. Chairman.

9 Just a couple questions more, in light
10 of the time left. These questions relate to
11 adult education.

12 What's SED's plan, as you view it, for
13 meeting the unmet need of adult learners in
14 this state? I understand it's a relatively
15 high number and that there has to be
16 sufficient access that they need to have to
17 high-quality programs.

18 ACTING COMMISSIONER BERLIN: The
19 question again, sir, was?

20 SENATOR LATIMER: Adult learners,
21 those who are past the K-12 years but, you
22 know, need to be able to accomplish literacy
23 goals and so forth.

24 ACTING COMMISSIONER BERLIN: Had not

1 secured their --

2 SENATOR LATIMER: Right, have not
3 secured their degree.

4 ACTING COMMISSIONER BERLIN:
5 Understood. Thank you, Senator.

6 The board is requesting an increase of
7 \$5 million funding to support our
8 adult-education programs. Last year we
9 embarked upon a transition from moving away
10 from the GED test to the TASC test, which is
11 also moving up into alignment with higher
12 standards.

13 I'm very pleased to report that that
14 process went well in the sense that we were
15 able to, with the support of the Legislature,
16 continue to provide pencil-and-paper exams,
17 we were able to maintain access in a way that
18 had been seen in the past, and were also able
19 to maintain those exams free of charge for
20 individuals.

21 So we recognize how critical that
22 service is. We will continue to be making
23 investments in that area, but concur that
24 there needs to be some greater financial

1 funds that support the educational community
2 so that they can prepare individuals for the
3 TASC exam. So we would greatly appreciate
4 the investment of \$5 million.

5 SENATOR LATIMER: The \$5 million ask,
6 is it included in the Executive Budget
7 proposal?

8 ACTING COMMISSIONER BERLIN: It is
9 not.

10 SENATOR LATIMER: It is not. Okay.

11 And one final question, if I may,
12 Mr. Chairman. Relative to the TASC testing
13 and program, the adult education providers
14 who are teaching have to have their teaching
15 aligned to the Common Core standards that are
16 happening elsewhere. What kind of support
17 are they receiving in order to properly
18 deliver the education service to those adult
19 learners?

20 ACTING COMMISSIONER BERLIN: So we've
21 been providing certainly the educational
22 materials that are available through EngageNY
23 as opportunities for resource support. But I
24 would concur that the investment in this area

1 would be very beneficial to the field in
2 supporting their adjustments to the higher
3 standards.

4 DR. WAGNER: And just as we've had a
5 phase-in of the requirement of the standards,
6 for example, at the high school level for
7 students for graduation purposes, there's
8 also been a phase-in of the standards for
9 this assessment, the high school equivalency
10 exam, over a three-year period.

11 So in addition to providing direct
12 support to help prepare those providers to
13 provide the instruction to their consumers,
14 we're also providing them additional time to
15 do that.

16 SENATOR LATIMER: Thank you.

17 CHAIRMAN DeFRANCISCO: Senator
18 Krueger.

19 SENATOR KRUEGER: Thank you. Because
20 the hour is quite late, I'm going to just,
21 for the record, read off a list of questions
22 to you, we'll get them to you in writing, and
23 I would love to have a chance to hear your
24 answers.

1 These are all specific to the
2 Governor's proposal for takeover and
3 restructuring of failing schools.

4 So as I mentioned before, we're
5 talking about potentially 18 to 25 school
6 districts per year to be taken over by this
7 process where SED would need to find a
8 receiver for the district. So one question
9 is, who will be these receivers? The
10 description is non-for-profit entities, a
11 different school district, or an independent
12 individual. So I want to understand how
13 that's going to work and what criteria will
14 be used.

15 Then how long are these school
16 districts going to be in receivership, is
17 there a specific time frame?

18 Since these are all the school
19 districts that have high rates of failure of
20 tests, I'm assuming that these districts are
21 all poor districts with very poor students
22 and lower education funding per child. So if
23 we're talking about just moving all these
24 poor high-need districts into receiverships,

1 are you going to have extra money to help
2 with these districts?

3 Will there be a community input to
4 help guide this process? Because I'm
5 assuming the state doesn't want to do this
6 forever, you actually want a process to make
7 the system better in that school district in
8 order to give it back. Will there be an
9 appeals process should the community
10 disagree?

11 If under the NCLB such a takeover
12 process is clearly defined and regulated
13 already, why do we need a different system in
14 New York State, and is just the current
15 system not working for takeover?

16 It references the ability of the
17 receiver to turn failing schools or portions
18 of failing school districts into charter
19 schools. What component information will
20 drive that decision? Will they have to go
21 before the normal charter process where
22 they'll be part of the state cap?

23 And is the expectation that this
24 turning over of schools to other entities,

1 including other school districts, permanent
2 or will there be an end time for the process
3 to expire?

4 So I'm not asking you to answer any of
5 that now, but that's the questions I would
6 love to get the answers to. Thank you.

7 ACTING COMMISSIONER BERLIN: Thank
8 you, Senator.

9 CHAIRMAN DeFRANCISCO: Thank you.

10 And I'll wrap it up with a few
11 questions. I'm going to follow up what
12 Assemblyman Oaks followed up that I started,
13 about the school aid runs.

14 The Commissioner of Education or the
15 Department of Education prepares school aid
16 runs normally on an Executive Budget;
17 correct? If the Executive makes a budget,
18 prior years, the Department of Education
19 prepares the school aid runs; is that
20 correct?

21 ACTING COMMISSIONER BERLIN: They
22 would need to transfer to us the formula in
23 order for us to do the runs.

24 CHAIRMAN DeFRANCISCO: Okay. So who's

1 "they"?

2 ACTING COMMISSIONER BERLIN: That's
3 usually something I think that the Division
4 of Budget ...

5 CHAIRMAN DeFRANCISCO: Okay. And
6 according to the Governor's proposal, there's
7 two possible scenarios. One, there's no
8 reform. And with respect to -- the money
9 that would be available then would be
10 \$377 million, if I'm not mistaken. Correct?

11 ACTING COMMISSIONER BERLIN: Mm-hmm.
12 Mm-hmm. That's my understanding.

13 CHAIRMAN DeFRANCISCO: All right.
14 Assuming that's what happens, that's his
15 proposal, do you have enough information to
16 do a school aid run just adding \$377 million,
17 because it's mostly -- it's mostly you're
18 paying for expenses of the prior year;
19 correct?

20 ACTING COMMISSIONER BERLIN: Well,
21 that's what we wouldn't know, Senator. We
22 wouldn't know how they would be distributing
23 the 377. So within the formula there are
24 many components that could be given weight.

1 DR. WAGNER: This is really two
2 pieces, what's the number and what's the
3 formula, and we don't have --

4 CHAIRMAN DeFRANCISCO: All right, so
5 you would not have the formula until the
6 Budget Director gives that formula.

7 ACTING COMMISSIONER BERLIN: We would
8 not -- we -- correct.

9 CHAIRMAN DeFRANCISCO: Okay. All
10 right. Secondly, and I'll finish up on the
11 formula, when it's ultimately decided what
12 the final budget is for education, there is a
13 component of what money's going to be
14 distributed, and that -- a component for
15 pre-K; correct?

16 ACTING COMMISSIONER BERLIN: Correct.

17 CHAIRMAN DeFRANCISCO: And am I right
18 that approximately only 5 percent of the
19 pre-K money presently goes to places other
20 than New York City?

21 ACTING COMMISSIONER BERLIN: I'd --
22 I'll have to look into that. I --

23 CHAIRMAN DeFRANCISCO: Okay. But it's
24 significantly more in New York City than

1 anyplace else; right?

2 ACTING COMMISSIONER BERLIN: When you
3 look at the total pre-K funding that's
4 available, correct.

5 CHAIRMAN DeFRANCISCO: The total pre-K
6 funding; correct?

7 ACTING COMMISSIONER BERLIN: Correct.

8 CHAIRMAN DeFRANCISCO: All right. So
9 could I get that number?

10 ACTING COMMISSIONER BERLIN:
11 Certainly.

12 CHAIRMAN DeFRANCISCO: And since one
13 region of the state is receiving more pre-K
14 money than others, whatever that number may
15 be, those dollars for pre-K funding and where
16 they go are going to be presented in the
17 school aid runs as part of the run; is that
18 correct?

19 ACTING COMMISSIONER BERLIN: The -- I
20 will need to confirm that. I don't believe
21 the 340 that was enacted last year is
22 reflected in the school aid runs, but I will
23 need to just confirm that the 385 is not as
24 well.

1 CHAIRMAN DeFRANCISCO: Okay. And how
2 is it reported how much money goes to where
3 if it's not part of the formula?

4 ACTING COMMISSIONER BERLIN: Well, the
5 340 was distributed based upon a procurement.
6 The 25 million was also distributed based
7 upon a procurement. And then I will just
8 need to confirm how the 385 is.

9 CHAIRMAN DeFRANCISCO: Based upon a
10 what?

11 ACTING COMMISSIONER BERLIN: For the
12 340, there was a procurement that was issued,
13 there was an RFP. So that applicants needed
14 to submit and compete for the 340, with 300
15 of that going to New York City and then 40
16 going to the remainder of state.

17 It is one reason why the Board of
18 Regents did advance a \$180 million request
19 for rest of state for pre-K.

20 CHAIRMAN DeFRANCISCO: All right. So
21 on the school aid runs, last year did you --
22 last year the districts had to pay for the
23 pre-K first and now it's going to be
24 reimbursable?

1 ACTING COMMISSIONER BERLIN: Correct.

2 CHAIRMAN DeFRANCISCO: All right. So
3 will there be somewhere on the school aid --
4 and it continues to be reimbursable so long
5 as they have a program; correct?

6 ACTING COMMISSIONER BERLIN: Correct.
7 And as long as they meet the quality
8 standards and enrollment, yeah.

9 CHAIRMAN DeFRANCISCO: And is there
10 going to be a line for everyone to see the
11 additional money on the school aid runs, the
12 reimbursable --

13 ACTING COMMISSIONER BERLIN: Senator,
14 let me get back to you so I don't further
15 confuse the situation.

16 CHAIRMAN DeFRANCISCO: All right.

17 ACTING COMMISSIONER BERLIN: But the
18 340 is not linked with the state aid runs.

19 CHAIRMAN DeFRANCISCO: All right. But
20 will it appear somewhere when it's reported
21 when District 1 gets --

22 ACTING COMMISSIONER BERLIN: I don't
23 believe so.

24 CHAIRMAN DeFRANCISCO: Okay, don't --

1 I would think that that should be reported as
2 part of the total dollars going to each of
3 the districts. If you're not participating
4 in this additional fund, the world should
5 know that there's an additional benefit for
6 just some schools.

7 ACTING COMMISSIONER BERLIN: So your
8 question is, is there a district by district?

9 CHAIRMAN DeFRANCISCO: Correct.

10 ACTING COMMISSIONER BERLIN: Let me
11 confirm that.

12 CHAIRMAN DeFRANCISCO: Okay. And I
13 would advocate for one just so that the world
14 knows where their taxes are going.

15 ACTING COMMISSIONER BERLIN:
16 Understood.

17 CHAIRMAN DeFRANCISCO: And in what
18 proportion.

19 And I think -- last question, on that
20 other topic. It was mentioned earlier that
21 you wouldn't want to have another test to
22 determine if the student is college-ready at
23 the end of the junior year. But you have
24 your own evaluators; correct?

1 DR. WAGNER: We have a state
2 assessment program that provides information.

3 I didn't say that another test may not
4 be useful for colleges for placement
5 purposes. We're just not in a position for
6 advancing a statewide additional assessment.

7 CHAIRMAN DeFRANCISCO: All right. But
8 whatever your separate evaluation information
9 is, is that provided to the schools each year
10 so that if someone is falling behind --

11 DR. WAGNER: Mm-hmm. Gotcha.

12 So at the Grade 3-8 level there's an
13 annual assessment.

14 At the high school level it depends on
15 a student's course of study. The federal
16 government requires at least one assessment
17 in math and at least one in English in high
18 school. We have more than that in math if
19 students take additional math courses.

20 CHAIRMAN DeFRANCISCO: All right. So
21 at least in those courses the district would
22 know whether the person is behind
23 college-ready or ahead of college-ready.

24 DR. WAGNER: Yes. So because the

1 learning expectations are tied to college
2 readiness, and because the Regents exams are
3 also tied to college readiness, it does give
4 information to school districts in addition
5 to whatever they decide to do locally for
6 college placement purposes.

7 CHAIRMAN DeFRANCISCO: And, I guess,
8 what happens then? The school district knows
9 it, they know they're college-bound. Are
10 they -- if the student passes the test in
11 whatever course it is, does that mean they're
12 automatically college-ready in that test? Or
13 do they have to appraise it in a different
14 way so additional courses can be done in the
15 senior year when sometimes they aren't being
16 challenged that much?

17 DR. WAGNER: So there's a lot of work
18 that we're doing with SUNY and CUNY to try to
19 help address the issues that you're pointing
20 out, including, for example, the development
21 together of transition coursework in the
22 senior year, for example. So if a student,
23 in their sophomore or junior year, reveals
24 that they're at risk of not being ready for

1 college, then we're working with SUNY and
2 CUNY to get targeted coursework that could
3 help overcome that gap before they get into
4 college and need remediation.

5 CHAIRMAN DeFRANCISCO: I don't deny
6 that you're working on it. But at least for
7 the three years that I've been asking about
8 this, they're working on it, they're working
9 on it.

10 Now, I'm not an educator, but it seems
11 to me at some point this is not that
12 complicated, if you're educators, as to what
13 they have to do in that senior year if they
14 fall deficient under a test or anything else.
15 And I'm going to just keep asking for it.
16 Hopefully one day you'll come out and say "We
17 got it," and now we know that we're not
18 spending millions of dollars to prepare
19 students when they should have been prior.

20 Thank you very much.

21 ACTING COMMISSIONER BERLIN: Thank
22 you.

23 CHAIRMAN DeFRANCISCO: And thank you
24 for your patience.

1 And we're going to continue on with
2 Carmen Fariña, chancellor of the New York
3 City Department of Education.

4 Is Carmen Fariña here? Okay.

5 (Pause.)

6 CHAIRMAN DeFRANCISCO: Whenever you're
7 settled and ready, you're on.

8 CHANCELLOR FARINA: Good morning, Ways
9 and Means Chair Farrell, Finance Chair
10 DeFrancisco, Education Committee Chairs Nolan
11 and Flanagan, New York City Education
12 Subcommittee Chair Felder, and all the
13 members of the State Assembly and State
14 Senate here today. Thank you for this
15 opportunity to testify on Governor Cuomo's
16 proposed 2015-2016 Executive Budget.

17 Seated with me is Ray Orlando, the
18 New York City Department of Education's chief
19 financial officer.

20 I want to begin by thanking all of you
21 for making a difference in the availability
22 and quality of education for our students.
23 Your efforts will certainly yield
24 immeasurable gains in the lives of many for

1 years to come, especially with your strong
2 support last year for free, full-day
3 pre-kindergarten and high-quality
4 after-school opportunities for all
5 middle-school students.

6 In particular, I want to say thank you
7 to Assemblywoman Cathy Nolan, Senator Simcha
8 Felder, and the New York City delegation, for
9 all your hard work on behalf of our city's
10 students. Your efforts were instrumental in
11 helping us achieve our successes this past
12 year.

13 At the outset, I want to clearly
14 impress upon this body that we need full
15 support of the State Legislature for the
16 continuance of mayoral control in New York
17 City. The inclusion of mayoral control in
18 the Governor's budget is a crucial
19 acknowledgment of its importance to the
20 continued improvement of education in our
21 city.

22 I have seen the extraordinary
23 difference mayoral control can make in our
24 ability to move our school system forward.

1 Our successful implementation of
2 pre-kindergarten was in large part because we
3 had mayoral control of education. The same
4 can be said for after-school programs, as
5 well as our efforts with community schools.

6 With mayoral control, Mayor Bill
7 de Blasio and I can realize our joint goals
8 of helping our neediest students, turning our
9 struggling schools around, and ensuring that
10 high-quality teachers teach our students.

11 Before I discuss what our city's
12 students need to help ensure their success
13 next school year, I would like to share with
14 you all that our administration has
15 accomplished for our students.

16 With the \$300 million the state
17 invested last year, we were able to enroll
18 over 53,000 students in full-day
19 pre-kindergarten. Our city's children are
20 learning at nearly 1,700 sites at public
21 schools and community-based early childhood
22 centers in neighborhoods across the five
23 boroughs. With the momentum we built in the
24 city's communities, we are well-positioned to

1 meet this year's goal of providing seats for
2 every eligible 4-year-old throughout the
3 city.

4 We have invested \$145 million this
5 year -- the city's largest-ever expansion of
6 after-school for middle-school students -- to
7 provide enriching programming for over 70,000
8 middle-school students in traditional school
9 settings and community-based centers across
10 the city. I have made it very clear during
11 my time as chancellor that after-school
12 programming, especially for middle-school
13 students, is crucial to increasing high
14 school graduation rates.

15 Our after-school programs have the
16 potential to be a support system,
17 academically and emotionally. Not only do
18 they help improve academic performance, they
19 foster a sense of community at a critical
20 time in a child's development.

21 We have also created 45 new community
22 schools through a State Attendance
23 Improvement and Dropout Intervention grant,
24 which will be a vital tool in reaching

1 thousands of children at risk of falling
2 behind as a result of absenteeism, and an
3 Office of Community Schools to oversee this
4 effort. Schools will work with a
5 community-based organization to develop
6 tailored supports to improve attendance at
7 each school, including social services,
8 counseling and mental health supports, and
9 expanded learning opportunities.

10 At community schools, parent
11 involvement and engagement happen every
12 single day, embedded in every single
13 component of the school. I have seen parents
14 in classrooms as volunteers, parents learning
15 lessons so they can support their children
16 inside and outside of school, and parents as
17 partners supporting each other -- and this
18 directly impacts student engagement and
19 achievement.

20 There is nothing more critical than
21 supporting our most challenged schools. As
22 part of this administration's commitment to
23 ensure that all of our students receive a
24 quality education regardless of their

1 background, family income, or zip code, we
2 recently identified 94 city schools as
3 renewal schools. Over the next three years
4 we will work intensively with each renewal
5 school's community to establish clear goals,
6 provide a core set of interventions, and hold
7 them accountable for rapid improvement. Each
8 renewal school will transform into a
9 community school, knitting together new
10 services that support both students and their
11 families.

12 With the support of our new director
13 of renewal schools, these schools will also
14 provide an extra hour each day of extended
15 instruction and could offer additional
16 after-school, weekend, and summer learning
17 opportunities as needed. Moreover, each will
18 receive additional resources for academic
19 intervention and professional development to
20 create a better learning environment for
21 students.

22 To address the needs of our English
23 language learners, we've expanded our
24 dual-language programs in the city. In the

1 2015-2016 school year, we will open 40
2 dual-language programs as part of the
3 department's commitment to student
4 achievement and increasing multilingual
5 programs. The goal of the dual-language
6 program is to educate students to become
7 bilingual and bicultural. Our students will
8 learn new cultures, and parents will come
9 into classrooms in new ways.

10 As a former English language learner
11 myself, I know firsthand that these are
12 critical programs. At the same time, we are
13 also recognizing that speaking multiple
14 languages is an asset for students, families,
15 schools, and our entire city.

16 As part of our goal to ensure that
17 New York City students are prepared for
18 careers in the 21st-century economy, we
19 continue to strengthen our existing career
20 and technical education and workforce
21 readiness programs. For example, we are
22 working with the Partnership for New York
23 City and other employer partners, such as
24 Bank of America, National Grid, and

1 Con Edison, to create more work-based
2 learning opportunities for students.

3 Last year, we also introduced the
4 Framework for Great Schools, a bold,
5 innovative, research-based capacity framework
6 for guiding and measuring school quality.
7 This framework identifies six essential
8 elements necessary for continual school
9 improvement: rigorous instruction, a
10 supportive environment, collaborative
11 teachers, effective leadership, strong
12 family-community ties, and a culture of
13 continuous learning and trust.

14 To ensure that schools are receiving
15 supports that are better aligned to the
16 Framework for Great Schools, we recently
17 announced a structural change in the way we
18 align support and supervision for our schools
19 beginning in the 2015-2016 year. We are
20 streamlining the school support system to
21 create equity and more efficient lines of
22 communication between our city's schools and
23 families. In our new geographically-based
24 support structure, there are four core

1 components: superintendents, geographically
2 based borough field support centers, central
3 divisions, and affinity groups.

4 As envisioned by the mayoral control
5 legislation, superintendents will supervise,
6 support and advocate for schools in their
7 district to ensure student achievement goals
8 are met and will work with the local
9 community to support family engagement in the
10 learning process. This structure will allow
11 a more equitable division of resources among
12 schools, clear lines of accountability, and a
13 single point of contact for both central
14 divisions and families.

15 To facilitate these reforms, all
16 district and high school superintendents had
17 to reapply for their positions this summer in
18 accordance with new criteria, to ensure that
19 all new superintendents had at least 10 years
20 of pedagogic experience, including at least
21 three as a principal. This rigorous process
22 required them to have a demonstrated ability
23 to raise student achievement as well as
24 engage families.

1 These structural changes will give us
2 the tools we need to drive improvements
3 across the system and ultimately help each
4 child fulfill his or her potential as an
5 active, critical-thinking member of our city.
6 We are implementing the changes over the next
7 eight months to ensure another smooth start
8 to school in September.

9 I would like to turn to the specifics
10 of the state's proposed budget and its impact
11 on New York City. The state's 2014-2015
12 enacted budget committed \$1.5 billion over
13 five years to support the phase-in of
14 state-funded full-day pre-kindergarten
15 programs. In the 2015-2016 Executive Budget,
16 New York City schools are allocated
17 \$300 million of the \$340 million investment
18 for pre-kindergarten programs, the same
19 amount granted last year.

20 I appreciate that the Governor is
21 raising the question of where we go next. In
22 terms of next steps for early childhood
23 education, his proposed \$25 million for
24 pre-kindergarten for 3-year-olds in the

1 highest-need school districts is not only
2 ambitious but acutely necessary to ensure the
3 academic success of our youngest learners.

4 Last year's enacted budget included
5 support for after-school programs. The
6 proposed Executive Budget does not include
7 any commitment for after-school. In
8 continuation of last year's acknowledgment of
9 the importance of after-school programs, we
10 were hopeful that there would be funding in
11 the Governor's budget proposal. We ask that
12 the Legislature include state funding for
13 after-school programs as one of its
14 priorities in budget negotiations.

15 We set our education agenda and
16 aggressively charged ahead with doing the
17 work necessary to renew the city's commitment
18 to high-quality education opportunities for
19 all our students. The bar has been raised on
20 a multitude of levels, and we are committed
21 to continuing the effort to improve New York
22 City schools.

23 The Executive Budget also raises
24 several proposals, including tenure and

1 charter schools, as part of the education
2 reform agenda. We are currently in the
3 process of implementing our own reforms,
4 including the community schools and renewal
5 schools initiatives.

6 As you know, since 2009 the state has
7 not met the court-ordered obligation to our
8 city Campaign for Fiscal Equity lawsuit, an
9 obligation the Court of Appeals rightly
10 defined as providing a "sound basic
11 education" to all children in our state. The
12 decision in that case was a matter of simple
13 justice. It ordered the end of an historic
14 wrong created by the manifestly unfair
15 distribution of state education aid to local
16 school districts.

17 In this school year alone, New York
18 City public school students will be
19 shortchanged some \$2.6 billion in state
20 education funds. I am confident you will
21 agree that with the level of resources
22 available, it is time to make a significant
23 down payment on this obligation this year,
24 fulfilling a commitment and making equity in

1 education a priority.

2 Today I ask the State Legislature, on
3 behalf of the over 1 million students I
4 serve, to equitably fund public education for
5 the New York City school system and all of
6 the students in New York State.

7 I look forward to working with the
8 State Legislature and the Governor on the
9 proposals outlined in the Executive Budget
10 and stand prepared to do everything I can to
11 help. We have laid the foundation, we have
12 set the path, and we need your support to
13 forge ahead.

14 Thank you for the opportunity to
15 testify before you. We are happy to answer
16 any questions you may have.

17 CHAIRMAN DeFRANCISCO: Thank you very
18 much.

19 Senator Krueger.

20 SENATOR KRUEGER: Good afternoon,
21 Chancellor. Welcome to Albany.

22 So you laid out a series of proposals
23 that you're going to be implementing in
24 New York City. I'm trying to get a better

1 understanding of how the Governor's proposal
2 can help or hurt in your efforts. So one of
3 my concerns is the proposed changes in the
4 Governor's plans for charter schools where
5 he's proposing to add a hundred charters to
6 the current cap and allow the existing I
7 believe it's 184 open slots to be statewide.
8 So there would be 284 charter slots that
9 could all be in one location, perhaps
10 New York City.

11 Because of last year's changes, I do
12 not have my arms around -- if 284 charter
13 schools were to pick up and say "We want to
14 be here in New York City," one, do you have
15 the ability under the existing law or
16 anything the Governor is proposing to
17 actually say "No, that really wouldn't work
18 here in New York City"?

19 Two, because as you and I both know,
20 the overcrowding and collocation problems
21 have been fairly extraordinary in certain
22 sections of the city, what would it mean for
23 what you would have to pay in rent for these
24 additional up to 284 charter schools?

1 And three, what would it mean or how
2 would it impact the series of I think very
3 important proposals you have been laying out
4 for the school system in New York City going
5 forward?

6 CHANCELLOR FARIÑA: Well, I believe
7 that the cap set now in New York City is
8 actually a reasonable cap. We have also
9 worked more extensively with charter schools,
10 you know, certainly in the last few months.
11 And I believe that, you know, all children
12 deserve the best education possible, and
13 parent choice is important.

14 I also know that in New York City
15 we're space challenged and that there's just
16 so much space and we can't create it out of
17 thin air. So that's certainly an issue
18 that's on the table. And as the city moves
19 to -- for more collocations, it has to be
20 done in a reasonable way. Particularly if
21 there needs to be space set aside certainly
22 for some more of the community school space
23 and so forth.

24 So I think it is a challenge. I think

1 it is certainly a topic of much further
2 discussion. And -- so ...

3 SENATOR KRUEGER: And what is your
4 understanding of the city's obligation to pay
5 for space costs going forward?

6 CHANCELLOR FARIÑA: It's very
7 expensive.

8 SENATOR KRUEGER: But there was some
9 \$40 million deal, and I'm just curious
10 whether -- and the city would have to pick up
11 more after the \$40 million. So where are we
12 in that reality?

13 MR. ORLANDO: Hi. Good morning.

14 SENATOR KRUEGER: Good morning.

15 MR. ORLANDO: We have been receiving
16 requests from charter schools for space under
17 the law that was passed last year. And the
18 law states that we are to pay up to
19 \$40 million for space for charter schools.
20 And there is -- once we've spent \$40 million,
21 we can get reimbursed by the state 60 percent
22 of the cost of the rent or space that we
23 lease for charter schools. And we would then
24 be picking up 40 percent of the cost.

1 So we have only just begun the process
2 of receiving requests for space under this
3 new policy. So those -- it's to come, I
4 guess.

5 SENATOR KRUEGER: So if I represent a
6 school district -- it happens to be Manhattan
7 District 2 -- that is exceptionally
8 overcrowded and people are begging for
9 additional public school space and then you
10 have to somehow make the decision where
11 you're putting your money into expanded
12 school space, a charter school that applies,
13 you have to say yes. A community that says
14 we love our public schools, we just need more
15 of them because the kids are, you know, doing
16 their special ed program in the bathroom, you
17 don't have to say yes to.

18 Is that the deal that we're in, or
19 the -- is that the place the city is in? You
20 don't have to say yes for a
21 disproportionately overcrowded community
22 public school, but you have to say yes to a
23 charter school?

24 CHANCELLOR FARIÑA: I think it's a lot

1 more complicated than that, and I think we're
2 really trying to strike the right balance.

3 In one of our decisions in terms of
4 space allocation we have made very clear that
5 District 75 students and students with
6 special needs will not be dislocated by any
7 other interest in the school, whether it be
8 another public school or a charter school.
9 So we have started to make certain decisions
10 about where is space available, what does
11 space look like, you know. And certainly
12 revising of the Blue Book is going a long way
13 in dealing with some of these issues.

14 SENATOR KRUEGER: You testified that
15 there's not specified funding for expansion
16 of after-school programs in the Governor's
17 proposed budget. So last year, as I recall,
18 the UPK funds for the city was actually
19 defined as UPK and after-school. And you're
20 saying that this year it's exclusively UPK
21 and not after-school as well?

22 CHANCELLOR FARIÑA: Well, I think the
23 expansion of the UPK will be absorbing --
24 taking a lot of that money. We're

1 anticipating an additional 20,000 seats for
2 UPK to be able to accommodate all eligible
3 pre-K students so that that money for the
4 extension of after-school is not there.

5 MR. ORLANDO: Yes, that's correct. We
6 used a portion of our Foundation Aid to
7 expand after-school for all middle school
8 last year, yes.

9 SENATOR KRUEGER: So how much money
10 did you spend from the state on after-school
11 last year that you'll have to shift to UPK to
12 make sure you can meet that new 20,000
13 target?

14 MR. ORLANDO: The city's Executive
15 Budget expects, forecasts expenses of
16 \$340 million for universal pre-K in the
17 upcoming city fiscal year, 2016 school year
18 and fiscal year. And we spent \$145 million
19 on after-school expansion last year.

20 SENATOR KRUEGER: 145, you said?

21 MR. ORLANDO: 145, yes.

22 SENATOR KRUEGER: The Governor's
23 reform proposals in a variety of places also
24 seem to say there's outside people who should

1 be brought in to evaluate teachers, as
2 opposed to the programs or the
3 superintendents within the schools.

4 Chancellor Fariña, you were famous in
5 my district for being an amazing principal
6 before you later on became the chancellor.
7 In your experience and my experiences, if you
8 have strong principals you end up with great
9 schools, and that we should be doing
10 everything we can to support and encourage
11 people to be principals and let them work
12 with their teachers to make them great
13 teachers.

14 Who else out there in the world is
15 better at doing this that we're going to
16 bring in to do this?

17 CHANCELLOR FARIÑA: Well, one of the
18 reasons that we restructured in the city was
19 to have a clearer line of accountability for
20 who had responsible for whom.

21 So for example, we now have a whole
22 group of new superintendents who are going to
23 hold principals accountable. Which in the
24 case before, that wasn't true. The person

1 who supported the principal and who evaluated
2 the principal were not the same person. Now
3 it will be. So that also means that I'm
4 holding every superintendent accountable to
5 train principals on how to hold teachers
6 accountable. So there's a clear line.

7 And when I go to visit schools, one of
8 the first questions I ask a principal is, you
9 know, who do you think is an extraordinary
10 teacher in this building, and who do you
11 think is a teacher that really maybe should
12 be looking for another career?

13 And I am very much aware that we need
14 to hold everyone accountable. But we can't
15 do it when someone's coming from the outside
16 with a checklist and a board and just going
17 through, I'm looking at your test scores, I'm
18 looking at it -- we need someone who's seeing
19 the teacher over a period of time, sees
20 whether the teacher actually engages with
21 parents, is that teacher working with the
22 neediest kids in the special group.

23 We need someone on the ground who
24 knows the full scheme of that teacher and all

1 the potential. And also a principal who's
2 going to be held accountable that if
3 teachers are having issues in the classroom,
4 how are you supporting them? What are you
5 providing for them? And no one coming from
6 the outside with a checklist, on what I used
7 to call the fly-by evaluations, is going to
8 be able to do that.

9 So I believe strongly in principals
10 must be held accountable for having the most
11 teachers in their buildings, but they also
12 need to be held accountable to making sure
13 that teachers receive the supports they need.
14 So I absolutely believe that holding teachers
15 accountable only on test scores and by
16 outside evaluators is not a good idea.

17 SENATOR KRUEGER: Thank you very much.

18 CHAIRMAN DeFRANCISCO: Excellent
19 comment. Excellent.

20 Senator Montgomery.

21 SENATOR MONTGOMERY: Good morning. I
22 think it's still morning, Chancellor.

23 I just want to start by thanking you
24 for all of the things that you have and

1 resources that you've put into helping to
2 sort of stabilize to some extent the Boys and
3 Girls High School in Bed-Stuy.

4 And just a couple of questions that I
5 have. It's not specific to Boys and Girls
6 High, but certainly we're one of those
7 schools. In the last few, I guess, months,
8 maybe even couple of years, I've heard and
9 learned a lot more about the whole issue of
10 Career and Technical Education schools. And
11 it seems that you are very interested in
12 expanding that part of our system, as well as
13 the Early College programs. So I would just
14 like to ask you to give me some sense of what
15 you're thinking about in terms of the CTE and
16 ways in which we can be helpful in promoting
17 that more and resourcing it more, as well as
18 the Early College programs.

19 I see where the Bard Early College has
20 requested \$11 million. I'm just wondering,
21 where would that put us in terms of New York
22 City and our involvement in the Early College
23 program?

24 CHANCELLOR FARIÑA: Well, first of

1 all, I believe CTE is an answer to our career
2 ready, college ready, because at least
3 students have multiple pathways. They can
4 choose to go right into the workforce, or
5 they can choose to go on to college and then
6 go into the workforce.

7 I think also CTE is an opportunity for
8 many of the companies in New York City to get
9 more actively involved in our schools. So,
10 for example, we already have a lot of CEOs
11 who provide mentorships and internships in
12 their businesses so students not only get
13 ready for work but know how hard it is to go
14 to work. And a lot of these internships
15 teach things like getting to work on time,
16 how to dress, how do you do interviews. And
17 we're moving in that direction.

18 CTE is also how do we, you know, teach
19 kids things such as plumbing, electrical
20 work, computer technology. These are all the
21 CTE programs that have, over time, really
22 shown a lot of progress. And those are the
23 ones we hope to expand. We're looking to do
24 more CTE programs in existing schools, not

1 creating more schools but programs within
2 schools. And as you know, at Boys and Girls
3 High it was one of the things we discussed,
4 having a CTE program within the existing
5 school.

6 So I think this is the way to go. I
7 think partnerships with universities are
8 crucial. I think the partnerships that we
9 have now with P-TECH schools and other --
10 we've asked all the universities in New York
11 City to come up with multiple pathways to
12 make it easier for students to get into their
13 colleges, but also expecting higher -- with
14 higher expectations.

15 This is not about just remedial work
16 or minimal work, but how do you make sure the
17 students in our high schools are receiving a
18 high-quality education so, when they get to
19 college, they're ready to succeed. It's not
20 getting into the college that's the
21 challenge, it's staying there. So a lot of
22 that work is certainly something we're
23 working on. But we're certainly looking to
24 expand and improve our CTE programs.

1 SENATOR MONTGOMERY: That's great.

2 And I just want to raise with you, in
3 relationship to CTE we have the Harbor High
4 School. And it's really very, very exciting
5 and so, I think, amazingly appropriate for
6 New York City to have that kind of school.
7 But they have been talking to us about a
8 middle school which would be a direct -- a
9 more direct feeder into the Harbor School
10 that would be hopefully also located on the
11 waterfront.

12 So I'm just, you know, hopeful that
13 you will begin to look at that as a
14 possibility. And we'd love to be working
15 with you on what we perceive to be an ideal
16 location, which is Red Hook in Brooklyn.

17 CHANCELLOR FARIÑA: Part of the
18 reorganization also is putting affinity
19 groups, who are groups that have similar
20 interests, together with a superintendent.

21 And Urban Assembly, which is a leader
22 in the Harbor School, we've already begun
23 these discussions. They're also doing the
24 oyster project, bringing oysters back to

1 Brooklyn Harbor. So we're seeing, you know,
2 how that might fit in. So those
3 conversations have already begun.

4 SENATOR MONTGOMERY: Great. Thank
5 you. Look forward to working with you on
6 that.

7 CHAIRMAN DeFRANCISCO: Thank you.
8 Senator Flanagan.

9 SENATOR FLANAGAN: Thank you.
10 Good morning, Madam Chancellor.

11 Just essentially a quick question.
12 You spoke to the concept and issue of mayoral
13 control, and that's a very broad term. And
14 what I'm interested in knowing is, are you
15 supporting what the Governor is advancing?
16 Do you want to keep the system intact as is?
17 And if not, will you and the city be
18 advancing your own proposal?

19 And as a second part to that question,
20 the gentleman who will be following you you
21 know quite well, and that's Michael Mulgrew.
22 What if any involvement do you plan on having
23 with the UFT in terms of those discussions or
24 advancement of legislative proposals?

1 CHANCELLOR FARIÑA: Well, I think
2 mayoral control as it stands right now has
3 worked very well for us in the sense of the
4 renewals and the plans that we want to put
5 forth.

6 I think also the one element that in
7 the past was under a lot of discussion was
8 the parent involvement piece. And it's one
9 thing that I've been doing very I think
10 successfully in certainly my year. I have
11 done, since September -- and I have one
12 tomorrow -- 20 town hall meetings around the
13 city where I give immediate feedback back to
14 parents.

15 And the other thing is I have
16 initiated meeting with the CEC presidents on
17 Saturdays. We meet with them on a regular
18 basis to discuss issues.

19 So I think the system as it stands
20 now, as long as we're following the letter as
21 well as the spirit of the law, is actually a
22 very good system. I think sometimes you can
23 have things in writing, but that people don't
24 honor it in the same way. And I've been

1 trying to both honor it and also move more
2 quickly.

3 So I'm very happy with the system the
4 way it is right now, and I don't foresee any
5 major changes as necessary. But we will
6 discuss as we go on.

7 CHAIRMAN DeFRANCISCO: Senator
8 Latimer.

9 SENATOR LATIMER: Thank you,
10 Mr. Chairman.

11 Very nice to meet you, Chancellor, a
12 pleasure.

13 The APPR proposals that are in the
14 Executive Budget, as I understand them -- and
15 correct me, anybody, if I'm wrong -- puts
16 50 percent of the evaluation now on
17 standardized testing and 35 percent of the
18 evaluation from external individuals or
19 entities that are not directly involved in
20 the setting of the standards through your
21 office, which then leaves 15 percent of the
22 evaluation within the general control of the
23 school district, in this case your office.

24 Is that, in your judgment, an

1 appropriate level of involvement and control
2 given the efforts that you and your
3 administration have made to try to correct
4 problems and deficiencies?

5 CHANCELLOR FARIÑA: I don't believe it
6 is. I think 50 percent based on tests is too
7 much. I think it creates more of a high
8 stakes for testing that in any given day, any
9 one child could be taking a test and any
10 number of things can happen.

11 We need a human touch any time we
12 evaluate anyone for anything. And I think
13 making it that high of a percentage is really
14 negating the fact that there are people in
15 the system who can evaluate better by walking
16 the building.

17 So I do believe in testing. I believe
18 kids should be up to a challenge; life is
19 always about challenges. But the right
20 percentage is the right percentage and the
21 wrong percentage is the wrong percentage.

22 SENATOR LATIMER: Thank you.

23 If I may, Mr. Chairman, one additional
24 set of questions.

1 Senator Krueger referenced some of
2 these, and I guess there will be a letter
3 going to the State Education Commissioner on
4 these. But there is a procedure that has
5 been established in this budget, were it to
6 be adopted in its current form, that creates
7 a receiver position to take over
8 responsibility for failed schools.

9 Have you had a chance to read the
10 proposal in the Executive Budget, and do you
11 have any thoughts about whether that is an
12 acceptable procedure? Does it take authority
13 away from, again, your administration of your
14 school district?

15 CHANCELLOR FARIÑA: I think that local
16 authority, done with accountability and
17 responsibility, is the way to go. Certainly
18 in the 94 schools -- and I'll refer back to
19 Senator Montgomery. Two of the schools that
20 are out of six out-of-time schools right
21 now -- one of them, being Boys and Girls
22 High, has done a remarkable job simply by the
23 fact that we brought the community in for
24 some feedback. We actually made the

1 community accountable for helping us be
2 successful at that school.

3 The principal of the school is no
4 longer the principal of the school. We
5 brought in a successful principal in an
6 ambassadorship program that we were able to
7 do with the CSA. And that principal is
8 now -- every teacher in that building has to
9 reapply for their job. And many of them will
10 not get the job coming forward.

11 So we feel we have done a very good
12 job of changing the rules both in the UFT and
13 the CSA contract. We have now created
14 something called ambassadorship principals,
15 which will be successful principals who will
16 also manage an unsuccessful school for a
17 duration of a year with support from their
18 school in terms of working.

19 Recently Chancellor Tisch came to
20 visit one of our other out-of-time schools,
21 Automotive, and could see that the things
22 that we're putting in are actually showing
23 results.

24 So I think local control, when imbued

1 with responsibility and really certain -- you
2 know, you expect to see a target and you
3 expect to see progress over time, and we
4 should be held accountable for that. But I
5 really think the way we're moving in this
6 direction really shows how committed we are
7 to making change, and I wouldn't want to see
8 a child in a school that is not performing
9 well over time.

10 SENATOR LATIMER: Thank you, Madam
11 Chancellor.

12 Thank you, Mr. Chairman.

13 CHAIRMAN DeFRANCISCO: Thank you very
14 much. I think that's it.

15 We're missing a few members of the
16 joint committee since they're doing something
17 else right now in their chamber, or have done
18 something else right now. But thank you very
19 much for your time.

20 CHANCELLOR FARIÑA: Thank you.

21 And thank all of you for your support,
22 because there's nothing more important in
23 this country than education. And getting all
24 our kid educated is solely my goal. So thank

1 you very much.

2 SENATOR KRUEGER: Thank you.

3 CHAIRMAN DeFRANCISCO: Very good.

4 Georgia, are you ready? We can go to
5 the next one, it's up to you.

6 By request of the Assembly, we're
7 going to skip the next two speakers so more
8 members will be here, and I'm inviting down
9 Georgia Ascitutto and various superintendents
10 up from the Big 5.

11 Let's go, lady and gentlemen.

12 MS. ASCIUTTO: Just trying to get all
13 our members together, thank you.

14 CHAIRMAN DeFRANCISCO: Okay.

15 MS. ASCIUTTO: I asked them to be
16 cooperative, but --

17 CHAIRMAN DeFRANCISCO: Yeah, we're
18 getting you out of here early, you should run
19 down.

20 Are there any other superintendents
21 that are supposed to speak? If there are,
22 can you come on down and join us?

23 All right, Georgia, why don't you
24 start, and when she gets down here we'll deal

1 with that.

2 MS. ASCIUTTO: Hi, good afternoon.
3 Thank you. My name is Georgia Asciutto. I
4 am the executive director of the Conference
5 of Big 5 School Districts. Thank you for the
6 opportunity today, Chairman and respective
7 members of the panel.

8 I am joined today by Dr. Bolgen
9 Vargas, to my right, superintendent of the
10 Rochester City School District, and
11 Dr. Michael Yazurlo, to my left, Yonkers
12 Public Schools superintendent. We will soon
13 be joined by Ms. Sharon Contreras from the
14 Syracuse School District. She's parking,
15 she'll be here momentarily, I apologize.

16 And unfortunately, the Buffalo and
17 Utica City School Districts, who we also
18 represent, were unable to be here today.

19 CHAIRMAN DeFRANCISCO: Excuse me.
20 Could we have a little order, because we
21 can't hear her. We'd like to get out before
22 8:00 tonight. Thank you.

23 MS. ASCIUTTO: I will be brief, and
24 then I'm going to turn it over to my

1 distinguished panel members here so that they
2 can address their local issues and the
3 Governor's budget.

4 The Executive Budget would increase
5 school aid by just over \$1 billion, which
6 clearly falls far short of what is needed,
7 particularly for high-needs school districts.
8 The state's fiscal outlook is much improved,
9 and revenue projections moving forward are
10 positive. We urge the Governor and the
11 Legislature to provide a minimum of
12 \$2 billion on a year-to-year increase in
13 school aid. We have joined with other
14 members of the Educational Conference Board
15 in doing so.

16 We also call upon the Governor to
17 immediately release school aid runs.
18 Senator, as you referenced earlier, they are
19 necessary to assist all school districts in
20 their preparation and planning at the local
21 level, which that process has already begun.
22 Furthermore, we believe school districts
23 should not be held hostage to state budget
24 negotiations over which they have no control.

1 Receipt of an increase in school aid
2 should not be linked to district adoption of
3 a revised APPR plan, as is set forth in the
4 Governor's budget. Our districts are heavily
5 reliant on state funds, and we understand our
6 cities are also struggling. We do not have
7 expectations that our cities will be able to
8 increase their local share contributions.

9 Each of our six districts have
10 demonstrated improvement in student
11 achievement, and we know more progress is
12 necessary. So additional funding for our
13 at-risk pupils with programs and services
14 targeted for them is what we are seeking.

15 Furthermore, our teachers and
16 administrators continue to need and are
17 dependent on a greater reliance for
18 professional development opportunities,
19 particularly as we implement the continuing
20 Common Core standards. So we do recognize
21 the Governor's new initiative for
22 professional development, and we look forward
23 to working on those details. And we are
24 supportive of those programs. Professional

1 development is critical in light of the loss
2 of the Race to the Top funding.

3 All of our districts are experiencing
4 enrollment growth, particularly in areas of
5 newly arrived immigrants. And in fact, the
6 Big 5 collectively educate about 75 percent
7 of New York State's English language learners
8 and limited-English-proficiency pupils.

9 The Board of Regents has recently
10 adopted new regulatory requirements for
11 serving this population of students, and we
12 are mindful that those will be additional
13 costs on our school districts beginning in
14 the next school year.

15 Our districts still have a multitude
16 of challenges that we are facing. Our
17 schools are struggling with rates of high
18 student mobility, homelessness, students
19 living in poverty and in temporary shelters.
20 Many of our pupils have limited access to
21 health and mental health services. Our
22 districts provide valuable health services
23 for their students, as required by law, and
24 we would urge that additional targeted and

1 expanded funding for school health be
2 included in the adopted budget.

3 As you know, our student poverty rates
4 are high. And in keeping with the Regents'
5 recently adopted Multiple Pathways to
6 Graduation, we are trying to expand our
7 Career and Technical Education programs, and
8 particularly where we have very high success
9 in these programs. And we would encourage
10 that the Legislature expand this Special
11 Services Aid, which is targeted to
12 non-component school districts for Career and
13 Technical Education, and bring that aid down
14 to ninth-graders, because we are starting
15 ninth-grade students in the career pathways.

16 And then I just want to just mention,
17 lastly, that we recognize that charter
18 schools are a choice by parents. And we
19 would recommend that there be an additional
20 tier on the charter school transition aid, a
21 fourth tier, because some of our districts do
22 have very high concentrations of pupils in
23 charter schools.

24 But we also want to point out that the

1 charter school supplemental basic per-pupil
2 tuition included in the Governor's budget is
3 recommended for an increase over what was
4 negotiated last year on top of it, and we
5 think that that should be rejected until such
6 time as the charter school tuition formula is
7 revised to remove the legacy costs that are
8 embedded in the per-pupil tuition rate.

9 And that said, I'm going to turn it
10 over to my colleague Dr. Bolgen Vargas.

11 SUPERINTENDENT VARGAS: Thank you for
12 having me here. It is a privilege, and I
13 want to thank each one of you for the
14 extraordinary support that you have given the
15 Rochester City School District.

16 The Rochester City School District is
17 using our action plan to drive change, which
18 we are in desperate need of improvement. Our
19 district has an action plan, again, that is
20 guiding our work and is yielding some
21 results. However, no amount of money can
22 overcome the administrative barriers that
23 handcuff my ability to drive change urgently
24 which we need in our district.

1 adjustments. However, that didn't go far
2 enough.

3 So I'm asking for best practices to be
4 put in place so that the management of the
5 school system at the central office level --
6 and I just want to make a distinction here --
7 at the central office would be nonunionized
8 and would serve at the pleasure of the
9 superintendent, so that I will have the
10 flexibility and accountability needed to
11 drive the changes the way I seek in
12 Rochester.

13 For example, if you were to compare
14 the Rochester City School District, which has
15 6,000 employees, with the City of Rochester,
16 which has about half of the workforce, the
17 mayor of the City of Rochester has the power
18 to appoint over 340 individuals. Compare
19 that to my ability, with a budget of
20 \$800 million, and over 30,000 students, I
21 only have the ability for 40.

22 So needless to say, it is extremely
23 difficult for any superintendent to drive the
24 changes that are necessary to run an

1 effective, efficient system.

2 So let me just conclude briefly, and I
3 will take any questions. The current system
4 is inflexible, ineffective and inefficient to
5 run a system that is charged with the future
6 of our community and the future of this state
7 as dependent on the children. So I urge you
8 to please help us put in place a management
9 system that will be responsive to families,
10 it will be responsive to students, it will be
11 responsive to the people that work in the
12 system.

13 Lastly, but not least, I will give to
14 you in writing the requests that we are
15 making for we are making some changes, like
16 we are going to have one of our schools that
17 is going to be managed by the University of
18 Rochester, which by the way is a totally
19 different management structure which I
20 recommended a year ago.

21 I am happy to tell you that we are
22 breaking ground in that regard, but we need
23 further action and I need your help to make
24 sure that we bring a management system that

1 will be more responsive to the needs of our
2 society in the 21st century rather than a
3 management system that was designed for the
4 turn of the century, or the 20th century.

5 Thank you.

6 MS. ASCIUTTO: Dr. Yazurlo.

7 SUPERINTENDENT YAZURLO: Good morning,
8 honorable legislators. I also want to thank
9 you for your time and the opportunity to
10 speak candidly about the state of education
11 in the Yonkers City School District. It is
12 my privilege to advocate for the education of
13 over 27,000 children in Yonkers, and our
14 enrollment is projected for continuous growth
15 through 2021.

16 I want this assembly to know I came
17 out of retirement for this, so I sit here
18 with my heart maybe sometimes overruling my
19 head. But I look in the eyes of those
20 children every day in Yonkers, and they need
21 your help. They desperately need your help.

22 Over the past year, as Yonkers
23 superintendent of schools, I've had to
24 occasion to celebrate the district's

1 incremental gains in academics. And I'm
2 proud to say that of the Big 5, our
3 graduation rate is the highest, even against
4 all odds -- and we're only a few points away
5 from the state average, including all the
6 high schools.

7 There has been incremental gains in
8 academics, and these gains are why I believe
9 increased educational funding for Yonkers is
10 a very wise investment for the State of
11 New York. Over the long term, the dividends
12 will far surpass the investment. You have an
13 opportunity to significantly contribute to
14 the economic future of our great state by
15 providing a sound basic education for
16 students in the Yonkers public schools. The
17 dividends will be a well-educated future
18 citizenry prepared to pay back as productive
19 employees and residents.

20 What I'm looking for as the
21 superintendent of Yonkers is equity with the
22 surrounding school districts in Westchester
23 County. My kids deserve equity. And when I
24 give you some statistics, you'll see they

1 don't have it.

2 Yonkers' funding challenges and
3 mirrors the Big 5 city school districts, with
4 one unique distinction. Our students reside
5 in one of the wealthiest counties in
6 New York. Inequitable state funding, imbued
7 with fundamental formula flaws for Yonkers,
8 coupled with the financial difficulties that
9 have loomed heavily on the City of Yonkers
10 for far too many years, withered staff and
11 debilitated facilities. We must repair the
12 damage done over years of fiscal crisis and
13 rebuild to deliver State Education Department
14 mandates. It is a challenge that is embraced
15 at the local level and must also be embraced
16 and shared by the state.

17 A few key points I'd like you to
18 please consider for Yonkers students as you
19 begin this 2015-2016 budget distribution.
20 Too many years have gone by, and too many
21 children have not had the benefit of an
22 appropriate public education. Our projected
23 deficit for 2015-2016 is currently at
24 \$89 million. If this gap were closed, it

1 would allow us to staff our schools as they
2 were staffed back in 2010, even though we
3 have over 2,000 additional students in the
4 district and project additional enrollment
5 growth.

6 CHAIRMAN DeFRANCISCO: Excuse me one
7 second. You're on page 1. You've got three
8 pages.

9 SUPERINTENDENT YAZURLO: It's been
10 summarized. Okay.

11 CHAIRMAN DeFRANCISCO: All right,
12 good. I just want to make sure you get the
13 important parts out.

14 SUPERINTENDENT YAZURLO: Okay, thank
15 you.

16 The gap that we have includes the
17 \$28 million Yonkers received this year as a
18 one-shot that must be reallocated as annually
19 recurring revenue, making it part of a
20 primarily funding solution. We need to
21 address Yonkers' significant school
22 facilities' needs, an aging infrastructure
23 with buildings that have an average age of
24 74 years, and an ever-growing need for

1 additional instructional space. Solutions
2 were accomplished in other large cities
3 across the state; it's now Yonkers' time for
4 equitable support.

5 As you restructure APPR, do not use
6 this as an opportunity to withhold
7 educational funding from districts such as
8 Yonkers. With expired teacher collective
9 bargaining agreements, we cannot be held
10 hostage during contract negotiations to an
11 unrealistic state deadline requiring local
12 union approval of APPR. APPR must be a fair,
13 equitable and accountable professional
14 evaluation system that truly will improve
15 teaching and learning. If APPR is a
16 condition for additional funding, then we are
17 willing to accept one that is provided by the
18 state.

19 I want to share a few quick details
20 with you, and that is I spoke about inequity
21 for our children. I want you to know that
22 the ratio of guidance counselors to children
23 in Yonkers is 827:1. Psychologists, 1150:1.
24 And social workers, 2405:1. At these levels,

1 it's impossible to provide the
2 social-emotional needs of those children.

3 There is no elementary instrumental
4 music program. I supported myself through
5 college, my master's and my doctorate by
6 being a musician. These children will never
7 have the chance.

8 We need to hire an additional 16
9 bilingual teachers just to cover the rising
10 numbers in that area. We need to hire, right
11 now, 46 additional special-education
12 teachers.

13 When we did a building facilities
14 plan, it is estimated that the total cost to
15 get the buildings up to standards would be
16 \$2 billion. Just in repairs, it's \$500
17 million to \$600 million.

18 Ladies and gentlemen, as I close, I'd
19 like to close with an inspiration I received
20 many years ago as a young man when another
21 young man was seeking the candidacy for
22 President of the United States. I was
23 watching TV, and Robert F. Kennedy came to
24 the podium, and he said something back then

1 that I've lived by. And what he said was:
2 "Some people look at the world the way it is
3 and say why. I prefer to look at the world
4 the way it could be and say why not."

5 I'm asking you, our state legislators,
6 to join me in saying why not to the City of
7 Yonkers.

8 Thank you for your time.

9 CHAIRMAN DeFRANCISCO: All right, I'm
10 going to -- I know the superintendent from
11 Syracuse was delayed and didn't expect to be
12 going on this early because we skipped over
13 two relatively long speakers. We have the
14 chief financial officer from Syracuse. Is
15 there anything you want to add?

16 MS. SLACK: Do you want me to come
17 down?

18 CHAIRMAN DeFRANCISCO: Yeah, one of
19 these gentlemen will give you a seat, no
20 doubt about it.

21 Hopefully it's something that hasn't
22 been said.

23 MS. SLACK: I will be brief, I
24 promise. Yes, thank you.

1 Good morning. I'm Suzanne Slack, CFO
2 for the Syracuse City School District.

3 Syracuse is implementing key strategic
4 initiatives aligned with the New York State
5 reform agenda, and we are making progress.
6 For the first time since New York State
7 adopted the federal model for calculating
8 graduation rates more than six years ago, the
9 district's four-year graduation rate has
10 exceeded 50 percent. Additionally, for four
11 consecutive cohorts the dropout rate has
12 decreased from 27.3 percent in 2005 to just
13 under 16.5 percent this year. While we still
14 have far to go, we are making significant
15 progress.

16 Already on page 2. A minimum state
17 aid increase of \$12 million would bring our
18 state aid request to a total of
19 \$294.2 million, a 2 percent increase over the
20 current year budget. I ask for your
21 continued support by helping us achieve the
22 level of funding required for us to continue
23 on the important work of educating the
24 students in our high-need district.

1 I would like to address the Governor's
2 APPR proposal, specifically the elimination
3 of the local-measures component of the
4 Section 3012C of Education Law.

5 The superintendent is here. I was
6 wondering, Mr. Chairman, could I give up my
7 seat to Superintendent Sharon Contreras?

8 CHAIRMAN DeFRANCISCO: Superintendent,
9 she's doing a great job.

10 Would you like to continue?

11 SUPERINTENDENT CONTRERAS: Hello.

12 CHAIRMAN DeFRANCISCO: She was giving
13 your presentation. Can you extemporaneously
14 tell me what you want to emphasize? We got
15 the prepared presentation; we just wanted to
16 give her the opportunity. We understand you
17 didn't expect to go on this early. Neither
18 did I expect you to. So don't worry about
19 that. But if there's a couple of points you
20 want to make, we'd appreciate it.

21 SUPERINTENDENT CONTRERAS: Thank you.

22 I would like to address the Governor's
23 APPR proposals, specifically the elimination
24 of the local-measures component of

1 Section 3012C of the Education Law.

2 In February 2014, I sent a letter to
3 Governor Cuomo proposing amendments to the
4 current APPR law. I would like to reiterate
5 those recommendations.

6 I agree that the local-measures
7 component should be eliminated. However, I
8 propose that the percentage of a composite
9 score that is based on student achievement
10 measures be reduced to 30 percent, with the
11 remaining 70 percent based on professional
12 practice.

13 I propose that the full 30 percent be
14 based upon student growth data on state
15 assessments, rather than absolute proficiency
16 levels. A schoolwide student growth measure
17 will promote professional learning
18 communities where every faculty member is
19 working toward the improvement of student
20 academic performance irrespective of what
21 they teach. The Legislature could require
22 that SED develop a schoolwide growth measure
23 that would assign every school a growth score
24 each year.

1 Removing the local-measures component
2 of APPR will minimize the significant
3 differences between currently approved APPR
4 plans across the state, decrease the burdens
5 placed on districts and teachers by the
6 local-measure component and, most
7 importantly, reduce unnecessary testing of
8 students.

9 Since 2011, our goal has been to
10 implement an objective, fair and equitable
11 rating system that provides supports to
12 teachers to improve their practice. However,
13 the local-measures component of the law has
14 in practice created significant challenges
15 for our district. The monumental task of
16 printing, packaging, distributing and scoring
17 assessments has consumed three of the
18 district's divisions. The demand to showcase
19 that implementation with fidelity has become
20 very difficult.

21 I also agree that there needs to be
22 modifications to how classroom observations
23 are conducted. The proposal to have a
24 portion of classroom observations performed

1 by an external evaluator would increase the
2 reliability of these observations. I
3 believe, however, that the principal, as the
4 instructional leader of each school, must
5 retain ultimate responsibility for assisting
6 teachers in improving classroom practice.

7 In SCSD we utilize teacher/peer
8 evaluators who provide specific feedback to
9 classroom teachers on subject content. If
10 three observations were required for each
11 teacher, the principal should conduct one. I
12 recommend that the other two observations be
13 conducted by a teacher evaluator and one by
14 an external evaluator. We want a teacher
15 evaluation system that identifies strengths
16 and areas for growth and overall levels of
17 performance as accurately as possible while
18 supporting, not detracting from, our core
19 business.

20 I am committed to continuing to
21 partner with the State Assembly and State
22 Senate to support public education, and thank
23 you for this opportunity to present to you.

24 CHAIRMAN DeFRANCISCO: Thank you.

1 The chairman of the Education
2 Committee, John Flanagan.

3 SENATOR FLANAGAN: Very quickly. Two
4 questions.

5 Superintendent from Rochester, you
6 talked about you have 40 employees that are
7 at your disposal. If you had the opportunity
8 to make the change you want, which I believe
9 will be extremely difficult to achieve, what
10 are you going to do differently?

11 SUPERINTENDENT VARGAS: I will
12 allocate resources differently. For example,
13 right now I am spending about close to
14 \$3 million in vacation cash-out time for
15 administrators and others, and I don't have
16 the flexibility even to tell someone that you
17 cannot go five years without taking vacation
18 without having to have a fight.

19 Now, when you have those type of
20 fights with your administrators, just think
21 about it. The managers, who are supposed to
22 be leading by example, what do you expect for
23 the people on the ground when they look up to
24 me and up to the central office for examples?

1 For instance, yesterday I had about
2 just 40 people, plus a few others, available
3 to me because it was a snow day. Now, a snow
4 day, I believe in it. They're good for
5 children. But it could have been a great day
6 for planning, it could have been a great day
7 to call parents, it could have been -- let me
8 put it in one word. The system will be more
9 flexible, it will be more effective, and it
10 will be more efficient. The current system
11 is ineffective, inefficient, and inflexible.

12 Let me -- if I want to have a parent
13 meeting at 7 o'clock, I would have to pay
14 extra for an administrator. Now, many of
15 them show up without asking for additional
16 pay. But the reality is that I have too many
17 that do ask for pay for extra time. Ninety
18 minutes past the school day I cannot ask an
19 administrator to be available to work. And
20 they are professionals.

21 Mind you, that the average salary for
22 an administrator in the Rochester city school
23 district -- and I'm talking about salary, no
24 benefits -- is over \$100,000. And it is a

1 profession, and I like to treat them like
2 professionals. And therefore, I need them to
3 be flexible, to create a flexible system that
4 responds to the needs of children.

5 SENATOR FLANAGAN: Thank you.

6 CHAIRMAN FARRELL: Question? Mr. Ra.

7 ASSEMBLYMAN RA: Georgia, could you
8 just elaborate a little bit? You spoke about
9 English language learners. And, you know, as
10 we know, you have a very large percentage of
11 the English language learners in this state
12 going to the Big 5 school districts. Could
13 you elaborate a little more just in terms of
14 what the cost of that change in the
15 regulations from SED would be?

16 MS. ASCIUTTO: We will be analyzing
17 that by district, by each of the six
18 districts. I'd be happy to provide that to
19 you as soon as it's available.

20 In part, the new regulations would
21 require bilingual education classes in any
22 grade where you have at least 20 pupils
23 speaking that one particular language. So we
24 will have to be adding new teachers. And

1 these are teachers that are in a shortage
2 area right now, bilingual. Some of our
3 districts have difficulty recruiting in the
4 languages of the students that they're
5 serving.

6 So we will try our best to put some
7 type of measurement together for you about
8 what the costs would be based upon our
9 expected ability to implement it.

10 ASSEMBLYMAN RA: Okay. And also, you
11 know, with regard to the same English
12 language learners, last year as we were going
13 through the budget there was a lot of talk of
14 this being one of the populations that, you
15 know, we didn't necessarily give a lot of
16 flexibility, accommodations, resources with
17 regard to Common Core as we were moving
18 forward. And there were some initiatives
19 from the State Education Department to help
20 remedy this.

21 How has that played out with regard to
22 your school districts in terms of, you know,
23 providing additional resources, both
24 financial and, you know, actual -- whether

1 it's modules or things like that, to help
2 those students move forward with the new
3 curriculum?

4 MS. ASCIUTTO: Well, I'm going to try
5 my hand at it and then defer to my
6 colleagues. But we haven't received yet the
7 translations in some of the Common Core
8 curricula, particularly in middle-school math
9 that we've been talking about over the past
10 years, the languages that are predominant in
11 our schools. But I will defer to my
12 colleagues on that.

13 Anyone want to take a stab at that,
14 about Common Core translations?

15 SUPERINTENDENT VARGAS: That is a
16 serious challenge that Georgia is talking
17 about, and that is having the material
18 translated. And also, as you heard my
19 colleagues mention, we also have a challenge
20 finding teachers and others that can help
21 with the needs of the bilingual population.

22 And we need to -- for the most part,
23 New York State traditionally, at least in my
24 district, there has been a significant

1 portion of our bilingual population that have
2 been Spanish-speaking. And that is changing,
3 at the same time that the standards are
4 changing. And we just don't have sufficient
5 resources to plan well and execute well.

6 SUPERINTENDENT CONTRERAS: I believe
7 that it would assist. However, what is more
8 important is that we provide parents with
9 actual training sessions on how to implement
10 the lessons within the Common Core. To just
11 have the document would be pretty meaningless
12 even if it is in their home language. They
13 actually need initiatives like Parent
14 University that we have in the Syracuse City
15 School District, where we go through each
16 unit of the Common Core and help parents
17 understand Common Core English language arts
18 and Common Core math.

19 SUPERINTENDENT YAZURLO: The one thing
20 I would add is if we had sufficient resources
21 and teachers -- and, as my colleague said,
22 administrators -- I believe that we could
23 teach above the Common Core. I think the
24 Common Core is a baseline, and we can do

1 better. But we need the resources to do
2 better.

3 We certainly have the creativity, and
4 we certainly have people whose hearts are in
5 the right place. But when they turn to find
6 a few dollars for something they may want to
7 bring to the classroom, it's not there.

8 So again, to me, and from Yonkers, the
9 resources are key to us to continue the
10 growth that we've seen over the past couple
11 of years.

12 ASSEMBLYMAN RA: And lastly, with
13 regard to that same student population,
14 should the Governor's initiative move forward
15 with APPR in going to 50 percent? What do
16 you foresee the consequences being with
17 regard to English language learners who maybe
18 are still -- we're trying to get those
19 different resources for them, and then you're
20 going to have, you know, their teachers
21 having 50 percent of their evaluations based
22 on the state standardized tests where we're
23 not having the proper resources to make sure
24 those English language learners are being

1 brought up to speed with the Common Core?

2 SUPERINTENDENT CONTRERAS: So I did
3 propose that, again, only 30 percent of the
4 state evaluation be based on test scores and
5 it should be based on growth scores, on
6 student growth, not on absolute proficiency.

7 Certainly we need to make sure that
8 teachers are adequately prepared with the
9 Common Core, but I think what would be
10 helpful is if there were more than just the
11 3rd through 8th grade teachers being held
12 accountable for the student assessment
13 results.

14 In the proposal that was presented
15 last year, and I stand by that, I propose
16 that there is one growth score for every
17 adult in the building. And SED can come up
18 with such a measure that is built upon the
19 many pieces of data that are available to us
20 and to SED. But I believe that we have to
21 remove that local piece, which is distracting
22 us from the purpose we have of improving
23 classroom instruction.

24 ASSEMBLYMAN RA: Okay, thank you.

1 CHAIRMAN FARRELL: Thank you.

2 Senator?

3 CHAIRMAN DeFRANCISCO: Senator

4 Stewart-Cousins.

5 SENATOR STEWART-COUSINS: Thank you.

6 Thank you so much. It's always good to hear

7 from the front lines how things are going.

8 And of course I want to thank all of you for

9 taking the time and making the presentations.

10 And I do want to give a special nod to

11 the superintendent from Yonkers, my hometown,

12 and just congratulate Superintendent Yazurlo,

13 Dr. Yazurlo, for stepping in in a very, very

14 difficult time.

15 We were here last year and had a

16 crisis, and then there was another crisis

17 that unfolded due to, as we came to find out,

18 a mathematical error that put us behind again

19 in Yonkers, about \$50 million. And there

20 were a lot of creative things that happened

21 in order to keep things on track, and you

22 stepped in to make sure that you would lend a

23 steady and an experienced hand to keeping us

24 going forward.

1 So now we're here and there are
2 challenges that we have yet to meet. And I
3 wanted you first of all to be assured that we
4 are partners with making sure that, again,
5 the educational goals that we all have for
6 our children are met. And I've always been a
7 person that says I don't understand a
8 one-size-fits all and, even though you're the
9 Big 5, there are different needs in every
10 district as well. And I wish we did a better
11 job of really honing in on making sure that
12 each of these areas that are educating so
13 many of the state's children are really doing
14 it with the resources they need.

15 You mentioned the fact that the music
16 wasn't offered. And as I'm looking through
17 the synopsis, I also see that there's no
18 junior varsity for boys or for girls in the
19 City of Yonkers. That there's -- the visual
20 arts and performing arts programs aren't
21 there, there's a 645:1 ratio.

22 So not only are we talking about the
23 basic educational resources that, according
24 to what I'm hearing, aren't really there in

1 terms of having the teachers or having the
2 resource material ready, the things that are
3 also, as you said, those magnets that keep
4 kids sometimes in school buildings in a place
5 like Yonkers, you know, is not present.

6 So you've made -- your pitch is
7 \$89 million, and you also talked about
8 74 buildings that are under par -- I think
9 the average building, rather, is 74 years
10 old. And there's I guess over 30 buildings
11 that need to be rebuilt. And you were saying
12 that it happened for other places in the
13 state and it could maybe happen for Yonkers.
14 What would be your vision? How could we best
15 help you, say, in terms of the
16 infrastructure? What would you need to see
17 from us?

18 SUPERINTENDENT YAZURLO: Well, I know
19 the mayor of Yonkers is putting together a
20 proposal for \$2 billion to bring our schools
21 into the 21st century. A lot of them do not
22 have ADA accessibility, windows don't open,
23 boilers are not working properly. They'll
24 just run constantly, and it gets up to 90

1 degrees in some classrooms. It's not healthy
2 for the children, they fall asleep.

3 So he's aware of that. And we meet
4 every week, and he's putting together this
5 proposal to address all the needs. If we
6 just were to do minimum repairs, I would need
7 right now between \$500 million and
8 \$600 million just to repair things that are
9 dysfunctional in our buildings.

10 SENATOR STEWART-COUSINS: So I was
11 just wondering in terms of the state, then --
12 thus the city is doing something, but is
13 there something that you think the state
14 could be helpful in terms of the
15 infrastructure for the school buildings,
16 then?

17 SUPERINTENDENT YAZURLO: I think they
18 have been, but there have been so many years
19 of not keeping up that it's now come to be,
20 you know, of monstrous proportions.

21 I think what the state can do, when
22 Mike Spano is ready to present his
23 proposal -- I know he's going to bring it to
24 the state -- is for the state to look

1 favorably on it and look to provide us with
2 the same kind of support that they've given
3 to Buffalo, so that we can get this work
4 done.

5 SENATOR STEWART-COUSINS: So you're
6 talking about a -- you want a larger return
7 on the investment of the -- you want a larger
8 match from the state than currently exists,
9 possibly.

10 SUPERINTENDENT YAZURLO: If we can get
11 increased State Building Aid for just that
12 project, I think it would be very, very good.

13 SENATOR STEWART-COUSINS: That's what
14 I was just wondering. So it's increased
15 State Building Aid for the project.

16 SUPERINTENDENT YAZURLO: Yes. And I
17 was successful in doing that when I was the
18 Tuckahoe superintendent. We were able to go
19 to the state and they did grant us, they
20 actually put it in the Governor's budget,
21 increased state aid forever. And I'm not
22 saying forever, I say let's look at this
23 project and give us the state aid to make it
24 happen and then we're on our own again.

1 SENATOR STEWART-COUSINS: Okay. Thank
2 you very much.

3 SUPERINTENDENT YAZURLO: Thank you.

4 SUPERINTENDENT CONTRERAS: Senator, if
5 I could add to that, there is an area you can
6 help us with. And that is with respect to
7 the Building Aid and repairing schools,
8 renovating schools in phases.

9 So right now we cannot renovate an
10 entire school. We have to do the exterior
11 and then five years later do the interior. A
12 student will be graduated from high school
13 and will never experience having a
14 21st-century school. I think we can do
15 better for the children of New York State by
16 updating the Building Aid formula.

17 SENATOR STEWART-COUSINS: Thank you
18 very much. Thank you.

19 CHAIRMAN FARRELL: Thank you.
20 Assemblywoman Mayer.

21 ASSEMBLYWOMAN MAYER: Thank you.

22 And I want to echo my colleague
23 Senator Stewart-Cousins and thank you all for
24 coming. A special thank you, of course, to

1 Dr. Yazurlo and the great progress you've
2 made in the last year under difficult
3 circumstances for our students in Yonkers.
4 And for your team, thank you very much for
5 the actual work in caring about the children
6 that we serve.

7 I have a few questions on the ratios
8 of pupil support, which is really a very
9 unfortunate fact of life in Yonkers. But you
10 have experience outside of Yonkers, you were
11 the superintendent of Tuckahoe, which is a
12 more affluent small school district. So our
13 guidance counselor ratio, according to your
14 testimony, is 827:1, so one guidance
15 counselor per 827 students.

16 What is the desired or optimal ratio
17 for guidance counselors?

18 SUPERINTENDENT YAZURLO: If you're
19 going to push the envelope, I would say
20 250:1. And that's pushing the envelope. I
21 would love to see less than that, but we
22 could live with 250.

23 ASSEMBLYWOMAN MAYER: And under the
24 current ratios that you have for guidance

1 counselors, psychologists and social workers,
2 how are we managing to meet the needs of
3 particularly our students with significant
4 social or emotional needs, other than sort of
5 cobbling together the best you can? What is
6 the experience of students in the inability
7 of the district to meet their needs because
8 of our inadequate resources?

9 SUPERINTENDENT YAZURLO: Well, I think
10 that every incident of aberrant behavior may
11 have been derailed had that child had someone
12 to talk to or had a social worker or
13 psychologist been aware that something had
14 happened in that child's life and they can
15 intervene.

16 So I think we'd see a tremendous
17 reduction in disciplinary referrals and
18 superintendents hearings and suspensions. We
19 just don't have it.

20 I was just told this morning that my
21 assistant superintendent for special
22 education is probably going to have to hire
23 15 to 25 outside psychologists just to do the
24 annual reviews which is mandated for special

1 ed. We don't have the people to do it. But
2 we still have to make sure we're looking at
3 these children and how they're progressing,
4 and we need psychologists to be on those
5 teams to make that happen.

6 So, you know, I hate to say this, I
7 hate even for these words to reverberate in
8 this chamber, but we're not doing what we can
9 for children because we don't have the staff.
10 And the current staff is a result of over
11 600 layoffs back in 2010 just to balance the
12 budget, and we haven't recovered since.

13 MS. ASCIUTTO: Right. Assemblywoman
14 Mayer, could I also add to that? We also
15 support and have had introduced legislation
16 to expand the Building Aid formula, like
17 Senator Stewart-Cousins just referenced, for
18 the Big 5 city school districts to allow us
19 to capture some reimbursement for health and
20 mental health clinics in our schools, up to a
21 maximum of 2000 square feet. And that may
22 also complement what the superintendent just
23 addressed.

24 ASSEMBLYWOMAN MAYER: Right. On the

1 issue of junior varsity sports, Yonkers
2 appears -- I believe is the only district in
3 Westchester that has no junior varsity
4 program. For a child that wants to
5 participate in sports that goes through the
6 junior varsity or the intermediate school
7 time, how are they able to participate in
8 varsity if they didn't have the experience of
9 getting better in the younger grades?

10 SUPERINTENDENT YAZURLO: Not very
11 well. And as a matter of fact, what we did
12 is that the football teams in Yonkers -- we
13 have eight high schools. We only allowed
14 them to play each other, because they were
15 equally unprepared to face interscholastic
16 competition. So there's something called the
17 Hudson River League, and our high schools
18 play each other. Except for one high school,
19 and that's Yonkers Montessori, it plays
20 outside in Section I.

21 But our kids are not prepared and I
22 won't risk their safety by having them go on
23 a football field unprepared, undisciplined
24 and uncoached.

1 ASSEMBLYWOMAN MAYER: Understood.

2 One of the other parts of your
3 presentation is the high cost of
4 out-of-district placement for special ed
5 students which you referred to earlier. I
6 think you gave an estimate of \$27.8 million
7 as the cost of your out-of-district programs
8 for students, and you're going to continue to
9 have more of them.

10 You made some specific requests here
11 in terms of budgeting for those students.
12 How are we currently handling out-of-district
13 student placement under this current
14 financial strain that you're under?

15 SUPERINTENDENT YAZURLO: Well, one of
16 the problems we have is we don't have seats.
17 An architect just did a review of Yonkers and
18 we're 6,000 seats short of what was needed
19 for our children. So I am negotiating right
20 now with the Archdiocese of New York to rent
21 three schools in the Yonkers Public School
22 District as additional space.

23 We've had to file 100 variances with
24 the state so that we can increase the size of

1 special ed classes.

2 In here, again, I'm going to say
3 what's the truth. It's educationally unsound
4 to increase the numbers of those children in
5 those classes just because we don't have
6 seats for them. And we don't want to send
7 them out of district and the parents are
8 accepting the placement. This is not
9 educationally sound. Those numbers, which
10 are established by the state, should be
11 maintained. But we file a variance, we get
12 it, and we have, in a class that should be
13 15:1:1, we have 18:1:1. It's just not a good
14 thing to do.

15 ASSEMBLYWOMAN MAYER: Lastly, I do
16 appreciate your comments on the Governor's
17 APPR proposal and the comments of the other
18 superintendents indicating concern about the
19 Governor's proposal and how it actually would
20 work if it were to be implemented by the
21 Legislature. I personally hope it is not.

22 But I think it's important that your
23 voices be raised, raising the specific
24 concerns from your perspective, as we

1 consider these provisions that are in the
2 Executive Budget.

3 So with that, thank you very much for
4 your testimony all of you, and particularly
5 thank you to you, Dr. Y. Thank you.

6 SENATOR KRUEGER: Senator George
7 Latimer.

8 SENATOR LATIMER: Thank you very much.
9 I have a couple of questions, but before I
10 do, I just want to compliment all of you and
11 the other people that are represented in
12 these communities like Chancellor Fariña
13 before you. You are where the firing lines
14 of education is in this state.

15 I grew up in a small city but in one
16 of the poorest neighborhoods in Westchester
17 County that you talk about, Dr. Yazurlo, and
18 I know what public education has meant to my
19 life. There isn't a way that any -- any way
20 on this planet that I wouldn't be sitting
21 here today if it wasn't in part for the
22 public education I received from a small city
23 urban core district and neighborhood. So
24 that is exactly who you're serving, and I

1 appreciate that personally as well as
2 professionally.

3 Georgia, in the \$2 million that are
4 being advocated from the Big 5 school
5 districts, do you have an allocation between
6 Foundation Aid and GEA reduction in any way
7 that adds up that total? And I ask that
8 because there's a debate about additional
9 Foundation Aid, and districts such as yours
10 benefit I suspect more from an increase in
11 Foundation Aid than GEA restoration.
12 Nonetheless, as we know in Yonkers, there was
13 quite a debate last year about whether or not
14 the GEA restoration was the most important
15 thing to happen or not. That became front
16 and center in a district where I suspect
17 Foundation Aid means more.

18 But just in general, do you have a
19 division as you see it on behalf of the
20 districts you represent?

21 MS. ASCIUTTO: No, Senator, we don't.
22 We would just continue to support that our
23 districts will do better under continuation
24 of Foundation Aid. We are growing, we have

1 high-need pupils, we have low-wealth factors.
2 And most of our districts are very close to
3 the GEA elimination. So putting our
4 resources there would not be -- all of the
5 resources there would not be equitable for
6 us.

7 SENATOR LATIMER: Okay. The comments
8 that were made by the superintendent -- I
9 thought she did a very articulate job
10 relative to the APPR system -- talks about
11 changing the formula as the Governor has
12 presented it to us. Is that a consensus
13 amongst the other superintendents as well?
14 Not necessarily a particular percentage, but
15 in general the proposal that's before us says
16 50 percent to mandatory testing, 35 percent
17 outside source evaluation, 15 percent
18 in-district evaluation. And depending on the
19 percentage that you each have.

20 Is what's been discussed similar to
21 Rochester, Yonkers, Buffalo and other
22 districts as well? Your concerns, are they
23 similar to that for your colleagues --

24 MS. ASCIUTTO: Well, let me speak for

1 the group on its behalf.

2 We're still working that out
3 internally. But we all agree that 50 percent
4 for the state growth measure is too high.

5 SENATOR LATIMER: What about the
6 external review, 35 percent, which could come
7 from, you know, a corporate entity or some
8 other outside-the-district entity? Has that
9 been discussed? I'm not asking you to take a
10 position now, I'm just asking you if you have
11 a position.

12 MS. ASCIUTTO: Right. We have some
13 differences as to how that would be
14 structured. So we will get back to you with
15 more specifics.

16 SENATOR LATIMER: Okay. If I may
17 continue just a little bit more. And Senator
18 Krueger raised this earlier, and I think it's
19 a very big issue.

20 Part of this proposal creates a
21 receivership structure, an outside individual
22 to come in and have authority over schools
23 that are determined to be failing after
24 certain criteria have been met. What is the

1 sense of the Big 5 districts about that
2 proposal? It appears to take authority away
3 from the administration that you each
4 represent. And I would be interested in if
5 you'd read that and thought about that,
6 discussed that at all.

7 MS. ASCIUTTO: We have only looked at
8 it from the standpoint at the moment of
9 having some implementation issues and
10 questions that it raises, and we will be
11 having further internal conversations and be
12 able to report back to you.

13 SENATOR LATIMER: Okay. And then the
14 final question, and this is much more of
15 general theoretical question, but I think
16 it's one that the superintendent from
17 Rochester touched on in his report.

18 It's been said by newspaper editorial
19 boards, by elected officials that we spend
20 the most amount of money on education and we
21 get the least amount of results, that our
22 public school system is failing, and that --
23 and they point to statistical results. We've
24 looked at a series of proposals that frankly

1 talk at teachers and being tough on teachers,
2 and to some extent administrators, as being
3 the answer, with a companion dialogue that we
4 can't throw money at the problem.

5 Yet I read in the report that you gave
6 in Rochester, what I know of Yonkers, what I
7 know from my own experience, is it seems to
8 me that poverty is the single most important
9 factor that affects our education. Is that a
10 fair estimate or would you categorize it
11 differently?

12 SUPERINTENDENT VARGAS: Poverty is a
13 factor, no one can deny that. But therefore
14 you have to design a system that is
15 responsive to the needs of our students.

16 Four years ago when I first testified
17 before you, I said that don't give me more
18 and more dollars unless you give me more time
19 for our students. And thank you, many of you
20 have done that. And in Rochester we have
21 been able to adjust the school calendar for
22 10 schools, and we've seen some results that
23 have been nationally recognized.

24 We are addressing the summer learning

1 loss, because we know that too many of our
2 children spend the summer without being
3 engaged in educational activity.

4 We can and we will educate the poor.
5 They are as capable as any group of children
6 in this nation. But you cannot be successful
7 if you're going to have a system that is
8 inflexible, doesn't provide the kind of
9 support that you hear from my colleagues here
10 to mitigate poverty. You just can't, not for
11 the 21st century.

12 You know, my parents here did pretty
13 well. Without a high school education, they
14 were able to find a job in the economy.
15 Today, most of our children that don't earn a
16 high school diploma are being left out.

17 But let me just repeat this. The
18 system in Rochester is so inflexible, is so
19 ineffective and inefficient that, even if you
20 were to give us a significant amount of
21 dollars, I would not have the latitude to use
22 those dollars to target the needs of the
23 population that I serve, which mostly are
24 poor.

1 I will submit to you that if I had --
2 for example, I'm looking into the fact that I
3 want to hire more youngsters during the
4 summer, because how they spend the summer, I
5 lose too many of them. I don't have the
6 flexibility, for example, to allocate certain
7 resources to targeting them; I have to pay
8 that vacation cash-out time for adults.

9 And again, these are adults that I
10 respect. They do a great job. My
11 administrators, I have some that are
12 incredible. But yet I don't have the power
13 even to place a principal, even when that
14 principal agrees with me that a particular
15 assignment is the best for her, I have to go
16 through negotiations through the union.

17 So how can you have a management
18 system that is so inflexible that it leads to
19 inefficiency and also the lack of my ability
20 as the superintendent to respond to the needs
21 of our students?

22 Now, I understand that this is
23 contextual -- different places face different
24 challenges -- because there are contractual

1 agreements and other things. But I beg you
2 to help me create a more flexible, more
3 responsible system for Rochester.

4 SUPERINTENDENT CONTRERAS: Thank you
5 for that question.

6 Certainly we know, from all of the
7 research and studies, about the deleterious
8 impacts of poverty on the development of
9 children. We see it every day. But I also
10 believe that the quality of a school system
11 cannot exceed the quality of its teachers,
12 and we must invest in teachers, at the
13 pre-service level and while they are
14 teaching, by giving them the resources they
15 need, making sure they have professional
16 development and the time to engage in
17 professional development in the form of
18 job-embedded PD and common planning time.

19 I think that when you make sure you
20 have the highest-quality teachers and you
21 provide the type of flexibilities that my
22 colleague just mentioned and provide good
23 economic development policy at the city and
24 state level, we will start to see our schools

1 improve.

2 CHAIRMAN FARRELL: Thank you.

3 SUPERINTENDENT YAZURLO: And I'd like
4 to add briefly that you mentioned poverty.
5 But there's also two other areas that are
6 significant. One of them is language
7 acquisition. And our populations are growing
8 by leaps and bounds in that area. We need to
9 be able to address the needs of these
10 children that English is not their first
11 language.

12 When I go to the schools, I go to
13 those classes and I see in their eyes
14 excitement for learning. But because of
15 their language, they're not getting full
16 access to the American way of life, the
17 American dream. We need to do more for these
18 kids.

19 And the third one would be special
20 education, children with cognitive
21 disabilities. You know, IDEA said the
22 federal government would reimburse school
23 districts at the rate of 40 percent of their
24 expenses. That never happened, ever. I

1 think the best ratio they ever came up with
2 was about 17 percent. I'd like to hold them
3 accountable, because the expense for special
4 education is enormous. As you saw, just the
5 out-of-district special education for Yonkers
6 is over \$27 million.

7 So it's those three areas: poverty,
8 you're right, but language acquisition and
9 special education need to be put in there as
10 well.

11 CHAIRMAN FARRELL: Thank you.

12 Mr. Graf.

13 ASSEMBLYMAN GRAF: Hi. Just a couple
14 of questions.

15 Now, I'm looking at the teacher
16 evaluations and we're going to be 50 percent,
17 that's what the Governor proposes that that's
18 going to be the judge of whether a teacher is
19 proficient or not. How are we judging, or is
20 this fair to teachers that are teaching kids
21 with disabilities, kids with English as a
22 second language, an art teacher, a math
23 teacher? How are you going to grade them
24 under the Governor's rubric here?

1 SUPERINTENDENT CONTRERAS: I just want
2 to make sure I heard you. You want to know
3 how would we judge progress of English
4 language learning students and of special
5 education students?

6 ASSEMBLYMAN GRAF: Do you think this
7 is a fair way to judge all teachers,
8 especially when you have specialty fields
9 like such as, you know, special education
10 teachers, English as a second language
11 teachers, gym teachers? I mean, does this
12 look like a proper way, to you, to actually
13 grade teachers' performance?

14 SUPERINTENDENT CONTRERAS: So I
15 believe that we know from research that there
16 are multiple measures when looking at all
17 students -- not just English language
18 learners and special education students, but
19 all of our students in public schools.

20 I believe that we can come up with a
21 growth measure based upon multiple pieces of
22 data that we have on these students to show
23 that students are growing. I do not believe
24 that you should look at absolute proficiency

1 data for these students, whether or not they
2 passed the state test or met the standard on
3 the state test. I think we should be
4 constantly moving toward those students
5 meeting the state standards, but I think we
6 should measure that they are growing. If
7 they sit in our classrooms every day, English
8 language learners, special education students
9 and all other students should show growth,
10 and there are ways to measure that.

11 ASSEMBLYMAN GRAF: But that's not what
12 the Governor is looking at now, he's doing it
13 on tests; correct?

14 SUPERINTENDENT CONTRERAS: The tests
15 right now?

16 ASSEMBLYMAN GRAF: Yes. Testing. He
17 wants tests, children to be tested. And you
18 don't think that's a fair way to judge
19 teachers?

20 SUPERINTENDENT CONTRERAS: I don't
21 believe that one test is an accurate measure
22 of a student's learning.

23 ASSEMBLYMAN GRAF: And when we're
24 going to put it at 50 percent, 50 percent of

1 the teacher's evaluation is going to be on
2 testing, then what we're going to have is
3 we're going to have teachers teaching to the
4 test. Wouldn't you agree with that?

5 SUPERINTENDENT CONTRERAS: I believe
6 so. But I think that you can create better
7 assessments that really show mastery of
8 student learning.

9 We do not want schools that are not
10 vibrant learning experiences for students.
11 We want them to learn in a joyful
12 environment. And certainly if we are
13 teaching to tests, we won't have the kinds of
14 schools that we desire and that our students
15 deserve.

16 ASSEMBLYMAN GRAF: Yeah, and that's
17 what I'm asking. Because I think we're going
18 in a wrong direction when it comes to
19 testing.

20 The other thing is the cities, how
21 much of your budget is actually coming from
22 the cities that you're in? Of your school
23 budget.

24 SUPERINTENDENT VARGAS: Eight percent

1 for Rochester.

2 ASSEMBLYMAN GRAF: Eighty percent?

3 SUPERINTENDENT YAZURLO: For Yonkers
4 it's about 50 percent.

5 ASSEMBLYMAN GRAF: Fifty?

6 SUPERINTENDENT YAZURLO: Yeah, I
7 believe so.

8 SUPERINTENDENT CONTRERAS: And
9 16 percent.

10 MS. ASCIUTTO: For your state.

11 SUPERINTENDENT CONTRERAS: Oh, the
12 state. I thought you said the city, I'm
13 sorry.

14 ASSEMBLYMAN GRAF: No, how much from
15 the city? From your city, Rochester and
16 Syracuse --

17 SUPERINTENDENT VARGAS: From the city
18 it's around 15 percent.

19 ASSEMBLYMAN GRAF: Fifteen, one-five?

20 SUPERINTENDENT VARGAS: Yup, one-five.

21 SUPERINTENDENT CONTRERAS: One-six.

22 ASSEMBLYMAN GRAF: One-six.

23 SUPERINTENDENT YAZURLO: We're
24 actually at about 45 percent from the city.

1 ASSEMBLYMAN GRAF: From the city.

2 MS. ASCIUTTO: And Buffalo is about 8.

3 ASSEMBLYMAN GRAF: Okay. There was a
4 newspaper article, and one of the things like
5 in the rural areas, in the suburbs, what
6 happened is we've actually invested in our
7 children, and how we've invested in our
8 children is we charge a school property tax.
9 Okay? So, for instance, on my house, you
10 know, I'm paying about \$8,000 in taxes.
11 Okay? But the cities don't pay a property
12 tax when it comes to school -- now, I hear
13 every year about the trailers, the
14 overcrowding, the buildings are falling apart
15 and everything else.

16 And like I looked in an area where I
17 used to live in Queens, right, that the house
18 was \$2.5 million. And their property taxes
19 were under \$4,000. All right? Where if we
20 had to pay that on Long Island, forget it.
21 All right?

22 So my question is, wouldn't it be
23 better if we authorized cities to charge up
24 to a 1 percent property tax designated just

1 for schools? Would that help with a lot --
2 alleviate a lot of the problems that you have
3 as far as being able to pay teachers, being
4 able to fix your schools and everything else?

5 SUPERINTENDENT YAZURLO: Well, let me
6 just say when I had my conversation with the
7 mayor of Yonkers, he clearly made me
8 understand that Yonkers is at its
9 constitutional limit for taxing. So we can't
10 really look to the city anymore for any more
11 help, because they're at their constitutional
12 limit.

13 ASSEMBLYMAN GRAF: Right. Well, what
14 this would do is set aside a property tax or
15 authorize to set aside up to a 1 percent
16 property tax, okay, that's designated just to
17 schools. Would that help you out of a lot of
18 your burdens?

19 SUPERINTENDENT YAZURLO: Any
20 additional resources would help.

21 ASSEMBLYMAN GRAF: And it would give
22 your communities an opportunity to invest in
23 your children, where they're not afforded the
24 same ability as we are in the suburbs. All

1 right? Okay.

2 MS. ASCIUTTO: I guess I'm -- are you
3 asking about the maintenance of effort
4 requirement under the current authorization,
5 or an increase in local taxation?

6 ASSEMBLYMAN GRAF: No, I actually put
7 in a bill that would allow the cities to be
8 able to charge up to a 1 percent sales tax --

9 MS. ASCIUTTO: Oh, a sales tax.

10 ASSEMBLYMAN GRAF: -- that would be
11 designated to the schools, okay, that's being
12 introduced. And I'm going to be talking to a
13 lot of members about it.

14 But, you know, it just doesn't seem --
15 you know, we've -- in the suburbs and the
16 rural areas, we've made investments in our
17 children. We've made investments in our
18 children's education, and we're not allowing
19 the cities to do the same thing.

20 So when you have a property that's a
21 two-family house with a garage that's worth
22 \$2.5 million, okay, and the property tax
23 there in the city is under \$4,000 -- whereas
24 I can have a little ranch on Long Island, and

1 I'm paying \$8,000 to \$10,000. Because we've
2 invested in our children.

3 So, you know, it's just something --
4 because every year all I hear is the
5 trailers, the schools are falling apart, we
6 can't afford to pay teachers. All right?
7 We're in the same rut. So all I'm asking is
8 if that would be something that would help
9 you get out of your rut, a 1 percent. Okay?
10 Thank you.

11 MS. ASCIUTTO: Thank you.

12 CHAIRMAN FARRELL: Thank you.

13 SUPERINTENDENT YAZURLO: For Yonkers
14 that would only mean \$3.5 million. It really
15 wouldn't make much of a dent.

16 SUPERINTENDENT CONTRERAS: But it
17 would be helpful, and we would appreciate it.

18 CHAIRMAN DeFRANCISCO: Thank you very
19 much.

20 I got my education Friday at the city
21 schools from the city school district, so I
22 don't need to ask any questions at this
23 point. But it's a difficult situation.
24 Everybody understands that we're going to do

1 our darndest to provide some more funding,
2 unconditional funding. That's what we're
3 trying to do.

4 MS. ASCIUTTO: Thank you, Senator.

5 CHAIRMAN DeFRANCISCO: Thank you very
6 much.

7 SUPERINTENDENT YAZURLO: Thank you.

8 SUPERINTENDENT CONTRERAS: Thank you.

9 SUPERINTENDENT VARGAS: Thank you.

10 CHAIRMAN FARRELL: Thank you.

11 Next, United Federation of Teachers,
12 UFT, and the New York State United Teachers,
13 NYSUT.

14 MR. PALLOTTA: Good afternoon.

15 CHAIRMAN FARRELL: Good afternoon.

16 MR. PALLOTTA: I'd like to thank the
17 chairs of the joint fiscal committee and the
18 chairs of the Senate and Assembly Education
19 Committee for this opportunity today.

20 Governor Cuomo's budget is an apparent
21 assault on public education, our students,
22 parents, local school boards, educators and
23 the teaching profession. Now there is more
24 emphasis and pressure on students taking

1 standardized tests, contributing to the
2 overtesting of our children.

3 SENATOR KRUEGER: I'm sorry, we all
4 know you, but for the record, would you
5 introduce everyone so that the person taking
6 notes knows you?

7 MR. PALLOTTA: Oh, oh. I'm Andy
8 Pallotta, the executive vice president of
9 NYSUT. To my left is Steve Allinger --

10 CHAIRMAN FARRELL: Put the microphone
11 in front of you, it's not picking it up.

12 MR. PALLOTTA: To my left is the
13 director of legislation, Steve Allinger. To
14 my right, Michael Mulgrew, president of UFT,
15 and Carol Gerstl, from the UFT also. Okay,
16 thank you.

17 In the Governor's budget he also seeks
18 to eliminate local control for school
19 districts, superintendents and public elected
20 school boards. He seeks to eliminate the due
21 process for educators, seniority, and
22 collective bargaining agreements and rights.
23 He wants to make tenure near impossible for
24 new teachers.

1 He also seeks to siphon off millions
2 of dollars away from schools to create an
3 investment incentive credit. He seeks to
4 increase funding for corporately run charter
5 schools. And his intention is to make the
6 tax cap permanent. Also eroding special
7 education requirements, raising serious
8 concerns about the lessening of services for
9 students with disabilities.

10 On school aid, his budget does not
11 contain a school aid proposal. Since there
12 is no proposed school aid formula, the
13 Executive has not released school aid runs.
14 Further, since there is no proposed school
15 aid formula, the Executive has not released
16 school aid runs. Any increase in school aid
17 is tied to so-called reforms that would harm
18 students, educators, and the communities they
19 serve.

20 Fifty-three percent of school
21 districts are still at or below 2009 state
22 aid levels. This is true even in
23 271 districts that are experiencing growth in
24 enrollment.

1 Over the course of the last six years,
2 our students have lost tens of thousands of
3 educators throughout the state, and nearly
4 10 percent of the entire teaching workforce.
5 Comptroller DiNapoli has just identified
6 90 school districts in fiscal stress.

7 The state must also adequately fund
8 and support English language learners and
9 unaccompanied minors. For example, in
10 Brentwood, Long Island, with an 86 percent
11 free and reduced-price-lunch population, they
12 still have a 78 percent graduation rate,
13 they are asked to do more with less every
14 year, and now they have an increasing refugee
15 population in that district.

16 We thank the 80 legislators that
17 signed on to Chair Nolan's letter, also
18 Senator Parker's letter, to increase support
19 for education by \$2.2 billion.

20 On student testing and our overtesting
21 in the state, there is nothing more important
22 that we need to do than protect the students
23 from overtesting and testing for solely
24 accountability purposes. New York's

1 overreliance on standardized testing
2 continues to have a negative impact on our
3 students. There must be a greater emphasis
4 on all that is done in the class. We must
5 address the number of tests students take,
6 how much time they spend on testing, and the
7 need for timely assessment feedback.

8 We support a parent's right to opt
9 their child out of state tests. We support
10 those districts that are opting out of the
11 field tests and educators that discuss the
12 harm of overtesting.

13 Teachers support fair and
14 collaborative evaluations, to assist in their
15 professional development. Unfortunately, the
16 Governor believes, incredibly, that it is a
17 good idea to put more stress on students by
18 doubling down on developmentally
19 inappropriate and problematic Common
20 Core-aligned standardized exams.

21 We thank the Legislature for
22 acknowledging the severe problems in this by
23 prohibiting their inclusion on students'
24 permanent records and preventing districts

1 from using scores on these exams as the sole
2 reason for placement decisions. We also
3 thank the Legislature for your support and
4 commitment to fair evaluation systems and for
5 passing the Governor's safety net legislation
6 to protect teachers from the unfair use of
7 these.

8 But now the Governor wants to
9 eliminate local control and use of local
10 assessments and base 50 percent of teacher
11 and principal evaluations on the same test
12 score you appropriately limited.

13 For the remaining 50 percent, one of
14 the two observations must be conducted by an
15 independent observer, someone with limited or
16 no knowledge of the workings of a K-12
17 system. Therefore, 85 percent of a teacher
18 or principal's evaluation would be based on
19 either an unreliable or invalid test score.
20 Teacher ratings established in this manner
21 would essentially be random, and local school
22 administration would have almost no role.

23 In development with teachers from
24 across the state over the past two years, we

1 will offer a revised evaluation system for
2 discussions with the Legislature.

3 The budget attacks the tenure process
4 for all new teachers. New teachers must
5 remain in probationary status for five
6 consecutive years, a near impossibility
7 dealing with the flawed rollout of the Common
8 Core and the APPR system.

9 Worse yet, this proposal removes all
10 discretion in decision-making of a hearing
11 officer. These policies would only drive
12 more good teachers out of the profession.

13 This due process attack is based on a
14 disingenuous campaign against teachers, one
15 which ignores the reforms by the Legislature
16 in 2008, 2010 and 2012.

17 Due process means teachers can speak
18 freely and strongly on matters of public
19 concern. Teachers can partner with parents
20 against inappropriate standardized testing
21 and question Common Core precisely because
22 they don't have fear of reprisals for doing
23 so.

24 On pre-K expansion. Unfortunately,

1 the Executive Budget fails to expand pre-k
2 for four-year-olds across the state, and no
3 further increase in funding was provided for
4 pre-k for four-year-olds in the 2015-2016
5 budget. As a former educator in a high-needs
6 school, I can clearly say that the students
7 that came in with a background with school
8 experience did so much better because of what
9 they received in a pre-K program.

10 On Career and Tech Ed, we must
11 continue to support and expand the CTE
12 programs. Now funding and reimbursement
13 structures, particularly for BOCES and
14 Special Services Aids, need to be improved
15 and to expand. The current aid formula for
16 BOCES/CTE programs has not changed since
17 1990. The state only provides aid for the
18 first \$30,000 of a BOCES instructor's salary.
19 This has the effect of reducing state support
20 for CTE programs.

21 Therefore, we fully support A3885,
22 Assemblywoman Nolan's bill to increase the
23 aidable salary for all CTE programs.

24 On community schools. Unfortunately,

1 the Executive Budget fails to increase
2 funding to community schools. These schools
3 are neighborhood public schools that address
4 the needs of a student in a holistic way --
5 not just their academic achievement, but
6 their overall health and well-being.

7 The Governor also talks about state
8 takeover of schools. He proposes this
9 takeover whereby SED would have the ability
10 to appoint a receiver to oversee a failing
11 school or district, possibly leading to mass
12 privatization of our public schools. Such
13 receivers could have little or no experience
14 in a K-12 setting. The receiver would have
15 the ability to negate and change curriculum,
16 fully eliminate professional development,
17 replace unqualified teachers and
18 administrators, allow for merit pay, override
19 and negate collective bargaining.

20 On charter schools. The Exec Budget
21 raises the charter cap by 100 charters. This
22 is over a 20 percent increase in the
23 allowable corporately run charter schools.

24 The Executive Budget further includes

1 an increase to per-pupil tuition by \$150 over
2 two years. This increase would severely
3 burden school districts, especially without
4 any school aid increase as it stands.

5 Because of the undemocratic tax cap,
6 school districts would be required to carry
7 this burden, likely by eliminating programs
8 and services for students. At a time when
9 New York schools are struggling, with the
10 majority still receiving less aid than six
11 years ago, charter schools are awash in a sea
12 of hoarded public cash. According to our
13 analysis, New York's charter schools are
14 flush with cash, holding \$282 million in
15 taxpayer money in the bank and \$392 million
16 in unrestricted net assets. Analysis also
17 shows that 82 percent of the state's charters
18 held back, on a percentage basis, cash in
19 2013 well in excess of the 4 percent that is
20 allowed for traditional school districts.

21 Master Teacher Program. The budget
22 includes \$5 million to expand this. We
23 continue to be deeply concerned over any
24 proposal to impose merit pay on schools where

1 teachers would be pitted against one another.
2 Tying pay to a rating system that was
3 undermined by the terribly flawed rollout of
4 the Common Core is problematic, especially
5 when student growth data on new Common Core
6 assessments is being used in this process.

7 Career ladders, however, would be an
8 appropriate use of these funds. Extra pay for
9 assignments, such as mentoring new teachers
10 or working on advanced degrees and
11 professional development should be negotiated
12 with teachers through local collective
13 bargaining.

14 On the back-door voucher proposal.
15 The education investment tax credit is really
16 a private voucher scheme which would divert
17 hundreds of millions of dollars from public
18 schools. If enacted, it would siphon off
19 \$100 million in 2016. This tax credit is on
20 a first-come, first-served basis and would
21 likely help wealthy individuals and
22 corporations by their investing in this.

23 The State Constitution requires the
24 state to maintain an adequately funded public

1 school system. New York's public school
2 children are still owed \$5 billion under the
3 Campaign for Fiscal Equity, and \$1 billion
4 under the Gap Elimination Adjustment. How
5 can hundreds of millions of dollars in tax
6 giveaways be given to the wealthy and
7 justified while the students need it in the
8 public schools?

9 On the tax cap, the Executive intends
10 to make the tax cap permanent. Its impact
11 continues to impose great impediments to
12 local boards in meeting their obligations to
13 every student. The 2015-2016 allowable tax
14 levy for schools is nearly 1.62 percent.
15 This will have a negative impact on schools
16 throughout New York State. NYSUT has
17 fiercely advocated for reforms including
18 removing the supermajority provisions and
19 including necessary exemptions.

20 On special education schools.
21 Unfortunately, the 4410 programs have seen
22 large shortfalls and providers will likely
23 need to rely on short-term borrowing until
24 proper reimbursement is made. There are no

1 proposed increases in the 4201, 853 and
2 Special Act schools.

3 While 853 schools and Special Act
4 schools have received a modest increase in
5 funding for the past two years, the many
6 years of stagnant funding continue in the
7 face of increased costs, endangering the
8 future of these institutions. And 4201
9 schools, which serve students with
10 disabilities such as deafness, blindness and
11 severe emotional disturbances or severe
12 physical disabilities, did not even receive
13 the same modest increase.

14 On Teacher Centers. Teacher Centers
15 are the only way throughout the state where
16 we support professional development. The
17 Executive Budget fails to fund these critical
18 centers for students this year. Funding
19 should be restored to the 2008-2009 levels of
20 \$40 million. Teacher Centers support
21 programs that ensure educators are immersed
22 and exposed to emerging techniques.

23 On special education mandate relief,
24 the Exec Budget would allow districts, BOCES

1 and approved special ed providers the ability
2 to petition the state for removal of certain
3 requirements. We oppose this proposal, as it
4 would allow the erosion of needed protections
5 for our most vulnerable students.

6 In conclusion, public education is the
7 centerpiece of our democracy and a ladder to
8 the opportunity for success for all
9 New Yorkers. Our public schools offer
10 transparent, accountable and democratic
11 governance by locally elected school boards.
12 Proposals by the Governor are an attempt to
13 centralize this power and privatize public
14 education. It also strips away local control
15 from parents and their local democratically
16 elected school boards.

17 NYSUT looks forward to partnering with
18 the Legislature to ensure students receive
19 the necessary resources and programs going
20 into the 21st century.

21 Thank you.

22 MR. MULGREW: Thank you. Once again,
23 my name is Michael Mulgrew. I'm the
24 president of the United Federation of

1 Teachers, which represents most of the
2 workers in the school system of New York
3 City.

4 I'd like to first thank Senators
5 DeFrancisco and Flanagan for holding this,
6 and also Assemblyman Farrell.

7 I do this every year, and I'm not
8 going to read the testimony. I figure that's
9 why we submit it. And --

10 CHAIRMAN DeFRANCISCO: That's a
11 logical conclusion.

12 MR. MULGREW: I appreciate it. And I
13 have to say this is my sixth year, and for
14 six years you have told me that is logical.
15 So I do appreciate that.

16 First, I want to thank you for the
17 work that we've done together, especially
18 last year. And I invite in any member of the
19 Legislature to come to New York City to visit
20 one of our wonderful pre-K centers, and we
21 hope that we will have your support moving
22 them forward, as well as coming to see our
23 community learning schools. We are doing
24 something exceptional in terms of great

1 challenges, that we know -- which is the
2 major point of public education, the major
3 challenge, which is dealing with what we know
4 as high-needs situations in terms of poverty
5 and many of the challenges that our children
6 face.

7 And we are now finally making strides
8 in all of those directions. So for the first
9 time since I've been president, I'm here to
10 report that New York City is absolutely
11 moving in the right direction, and it is only
12 because of the work that we are doing with
13 our current administration. We were able to
14 just last year finalize a contract with many
15 of the ideas that I have spoken about here,
16 with a career ladder inside of it, with the
17 ability for school communities to create
18 their own set of rules to work by and to run
19 their schools by. And we have seen nothing
20 but great motivation because of those things.

21 Now, that's the good part. So I have
22 been coming, as I said, here for six years.
23 And I will start first and foremost with the
24 funding. I thank all of the legislators who

1 signed on asking for the \$2.2 billion, as
2 well as the Board of Regents. I see that the
3 Governor has proposed half of that, and only
4 to -- we would receive half of that if we
5 agreed to the extortionary scheme which he
6 has put forth before you. And I do not
7 recommend that this is something that this
8 Legislature does.

9 Five years ago I started testifying
10 about a thing that no one knew what it was,
11 but I think we all know what this is now.
12 It's called the Common Core standards. And I
13 bring that up for a reason. I started
14 testifying about it five years ago, saying
15 that we needed a plan and a curriculum. And
16 then I said we needed a training regimen.
17 And then, two years ago, I actually testified
18 and said all the children's test scores were
19 beginning to plummet. And people here,
20 rightfully so, said "How do you know that?"
21 And I said because we have no curriculum and
22 no teacher has been trained anywhere in this
23 state on a whole new set of standards that
24 you want us to teach children with.

1 It seemed absurd to me as an educator.
2 No other profession, nobody -- no doctor, no
3 lawyer, no mechanic -- would be asked to do
4 what the teachers of this state were asked to
5 do.

6 And lo and behold, the test scores
7 plummeted. And I didn't hear how all the
8 teachers were great years ago when it was an
9 80 percent state proficiency. But I did hear
10 a Governor give a State of the State address
11 late last month where he said the reason that
12 he needed to take drastic action now was
13 because those test scores plummeted. I wish
14 the Governor would have taken drastic action
15 five years ago, four years ago, and put
16 together a plan that he put in the budget so
17 that there would have been a state curriculum
18 and a training regimen that would have been
19 done years before those new tests were given
20 to our students.

21 And I hope that we learn from that,
22 because at the end of what I speak about
23 today, there are some things that I am
24 looking forward to in the future that we can

1 plan for now.

2 So in terms of everything else that
3 the Governor proposed, there were some
4 specific things that I look to through the
5 lens of a teacher. I know people say that
6 I'm the president of a union, but I taught
7 for 12 years at-risk students in Brooklyn.

8 And when I saw his proposal, it was
9 clear to me that the Governor was saying
10 something to me as a teacher. He was telling
11 me: Do not go to a needy school district, to
12 a school with impoverished children. And
13 whatever you do, if you do go to that school,
14 don't teach the children who are the neediest
15 in that building. Because if you do, I'm
16 going to do everything in my power to beat
17 you up and make sure that I drum you out of
18 your profession. That's what the State of
19 the State proposal, the Governor said to me
20 as a teacher.

21 In this day and age, to hear any
22 elected official talk about individual merit
23 pay -- forget about the debate. There is no
24 longer a debate on the issue. The Brookings

1 Institute themselves has said do not do this.
2 Not only doesn't it work, it actually has
3 proven to be harmful. Yet I heard the
4 Governor of this state propose it. Do your
5 homework before you put forth an idea.

6 In terms of the other ideas.
7 Evaluation, 50 percent test scores. I don't
8 want to go too far into this, I'm going to
9 make this as simple as possible. Besides all
10 the research, the State of Texas, the capital
11 of standardized testing, is moving to
12 20 percent. I don't think I need to say much
13 more. But New York wants to go to 50.

14 Probation. The Governor says we want
15 to go to five years. My first response was
16 why. Why? And I get, What do you mean, why?
17 I said, Well, right now my issue is I'm
18 trying to figure out how to retain and
19 attract good teachers. And close to
20 40 percent of the teachers who walk into this
21 profession are leaving before the question of
22 whether they're granted tenure or their
23 probation period is over.

24 They're leaving before then. So where

1 is the support system in place? And the
2 support system was supposed to be the
3 evaluation system. Which is now a gotcha
4 system. Once again.

5 So I'm looking forward to coming up
6 with ideas that actually work. In terms of
7 raising the charter cap, once again I say
8 this body passed a law in 2010, its intent
9 was clear. We are raising the cap, charters
10 will serve all of the students from the
11 district. We now know that's not true. So
12 we're saying do not follow the rules, and
13 then we're going to reward you for not
14 following the rules.

15 First and foremost, I would like to
16 see that the law that was passed in 2010 --
17 forget about what the lawyers say with the
18 legal loopholes. Let's just all understand
19 what the intent was: Serve the neediest
20 children. Let's make that happen first and
21 foremost before we move anything else.

22 And in terms of receivership, I've
23 heard a lot about that here today. So we
24 know -- and this goes back to the funding.

1 We know that the State of New York, the
2 courts -- not Michael Mulgrew, not UFT, not
3 NYSUT -- the courts have decided that the
4 neediest school districts in this state have
5 been underfunded for years. There was a
6 settlement and there was an agreement. That
7 agreement went bye-bye. It disappeared into
8 the pixie dust when the economy went south.
9 And we were all fine, because we knew we were
10 dealing with difficult situations. Well, now
11 that is no longer the case.

12 So the very schools that were
13 shortchanged for generations, and continued
14 to be shortchanged, are the ones that the
15 Governor is targeting for receivership. So
16 we're going to underfund, you're going to
17 deal with the neediest situations that any
18 educator can face, we're going to punish you
19 by taking away your rights and punish you in
20 your evaluation. And we're still not coming
21 up with a plan to fund them correctly.

22 It is going to be somewhat ludicrous
23 if we need to go back to court -- which we
24 are considering -- we're going to have to go

1 back to court to get the court order that was
2 agreed upon implemented. Just think of the
3 absurdity of that. But we are willing to do
4 that and that is something we are looking to
5 do if we do not see movement in the right
6 direction on this.

7 That's my anger. But I don't like to
8 just come up here and be angry. There are a
9 few things that I would love to see this
10 body, these bodies do in this budget. You
11 heard people talk about Career and Tech Ed.
12 To me, Career and Tech Ed is like pre-K.
13 Everyone talks about Career and Technical
14 Education, but there's no action behind it.
15 We were just able to get the Regents to take
16 action, and they changed high school
17 graduation requirements to include CTE, which
18 is a positive step.

19 I will bring up our business partners
20 from corporations and all sorts of different
21 industries who are working with us. But we
22 would like to see some funding matching the
23 Perkins dollars from the federal government
24 so we can really grow Career and Technical

1 Education. We know it works. It's a job
2 developer, it's an economic developer, it's
3 great to do in a regional area to really move
4 the local economy. And I think it is
5 something we should all be working on
6 together.

7 The thing that I have great concern
8 with right now is we did a lot to work to
9 pass the \$2 billion tech bond initiative, and
10 I see no plan. That \$2 billion is a one-shot
11 deal. We need to deal with this in a very
12 disciplined way. We have to understand what
13 a school building needs to actually run
14 technology.

15 The educators like to talk about the
16 fiasco of what we now call SMART Boards.
17 They're a wonderful tool. They're a great
18 education tool. But we have them all over
19 the state that were bought for schools that
20 don't have the infrastructure to run the
21 technology that is inside of them. Besides
22 the fact that we had no training. Could you
23 imagine here's this highly technical new
24 instrument for education, and there was no

1 training, people just showing SMART Boards.
2 That's what I'm afraid is going to happen
3 with this \$2 billion bond act.

4 So I am asking the Legislature to come
5 up with a plan with real criteria. First,
6 how do you run the equipment that you want?
7 What is that infrastructure? Then if you're
8 going to run pieces of software, what is the
9 training behind it? So this way we don't
10 waste this wonderful opportunity of this
11 one-time-only bond referendum that was
12 passed.

13 And the last thing I would like to ask
14 both houses is you've heard a lot about
15 special-needs students and English language
16 learner students. This is not just our
17 problem, but I would like to see if both
18 houses would pass a resolution imploring the
19 federal government to look at what they are
20 doing.

21 To have a student who is learning
22 disabled, severely learning disabled, being
23 tested on their chronological age versus
24 their actual developmental age -- if a

1 teacher did it without the federal government
2 telling them to do it, we'd be accused of
3 corporal punishment.

4 But that's what we have to do every
5 year, because we do not have a waiver from
6 the federal government to stop that action.
7 Just as we don't have a waiver from the
8 federal government that will not allow us to
9 say you do not understand, read or comprehend
10 English, so therefore we're not going to make
11 you sit here for three hours and take a test
12 that will do nothing but anger you, frustrate
13 you or make you feel not as good as you
14 should about yourself.

15 So I'm asking both houses if we could
16 move on something to show the federal
17 government we are serious, we want our
18 waivers, and we want them to have a better
19 plan.

20 And once again, I invite anyone who
21 would like to come to New York City to come
22 to a pre-K center, to come to a CTE school or
23 come to a community learning school. Those
24 are things that we have worked on in the

1 past. And you should see, when we do work on
2 things together, we actually get things done.

3 Thank you very much.

4 CHAIRMAN FARRELL: Thank you.

5 Questions? Mr. Ra.

6 ASSEMBLYMAN RA: Thank you, Chairman.

7 Just a question going back to the
8 teacher evaluations and the APPR system and
9 the push to go to 50 percent.

10 We all know, despite it being talked
11 about as if, you know, evaluating teachers
12 just appeared out of thin air a couple of
13 years ago, that it's gone on for many years.
14 Districts had their own systems for
15 evaluating teachers. And then, you know, a
16 couple of years ago, under much the same
17 situation in terms of trying to withhold
18 funding and all that, we pushed together a
19 plan that by the Governor's own words has
20 been, you know, a failure at best.

21 How -- when you're looking at the --
22 you mentioned putting forth some type of
23 proposal. Would that be, you know, looking
24 at what other states do, just looking at more

1 local control and input? Do you have any
2 more ideas on what that's going to look like,
3 or is that a process that's ongoing right
4 now?

5 MR. PALLOTTA: Well, Assemblyman, I
6 believe that just about everybody in this
7 room would agree that this has been pretty
8 much a disaster. Right? That it was
9 superimposed, that there was much confusion
10 and rush to get to where we are today. So we
11 should take our time and do it right the
12 second time.

13 We need definitely, in this, more
14 local control. So I would say the educators,
15 people that are in the field should take the
16 lead on this time, instead of folks that have
17 no idea what's going on and just need to get
18 something done.

19 We have input from educators already.
20 We're putting together a plan. We will be
21 speaking to lawmakers throughout session
22 about this plan, so that there's something
23 that works, something that makes sense. And
24 something that would work so that we have

1 diagnosis of students -- where are they, what
2 they need -- and we can work on that. Not
3 just a test score at the end of the year,
4 which is not really useful to that student or
5 to that educator.

6 So we definitely have our work cut
7 out.

8 MR. MULGREW: I do believe that we do
9 need a multiple-measure system. I was never
10 a big fan of the URS system. Clearly we've
11 struggled with this. We do have -- we looked
12 at school districts from around the country
13 who have what we consider to be much better
14 systems than ours.

15 There has to be some degree of local
16 control, there's no way around that. Because
17 you cannot -- if you come up with one set
18 system, you don't -- then it will never have
19 the flexibility that's needed to meet the
20 needs of the students that that district
21 teaches.

22 You know, and what are the -- the key
23 is that if it's not telling us what a teacher
24 is doing well and what we need to do to help

1 them develop throughout, then it's not doing
2 anything. It's like the testing itself that
3 students take -- you know, teachers have
4 become very loud about the anti-testing
5 movement, and I'm constantly pushing back.
6 And I said a test is our tool. It was always
7 a teacher's tool. It's been taken away from
8 us.

9 I have no issue with a child sitting
10 for a standardized test as long as I, as the
11 teacher, receive a report about what their
12 strengths and weaknesses are. You know,
13 where their developmental levels are, and
14 literacy, that I can then share with the
15 parent. So it has to be diagnostic and
16 informative.

17 But we're no longer talking about
18 that. We're talking about are you one, two,
19 three, four and did you move and therefore
20 did you do okay in terms of your teacher's
21 rating. That's not what we ever signed on
22 for.

23 So in terms of the standardized test,
24 50 percent is way too high. It's out of

1 control. And -- and it's sad. And we can --
2 and anyone here who wants any of the research
3 to deal with any of the issues that the
4 Governor proposed, these are not things that
5 are even being debated anymore. The research
6 is clear on these issues. They're not good.
7 We will send it to you.

8 But there has to be something that
9 works in terms of how a teacher is performing
10 and how their students are performing. And
11 then how do we look at that, and then what
12 are the school district's responsibilities or
13 the school itself's responsibilities. Well,
14 in this school the kids didn't do well on
15 this test. Well, not a single teacher in the
16 school was given a curriculum. Or as we can
17 say now, not a single teacher in the state
18 was given a curriculum.

19 That would pretty much tell us how
20 they were going to do on a test. But did
21 that mean they didn't learn? No.

22 Another piece is that we have to get
23 back to authentic learning. I'm a big
24 believer in portfolios, that if you look at a

1 student's work on the first day of school and
2 you show how they develop and you collect
3 that, and somebody else looks at that to see
4 if they've met new standards and moved
5 forward, that's authentic learning to me.

6 ASSEMBLYMAN RA: And we've talked
7 about this issue a number of times, you know,
8 together. And I agree with you 100 percent
9 about that going to a, you know, more and
10 more rigid system that is, you know,
11 basically the state just saying this is how
12 you're going to do it -- you know, within my
13 Assembly district I represent K-12 districts,
14 I represent one of the few regional high
15 school districts that we have in this state.
16 I mean, just very different needs, both
17 structurally in terms of what the districts
18 are, but very different student population as
19 well that they're dealing with.

20 So the more rigid we get, the more
21 difficult if not completely impossible it
22 gets for them to structure things in a way
23 that's appropriate for each individual
24 student.

1 So I look forward to, you know,
2 hearing more about proposals you guys can
3 come up with and certainly discussing them
4 and hopefully putting out there that there
5 are alternatives to just moving full steam
6 ahead with increasing our reliance on
7 standardized tests.

8 Thank you.

9 MR. MULGREW: Thank you.

10 CHAIRMAN DeFRANCISCO: Senator Felder.

11 SENATOR FELDER: Thank you very much.

12 And I wanted to commend Senator
13 DeFrancisco and Assemblymember Farrell for
14 the hearings this year, especially the
15 hearings, you know, that I've been attending,
16 that I can attest to, making them more
17 efficient, in an expedited fashion, even
18 though they're giving us less time to talk.
19 But I think that all in all, it's certainly
20 becoming -- for me, personally, it's been a
21 lot more informative, it allows me to get
22 more information. So I thank you for
23 limiting my time to speak.

24 CHAIRMAN DeFRANCISCO: Would you get

1 on with it now?

2 (Laughter.)

3 SENATOR FELDER: Can I get that
4 portion -- can I get an exemption on that
5 portion?

6 But all in all, I just wanted to
7 ask -- specifically, I wanted to ask
8 Mr. Mulgrew if you can discuss for a moment
9 the issues of guidance counselors in the
10 public school systems. The chancellor was
11 here earlier, and this has been an ongoing
12 beef of mine from my Council days, and now
13 here as well.

14 And I would dare say that all of my
15 colleagues appreciate the hard work that the
16 teachers are putting, you know, into making
17 sure that our kids get the best education
18 possible. At the same time, I feel very
19 strongly that there is a desperate need for
20 additional guidance counselors in the
21 schools.

22 I asked for some of the information
23 last year, and anecdotally this year I asked
24 some of the teachers that I know. And at one

1 of the schools, I was told that there are two
2 guidance counselors for 1800 students.

3 And even the best guidance counselors
4 possible, you know, and with the best
5 teachers possible, there's no way that they
6 can really help kids. And we know that
7 teachers and guidance counselors not only
8 educate the children but are in many ways
9 like a small social service organization, one
10 person.

11 So I'm just wondering what your
12 experience is, what you're hearing from your
13 people. Because I feel like if we -- this is
14 where we get the opportunity to really help
15 the kids, help their families early on. The
16 testing, all of that stuff, later on at the
17 end of the day, whether they pass, they fail
18 the test, we want to help make sure that the
19 kids are able to grow up, get an education,
20 decide whatever occupation they'd like to be,
21 like to do, not to do -- but to be happy and
22 healthy adults.

23 MR. MULGREW: Yes.

24 SENATOR FELDER: That's the goal. You

1 know, that's the main goal. And I'm very
2 concerned about it. I was wondering if you
3 have any comments.

4 MR. MULGREW: Well, I was sitting in
5 the back -- and thank you, this is something
6 that's very -- as an at-risk teacher of
7 high-needs students, I could not have done my
8 job without guidance counselors. And then I
9 saw a complete diminishment of the number of
10 guidance counselors over the years of the
11 previous administration.

12 And it's not where I need it to be,
13 but for the first time since I've been
14 president, this year there's an increase in
15 guidance counselors. Do we have enough? No.
16 When I heard the superintendent from Yonkers
17 saying 250:1 is about it, I'm like, I'll take
18 it. I'll take it right now, because we're
19 not even close to that.

20 And, you know, we're now putting in,
21 in terms of struggling schools, we're not
22 going to wait, we're putting in early
23 intervention. And a lot of that will be
24 based on the social and emotional development

1 of children. Because we know that that
2 has a lot to do with student performance in
3 the end. You can't get to student
4 performance if the child's not ready to learn
5 first. And that's where the guidance
6 counselor comes in.

7 Should there be -- and I believe the
8 issue is that there's so many mandates on a
9 school district in terms of these other
10 accountability measures that guidance is not
11 a mandate, by and large -- in certain areas
12 it is -- so it goes by the wayside because
13 dollars become fewer.

14 So I would support a system that says
15 there's a specific funding line that can only
16 be used -- I mean, let's be clear, it has to
17 be ironclad -- only be used for guidance
18 intervention of students. Because if you put
19 any wiggle room on it, we know what happens
20 when it gets to the school. It wiggles. A
21 lot.

22 But it is one of the most important
23 services, especially if you're going to deal
24 with the neediest school districts and

1 children who have immense challenges in their
2 lives. And a guidance counselor absolutely
3 can move student performance inside of a
4 school building as well as a classroom when
5 they work one-on-one with a teacher in a
6 program. And I can attest to that because it
7 was something that I had the fortune of
8 having as a teacher, was that guidance
9 counselor -- actually, a group of guidance
10 counselors who worked with me.

11 SENATOR FELDER: I just -- I have a
12 minute and 20 seconds. I want to use 10 of
13 it just to ask -- not to respond -- if
14 there's anything you can send me, either that
15 you have or your colleagues, that is there
16 any sort of formula as to what, how many
17 children, you know, on an average, you know,
18 per guidance counselor.

19 Thank you.

20 MR. MULGREW: Thank you.

21 CHAIRMAN FARRELL: Assemblyman Graf.

22 ASSEMBLYMAN GRAF: I keep hearing the
23 buzzwords "college and career ready" all the
24 time. And I see a lot of them pushing

1 towards college, but I don't see the career
2 part. Okay? We've cut down on the BOCES
3 program. And let's be honest, not every kid
4 is going to go to college. All right? And
5 there's nothing wrong with being an
6 electrician. Have you paid one lately?

7 So the bottom line is, what are we
8 doing about -- as far as looking at certain
9 kids that want to go into the trades? And do
10 you think it's fair to judge teachers, right,
11 on a child's college-preparedness when he has
12 no intention of going to college, he or she?

13 I mean, when I went to school you had
14 a Regents and a general diploma, a career
15 track and an education track. And it just
16 seems to me that once New York State got
17 involved, they screwed everything up.

18 And I just want your opinion, are we
19 looking at -- it's like a cookie-cutter
20 approach to education right now. And when
21 you look at the Governor's 50 percent of
22 testing, all right, he has one student in
23 mind and every student has to fit into that,
24 and that's what they're going to judge the

1 teacher on. Can you speak to that?

2 And what kind of actual learning is
3 going to occur when you have teachers that
4 are worried about their job and all they do
5 is teach to the test? So there's no actual
6 learning going on there, or it stagnates it.
7 Can you speak to that?

8 MR. MULGREW: College and career
9 readiness, the buzzword is -- those are the
10 buzzwords, aren't they? As the student who
11 went into a carpentry apprenticeship before I
12 went to college at nights and on weekends, I
13 fully appreciate what you're saying. That's
14 why I talked about Career and Technical
15 Education here, and the guidance counselors.
16 They go in perfect together.

17 We know if you want to build awareness
18 that a child has to understand that they have
19 to have a career at the end of the day, that
20 that starts with guidance, first and
21 foremost, in the elementary grades. We want
22 to move -- I know the chancellor spoke about
23 this -- Career and Technical Education into
24 middle schools. We already have it in high

1 schools, we want to expand it in high
2 schools.

3 There are children who just prefer to
4 learn in an applied setting, which is what
5 you're saying at this moment. They prefer to
6 learn in a shop setting, a laboratory
7 setting, than in a regular classroom setting.
8 They like working with their hands, they like
9 doing things that are outside what's called
10 standard -- the core academic subject areas.
11 So as school systems, we can grow this.

12 Do we need the teachers? Yeah, we
13 don't have the number of teachers that we
14 need. Right now I was supposed to be in
15 Kenosha, Wisconsin, today to visit with --
16 there's an exceptional school there that does
17 mechanical technology. It's considered like
18 a flagship. And we want to bring that to
19 New York City. And they have a sponsor, it's
20 Snap-On Tools. You've probably heard of
21 them. And there's a whole group there right
22 now between the UFT and administrators and
23 teachers from New York City, going there to
24 see how we can bring that here.

1 The Regents passed the change in the
2 diploma, so now that when we have the
3 children passing the industry assessment --
4 this is not a standardized test, these are
5 industry assessments. From every industry,
6 from the medical industries to the
7 engineering to carpentry, woodworking, all
8 sorts of things. The industry designs what
9 they say a child needs to be proficient in to
10 get a job the minute they leave high school.
11 And those children now, when they pass that
12 assessment, they'll be given credit towards a
13 diploma. So that's a step in the right
14 direction.

15 But we need, if we're going to get
16 serious about this, this is where we need the
17 state to say we are going to put aside
18 dollars for schools who want to develop these
19 type of programs. And it's not just about
20 high school, it goes all the way down.

21 And there are -- you know, when you
22 see students in these settings -- and the
23 funny part is right now the data shows us the
24 children who leave high school with a

1 Career/Tech Ed assessment, they actually go
2 to college at a higher rate than the academic
3 kids, because they've learned work, they've
4 learned, you know, what it takes to go to
5 work every day and that it's an important
6 thing.

7 So I welcome any of the expansion and
8 bringing this into more -- it shouldn't just
9 be the BOCES. The BOCES are a very important
10 piece, but we should be able to put programs
11 into all schools and not just sit here and
12 talk about college and career.

13 ASSEMBLYMAN GRAF: And the other thing
14 they bring up all the time is when a kid goes
15 to college, he's got to take remedial
16 courses. Okay? And that's a big deal, all
17 right? But, you know, I have an individual
18 that works with me, he has Asperger's.
19 Right? And he works his tail off. He worked
20 his tail off to get out of high school. And
21 then he had to take some remedial courses.
22 So what? It's taken him four years, okay, or
23 three and a half years to get his
24 associate's. Now he's moving on to his

1 bachelor's.

2 And we have kids out there or young
3 adults out there that -- I mean, I know
4 students that work as hard as they can to get
5 a C. Okay? And then after they get out of
6 that grade, they go to the next grade and
7 they have to catch up again on what they
8 learned last year, but they really work their
9 tail off to get that C and graduate.

10 I mean, the way they're telling us
11 about this, they're saying, well, if he has
12 to take remedial or she has to take remedial
13 courses, she doesn't belong in college. So I
14 have a real problem with when they keep
15 pigeonholing these kids and they keep talking
16 about these remedial courses like, you know,
17 they should never be there. The colleges are
18 making money off of this, okay?

19 So I just don't think that's a fair
20 thing to sit there and say when you have kids
21 going to like a community college that's
22 working his tail -- so what, he has to take a
23 course, she has to take remedial courses.
24 Doesn't mean that they didn't do what they

1 had to do to graduate high school. They may
2 have a learning disability.

3 So I just want to put that out there
4 because I keep hearing that every time in
5 this hearing, and it's nonsense.

6 MR. ALLINGER: Assemblyman, you recall
7 from last year's hearing that was started in
8 Long Island around the Common Core that
9 according to the state, half the students in
10 your area in Long Island were not ready for
11 college -- despite the fact that the
12 college-going rate in your area was over
13 90 percent, and the vast majority of them
14 performed in college.

15 So there's a huge disconnect between
16 the reality and the facts, as was
17 demonstrated at the hearing that you attended
18 last fall, and the myth about college and
19 career readiness.

20 ASSEMBLYMAN GRAF: Thank you.

21 CHAIRMAN FARRELL: Thank you.

22 Senator?

23 CHAIRMAN DeFRANCISCO: Senator
24 Flanagan.

1 SENATOR FLANAGAN: Thank you.

2 Michael, you heard the chancellor
3 before when I asked about mayoral control and
4 what type of feelings she had and what type
5 of work was going to happen between your
6 organization and administration. And I got
7 the fact that she liked mayoral control, but
8 I didn't really hear anything about what the
9 expectation was for planning together.

10 MR. MULGREW: I thought you were going
11 to ask me this question when I was back
12 there.

13 We do a lot of wonderful work with the
14 chancellor, but this is not an area we agree
15 upon. And I think that any mayor who's in
16 office is going to agree that they like that
17 form of mayoral control. But as I have
18 spoken to this mayor, and the previous mayor,
19 we're not basing our opinions or the policies
20 of my union on any one individual's
21 personality.

22 The position of my union, which we
23 have a resolution on, is that there should be
24 a check and balance, and that it should be

1 put inside of the panel for educational
2 policy. Right now, right now the mayor has
3 the majority of the appointees. Whoever the
4 mayor is. So what we believe is that the
5 majority should not be under the mayor's
6 control, so that we at least have that check
7 and balance.

8 It is clear that this mayor is
9 following the intent of letting that panel
10 actually use its discretion after
11 appointment. The previous mayor did not. So
12 that's why I'm saying when it comes to policy
13 it's not supposed to be about, you know, the
14 individual, whether they're going to follow
15 the intent or they're going to use their
16 interpretation that they can do whatever they
17 want.

18 So that's why we believe we have to
19 have a check and balance inside of that. And
20 that's a big piece to us. And we don't agree
21 on it. But, you know, it's odd because we
22 really are working on moving our school
23 system right now.

24 SENATOR FLANAGAN: It's only February.

1 We have plenty of time.

2 MR. MULGREW: No, we're going to keep
3 going, brother, don't you worry about it.

4 SENATOR FLANAGAN: What about the
5 Governor's proposal?

6 MR. MULGREW: His was the same.

7 You know, I think anyone who's -- if
8 you're going to look at the whole question of
9 mayoral control, I strongly recommend When
10 Mayors Rule, a book by Professor Viteritti,
11 who's considered the expert on this. He's
12 studied mayoral control in different forms
13 throughout this country, and his final
14 conclusion is there is no one good system.
15 You need to adapt it to the needs of your
16 school system at that time, and you need to
17 revisit it periodically. And you should
18 always be flexible, because the idea of
19 governance and responsibility has to meet the
20 needs of the system, not the needs of the
21 political goings-on of the school district.

22 SENATOR FLANAGAN: Okay. Last
23 question, sort of three parts. And I hope I
24 can articulate it properly.

1 I had a meeting with some of the folks
2 from Bard Early College High School program.

3 MR. PALLOTTA: Good school.

4 SENATOR FLANAGAN: And looking at that
5 in the context of some of the things that are
6 being advanced with trying to do -- you've
7 talked about, year after year, proper
8 recruitment and retention so that people
9 don't leave, that we bring them, we have the
10 ability to keep them. Do you see any
11 potential for some type of overlap or synergy
12 with a Bard-type program?

13 Because a lot of these students are in
14 the areas where the Governor seems to be
15 looking to say: We'll pay your college
16 tuition if you work in New York for five
17 years, but you work in some of the tougher
18 areas. Do you think there's a possibility of
19 taking something like that that exists
20 already and building on it without having to
21 reinvent it?

22 MR. MULGREW: It would be something
23 that I would definitely look into. We had --
24 there's been different programs at different

1 times at the state level in terms of teaching
2 in what we consider the more challenging
3 areas. And that would be something that we
4 would look to support. But as always, we
5 need to see the details.

6 And I'd like to -- I think that Bard
7 also is one of our pro schools that took
8 advantage of, you know, customizing what they
9 want to do under our new contract. Which
10 just shows you that that flexibility has
11 given them a great deal of satisfaction in
12 terms of working in a very difficult
13 situation.

14 SENATOR FLANAGAN: Last quick one,
15 your opinion on the Master Teacher Program.

16 MR. MULGREW: Ours or the Governor's?

17 SENATOR FLANAGAN: The Governor's.

18 MR. MULGREW: It's a good program.
19 We've gone a step further that really has
20 embedded it. We have Master and Model
21 Teacher.

22 We do believe and support that if a
23 teacher is exceptional, then we want them to
24 have the ability for a higher compensation

1 package. But at the same time, we want them
2 to help other teachers develop and become
3 better. So our Master Teacher program is
4 closely -- it's close to what the Governor is
5 doing. You know, in terms of the
6 embeddedness in a school, I believe ours is
7 more embedded.

8 There's a requirement that they help
9 other teachers under the Governor's program,
10 and they do take on additional
11 responsibility. Ours is more prescriptive in
12 terms of what they do, and we have two
13 different levels, we have the Master Teacher
14 and the Model Teacher. The Master Teacher
15 actually goes and works for a portion of the
16 day with other teachers, sits with them,
17 mentors them, talks about their development,
18 looks at their strengths and weaknesses, will
19 go in and observe them and talk about what
20 they're seeing.

21 The Model Teacher is a teacher who's
22 also considered exceptional. What they do is
23 they open up their classroom so that other
24 teachers come in and watch them teach, but

1 that is their only requirement, is other
2 teachers come in. And they have to give one
3 period of the day to talk to other teachers
4 about how they're preparing, doing different
5 things.

6 Those at this point -- this is our
7 first year of implementation, and we're
8 seeing value in that. In terms of how it's
9 working across the state, I would defer to my
10 friends from NYSUT.

11 SENATOR FLANAGAN: Thank you.

12 CHAIRMAN DeFRANCISCO: Thank you.

13 We've been joined by Senators
14 Montgomery and Panepinto.

15 Senator Montgomery is next.

16 SENATOR MONTGOMERY: Good afternoon,
17 Mr. President.

18 MR. MULGREW: Good afternoon.

19 SENATOR MONTGOMERY: And
20 Mr. President.

21 I want to just -- first of all, I want
22 to thank you for your comments on mayoral
23 control. I totally agree with you. And I
24 just hope we come up with a better system

1 CTE sequence, yes.

2 SENATOR MONTGOMERY: Okay. One of the
3 issues that I've heard, I believe the
4 principal of Brooklyn Tech talked about it,
5 the administration at the Harbor School has
6 talked about it. That is in order for
7 youngsters to be able to be certified in the
8 area of technology, they must have a
9 certified teacher.

10 MR. MULGREW: In the licensed area.

11 SENATOR MONTGOMERY: And be part of a
12 certified program.

13 MR. MULGREW: In the licensed areas
14 for a lot of their sequences, there is no
15 such thing as a certified teacher.

16 SENATOR MONTGOMERY: Exactly. So I'm
17 just wondering where we are -- and when I say
18 "we," I'm being very loose about that --
19 where we are in our state with State Ed in
20 terms of the licensing issue around that
21 whole concept.

22 MR. MULGREW: This is something --
23 before I was the president, I was the vice
24 president for career and technical education.

1 I love the fact that in this state we worked
2 with SED to develop rigorous Career and
3 Technical Education requirements. We did so
4 much faster and we went a lot further than
5 almost any other state. But we did that
6 because we wanted those programs to be so
7 reliable in terms of when we went to the
8 public, your child was getting the education.

9 So there are numerous requirements.
10 One, you have to have a curriculum that has
11 to be certified by the industry of which it
12 is involved with. You must have an industry
13 partner who works with you at all times and
14 works towards putting children in
15 internships. And you have to have a higher
16 ed partner that recognizes the children and
17 what they have learned inside of your CTE.
18 And last but not least, you need to have a
19 certified teacher in the area of your Career
20 and Technical Education sequence.

21 SED needs to change its entire
22 approach to licensing when it comes to Career
23 and Technical Education. Because years ago,
24 we developed a new -- one, at that point,

1 there was a computer engineering certificate
2 that we need. We developed it, and within
3 two years ago of getting a new license, that
4 was a license we no longer needed. Because
5 the industry changed, and the industry wanted
6 something completely different.

7 So it is our opinion that we need what
8 is called an umbrella approach to industry.
9 SED tells us that they can't do that. So my
10 frustration is, well, what you can do does
11 not serve the school system or the children
12 well. And what we're asking you to do,
13 you're uncomfortable with.

14 So I think we need to get
15 uncomfortable for a while and come up with an
16 approach. Because when we talk about dollars
17 here, when we get -- in New York City, when
18 you receive Perkins dollars, you have to be a
19 certified sequence. It's only true in
20 New York City. We want, if we're going to
21 move to -- and we've seen, we absolutely have
22 seen that this is an economic development
23 driver.

24 SENATOR MONTGOMERY: Yes.

1 MR. MULGREW: It is. And I think it's
2 very valuable to different areas of the state
3 to really, you know -- to, you know, cradle
4 an industry. As you know, up here you have
5 nanotechnology, it's being taught at the high
6 school level as well as in Albany.

7 So if you're going to do this, we have
8 to help the schools come across. And this is
9 one area where I would love to see SED say
10 it's time to get uncomfortable and let's
11 figure this problem out, because the
12 bureaucracy is in the way of what the
13 schools, the teachers, and the
14 administrations are trying to do on behalf of
15 the children, and that's just not good.

16 SENATOR MONTGOMERY: Yes.

17 Now, I don't have much time left, so
18 there are some other questions, but I do want
19 to just mention this. I know that you and I
20 and a lot of other people agree that we would
21 like to maintain a higher percentage of
22 diversity in some of those so-called
23 specialized schools, Brooklyn Tech being one
24 of them. It's in my district, and I'm

1 particularly interested in that. The Harbor
2 School is another place that I would like to
3 make sure that we maintain diversity and
4 access.

5 So one of the things that people in
6 both of those schools have talked about is
7 middle schools that are somehow mentored by
8 those high schools that are connected to them
9 more directly as sort of feeder schools, if
10 you will. And that would be one way of
11 making sure that they're students who, if not
12 connected in some way before they end up with
13 having to take this test or whatever it is,
14 that they can begin to have the experience
15 which prepares them for that high school,
16 both in the case of Harbor School and
17 Brooklyn Tech.

18 I'm just wondering if you have any
19 thoughts about that and if you're available
20 to discuss that some more and to help us with
21 that idea and with the DOE.

22 MR. MULGREW: Yes. We would need
23 preference. You'd have to get preference.
24 Because Brooklyn Tech is one of the

1 specialized schools, where the Harbor School
2 is not. But at the same time, they're a -- I
3 mean, the Harbor School will have 120 seats
4 available this September, and they're going
5 to have between somewhere between 15,000 and
6 20,000 applications for it. It is that
7 sought after.

8 SENATOR MONTGOMERY: And the question
9 is where are those applications coming from.
10 And access is really important.

11 MR. MULGREW: Right. So if you're
12 going to work with a middle school, then we
13 have to come up with a program of preference.

14 SENATOR MONTGOMERY: We have to come
15 up with a way of making sure. So I think
16 that's the idea.

17 And in both of those schools, both
18 cases, they have expressed an interest in
19 having that kind of direct relationship with
20 a middle feeder school.

21 MR. MULGREW: I look forward to
22 working on that with you.

23 SENATOR MONTGOMERY: Thank you.
24 Appreciate it.

1 Thank you, Mr. President.

2 CHAIRMAN DeFRANCISCO: Thank you.

3 Senator Panepinto.

4 SENATOR PANEPINTO: Good afternoon,
5 Mike. How are you?

6 MR. MULGREW: Good afternoon.

7 SENATOR PANEPINTO: I'm a public
8 education advocate. I'm a product of public
9 schools, my kids go to public schools in the
10 City of Buffalo. I'd be remiss if I didn't
11 mention their school. It's City Honors
12 School. You know, a success story of public
13 education, one of the top ten public schools
14 in the country.

15 I was just visited by two charter
16 school groups from the City of Buffalo, and
17 they let me know that the Governor's proposed
18 budget only provides for a \$75 per pupil
19 increase for charter school funding.

20 Now, wouldn't it make more sense for
21 the Governor to increase the per-pupil
22 funding allotment if you really cared about,
23 you know, the community-based charter
24 schools, rather than focusing on increasing

1 the charter school cap by a hundred?

2 MR. MULGREW: I appreciate the
3 question, and I thank you for your statements
4 on public schools. But I'm going to defer to
5 my good friend Mr. Pallotta, since I know he
6 just sent out some information yesterday on
7 that very issue.

8 MR. PALLOTTA: Right. We're talking
9 about \$75 per year for two years, so he's
10 increasing it. And what you have is right
11 now no increase for the public schools, the
12 traditional public schools throughout the
13 state. So what he's saying is we want to
14 give more money to those charters and not
15 fund, increasingly, the traditional public
16 schools.

17 So we've shown that the charter
18 schools have a tremendous amount of cash that
19 they are able to hold in a reserve account
20 and that public schools are not allowed to
21 have that same amount of money.

22 So to answer their question, it's very
23 unfair what the Governor has done in this
24 budget for charters and not for the

1 traditional public schools.

2 SENATOR PANEPINTO: I can't
3 understand -- and maybe I'm a little naive on
4 this. You know, we're 122 below the charter
5 cap right now. Where's the need to increase
6 the charter cap, you know, by another
7 hundred?

8 MR. ALLINGER: There isn't a need.
9 Moreover, as President Mulgrew had said
10 earlier, none of the reforms from 2010 have
11 been honored. Our recent reports show that
12 they under-enroll, tremendously, English
13 language learners, children with
14 disabilities.

15 Moreover, they're funded on an
16 approved-operating-expense-per-pupil basis,
17 which is an average of all costs, including
18 very expensive and more capital-intensive
19 programs at the high school level, special
20 ed. But their enrollment is skewed to
21 low-cost programs. So the formula already
22 builds in a tremendous advantage.

23 As Andy just said, they're sitting on
24 almost \$300 million cash reserves, and on

1 average they have 25 percent reserves.
2 School districts aren't allowed to carry more
3 than 4 percent.

4 MR. PALLOTTA: Right. So he already
5 admitted that there is a creaming. Right?
6 If there needs to be an anti-creaming, it
7 means that you're skimming. And what we
8 would love to have done is fund the way the
9 Regents have requested, \$2.2 billion, the
10 Educational Conference Board, \$2.2 billion.

11 So what we see is some real
12 discrepancies between educators, what they're
13 asking for, and what the Governor has
14 provided.

15 SENATOR PANEPINTO: And one of the
16 interesting things about these charters that
17 came in my office earlier today and other
18 lobbying efforts is that in Western New York
19 we have, you know, community-based charters.
20 We don't have the big charters companies
21 there. And they really are focused and have
22 taken the place of neighborhood schools in
23 many respects. In my neighborhood we have
24 the Elmwood Village Charter School, which is

1 really a neighborhood school.

2 Does UFT or NYSUT have different
3 thoughts on those community-based charters as
4 opposed to these corporate charters that are
5 seen in New York City?

6 MR. MULGREW: In New York City we work
7 a lot with small community-based charters.
8 We have a great relationship with them. Last
9 Friday I had a reception at the UFT
10 headquarters, we had close to 500 charter
11 teachers there.

12 I'm pretty much on the record and out
13 there publicly on this. The larger chains,
14 we just are not going to get along with them.
15 Because to us it's, you know -- I don't
16 believe that you set up a school and don't
17 make it open to all children.

18 In New York City we have overcrowding
19 situations all over the place. If children
20 are leaving a public school, we get children
21 back into the public school. I don't
22 understand why there's not what's known in
23 education as backfilling. There's no
24 backfilling.

1 So if you're not meeting the number of
2 need -- and when we talk about need, it
3 gets -- you know, the myths out there are we
4 do serve children with IEPs, yes. Well,
5 there's a child with IEP who gets speech
6 therapy and there's a child with IEP who is
7 heavy -- you know, legitimately learning
8 disabled, severely learning disabled, needs
9 to be in a self-contained environment.

10 So when people say, oh, we serve the
11 children with IEPs, you know, noneducators
12 need to ask: What is exactly the service you
13 provide? Is it a self-contained environment,
14 or are you supplying speech therapy once a
15 week?

16 And in terms of English language
17 learners, that's a difficult population. As
18 I said before, a lot of it has to do with
19 federal requirements, and -- so the larger
20 chains are people we've always had issues
21 with, and we believe that their intent is
22 not -- in the end is more about making funds,
23 making money for themselves.

24 SENATOR PANEPINTO: We know -- we know

1 what their intent is.

2 MR. MULGREW: But the community-based
3 charters, we do a lot of work with them. We
4 think they deal with very difficult
5 situations, it's not easy. So we don't --
6 and I know the press likes to say it
7 differently -- we do not paint every school
8 with a broad brush. There are differences.
9 And there are people doing amazing work in
10 both types of schools.

11 SENATOR PANEPINTO: Just to change
12 gears a second, in last year's budget the
13 Legislature placed a moratorium on using
14 Common Core-aligned exams against students.
15 Why are we using these same exams to reform
16 individual schools and districts as a means
17 of determining teacher evaluations in
18 {inaudible}. I mean --

19 MR. PALLOTTA: This has been a very
20 interesting time here in Albany when we say
21 that it's great, it's okay to protect
22 students from those test scores. Then the
23 Governor puts forward a bill and he does it
24 in such a way that he makes it happen.

1 Right? And then he recently made it not
2 happen.

3 So, you know, flip-flops are usually
4 for the summer, not for in the middle of the
5 winter here. We obviously see a problem here
6 where we would like to address this issue in
7 a rational way, which seems to be very hard
8 here.

9 So I think in the next few weeks here
10 at the Capitol, we'll be talking a lot more
11 about this.

12 MR. MULGREW: But I want to be clear,
13 in terms of the whole rationale -- and it is,
14 I believe, a political rationale. But the
15 idea that student passing percentage equates
16 to teacher evaluation is not something that
17 should even be discussed. Because I go back
18 to myself. I happily and freely dealt and
19 worked with children who had all sorts of
20 challenges and needs.

21 And if you told me that my job
22 performance was based on whether they passed
23 a standardized test -- which, when I received
24 those students, were years behind

1 academically -- then you're telling me not to
2 work with those students. And that's just
3 not realistic. And you're telling everyone
4 who walks into this profession: Do not serve
5 needy children.

6 I cannot emphasize enough that that is
7 how educators took the Governor's State of
8 the State address. He told us, as a
9 profession, do not work in challenging school
10 districts with challenging children. Those
11 are really bad signals to send to teachers
12 when we are trying at the same time to say we
13 want to attract teachers to those difficult
14 situations.

15 So I'm leaving it at that. Because I
16 might go somewhere I shouldn't go in a public
17 setting.

18 MR. ALLINGER: Senator, you're from
19 Buffalo. The University of Buffalo Dean of
20 Education released a report, I believe it was
21 last year, showing a confidence interval of
22 .14, meaning nothing but randomness, on the
23 efficacy of {inaudible} models and
24 value-added models using high-stakes tests

1 for {inaudible} information purposes, that
2 without a statistical association rejects
3 this approach.

4 There's a report out of Harvard
5 University, Stanford, you could go on and on.
6 Overwhelmingly these peer-reviewed studies
7 reject this as a sound approach.

8 SENATOR PANEPINTO: I appreciate it,
9 but our time is up. Thank you very much.

10 MR. PALLOTTA: Thank you.

11 MR. MULGREW: Thank you.

12 CHAIRMAN DeFRANCISCO: Senator
13 Latimer.

14 SENATOR LATIMER: I know the hour is
15 getting late, so I'll limit it to one
16 question.

17 Andy, in your testimony you made a
18 persuasive case against the Governor's
19 proposal for receivers to take over schools
20 that are having trouble, failing, or what
21 have you. Can you articulate an alternate
22 strategy, what we should be looking at in
23 dealing with those kind of situations, rather
24 than the receivership model?

1 MR. PALLOTTA: We definitely see the
2 productivity of a community school where we
3 go beyond the daily academic needs of the
4 students but we bring in, as we've spoken
5 about many times throughout this hearing,
6 guidance counselors.

7 I taught in a school in the Bronx
8 where the principal was able to work with the
9 union and we provided miraculous services to
10 the students -- we brought in extra social
11 workers. So not only guidance counselors,
12 but social workers, to deal with those
13 issues. And that school was able to turn
14 around.

15 So I've worked in situations where
16 yes, it was a very difficult situation, a
17 difficult learning environment, teaching
18 environment, and through having those
19 services in those schools, we were able to
20 turn that school around.

21 So not just guidance but also the
22 after-school programs, the special things
23 that kids love like the things that have gone
24 out of the radar now because we concentrate

1 so much on the testing.

2 So this is what's crucial now, that we
3 expand the use of community schools instead
4 of reducing the amount of funding going to
5 them.

6 SENATOR LATIMER: Thank you.

7 CHAIRMAN DeFRANCISCO: To close,
8 Senator Krueger.

9 SENATOR KRUEGER: Hi.

10 MR. MULGREW: Hi.

11 SENATOR KRUEGER: I have more
12 questions than I'll be allowed to ask, but
13 we've covered much of the territory, so maybe
14 try to keep the answers short.

15 For the record, my husband is a
16 college professor and a NYSUT member. So if
17 bias is implied, that isn't going to be till
18 the Higher Ed Committee budget testimony.

19 The \$75 more for the charter schools.
20 One of your testimonies talks about it being
21 taken out of the local school district
22 education funds. When I asked that question
23 of DOB last night, I was told that would be
24 separate money coming out of the budget but

1 there wouldn't be an expectation for the
2 local districts to have to pick it up. And
3 I'm seeing some heads shaking.

4 MR. PALLOTTA: Right.

5 SENATOR KRUEGER: So we all agree it's
6 not --

7 MR. PALLOTTA: Right, so it wouldn't
8 come out of a local school district, because
9 right now they're not getting any increase
10 until they agree to all these reforms that
11 the Governor putting forward.

12 MR. ALLINGER: Also, the Governor
13 proposed a building aid for charter schools,
14 which makes no sense.

15 First, the charter authorizations are
16 for five years; building aid is for very long
17 term, fixed amortization schedules.

18 There's a presumed share. Building
19 aid doesn't pay a hundred percent of the
20 capital, so districts would have to fund a
21 share of the capital cost even though it
22 would be inside the tax cap. So they would
23 actually have to take money out of teaching
24 and learning in the classrooms to send it

1 over to match the building aid.

2 And there is no relief for
3 contribution to charter schools for facility
4 costs. And it doesn't make sense, because in
5 New York City they're already on the hook for
6 the first \$40 million, I believe, of lease
7 costs.

8 And again, the current formula is
9 based on an average cost of both high-cost
10 and lower-cost programs, and most of their
11 programs are skewed to elementary school,
12 which is a lower-cost program.

13 MR. MULGREW: I want to put this in
14 context. In New York City right now, with
15 the \$40 million and with every capital penny
16 already planned for, if we build everything
17 that's already in the pipeline and do the
18 \$40 million, New York City is still going to
19 be short over 40,000 elementary seats in
20 10 years, and we're going to be short over
21 80,000 high school seats.

22 So anything on funding -- this is why,
23 when I talk about CFE and all these different
24 issues, that's a crisis that we know is

1 coming at us. And we're over here saying,
2 oh, we want to give this aid here and this --
3 that's a real crisis. That's a capital
4 crisis the New York City public school system
5 knows is coming right at them head-on.

6 And, you know, that's part of the
7 discussion, in terms of anything that changes
8 a formula for students who already have
9 facilities aids in their formula is really a
10 problem.

11 SENATOR KRUEGER: Right. And with the
12 school aid going for -- excuse me. If
13 charters are allowed to have capital money
14 for schools for themselves, if we pull a
15 charter, who owns the school?

16 MR. ALLINGER: Our worry is that the
17 school district would be on the hook for
18 these capital costs, and it would further
19 burden them. It also would be inside the tax
20 cap outside the City of New York.

21 Also, how would you determine the
22 Building Aid ratio? We have districts
23 upstate where there's 12 different school
24 districts sending kids to that school.

1 MR. MULGREW: Who owns the building,
2 was the question.

3 SENATOR KRUEGER: But who owns the
4 building exactly? Am I in a joint venture
5 with a private entity?

6 MR. ALLINGER: If a school goes out of
7 business, if it's closed down, the assets
8 revert back to the sending school districts
9 in proportion. I think that was adopted in
10 the 2014-2015 budget.

11 MR. MULGREW: I think we should all
12 check that.

13 SENATOR KRUEGER: I think you should
14 check that also.

15 CHAIRMAN DeFRANCISCO: Mr. Mulgrew,
16 thanks for keeping them in line so they
17 understand questions.

18 MR. MULGREW: I try.

19 CHAIRMAN DeFRANCISCO: I can't do it.

20 (Laughter.)

21 SENATOR KRUEGER: He's using my time.
22 I get more.

23 You talked about the flush-with-cash
24 report. Public schools are capped at

1 4 percent. Under existing law, charters can
2 have these enormous cash -- I guess expense
3 payments, reserves and assets. There's no
4 equivalent law for charters?

5 UNIDENTIFIED SPEAKER: No.

6 SENATOR KRUEGER: But I thought they
7 were public schools.

8 (Panel members shaking heads.)

9 SENATOR KRUEGER: And 4 percent seems
10 to me to be way too low. I'm actually a big
11 believer in allowing districts and
12 organizations to have a cushion to protect
13 for bad times.

14 If one were to agree everybody should
15 be under the same rules and those rules
16 should be reasonable, what's a reasonable
17 number to apply to everyone equally? Anyone
18 have an idea?

19 MR. ALLINGER: It's difficult to
20 answer because you'd have five dependent
21 school districts that aren't running any
22 reserve, they're part of their city operating
23 budgets. You couldn't give a
24 one-size-fits-all answer.

1 SENATOR KRUEGER: Okay. But maybe
2 think about that for perhaps other than the
3 five who don't operate that way.

4 You mentioned that we should be asking
5 for a waiver from the federal government for
6 ELL and special ed issues.

7 MR. MULGREW: Anything you could do
8 would be helpful in terms of --

9 SENATOR KRUEGER: Has any other state
10 gotten said waivers?

11 MR. MULGREW: Okay.

12 SENATOR KRUEGER: So if we asked for
13 them, there's a conceivable possibility we
14 will be told yes.

15 MR. MULGREW: We will get both houses
16 the information. And I think any resolution
17 that's passed saying this -- because I think
18 the more people understand the absurdity of
19 the federal regulations around this, the more
20 they will possibly, possibly be shamed into
21 actually doing something about it.

22 SENATOR KRUEGER: Good answer. Thank
23 you.

24 You talked about -- and I'm sure it

1 applies both for the city and the rest of the
2 state -- the CTE program issues and the money
3 issues, all in the context of everyone --
4 well, not everyone, apparently, but many of
5 us recognizing the CFE shortage of funds for
6 school education in general.

7 Apparently our Governor really likes
8 economic development. Could you apply for
9 regional economic development money to pay
10 for CTE because it's moving people into the
11 skills they need to get the jobs to work in
12 the economy we think we want to support?

13 MR. MULGREW: This is an interesting
14 thing that we're actually researching right
15 now. We believe that under the change in
16 federal guidelines that that opens us up to
17 being able to combine CTE and workforce
18 development money. That there has to be a
19 consolidated WIA application that might open
20 it up to education for career development and
21 economic development.

22 So that is something we're looking at
23 right now. And as soon as we come to
24 definitive answers, I would be more than

1 happy to get that to you. Because that's not
2 a discussion we're having.

3 And I don't understand why, if you
4 have a CTE school that completely has a
5 laboratory, a very expensive laboratory in
6 it, whether it's medical technology, whether
7 it's auto technology and maintenance or
8 something, that how -- wouldn't it be nice if
9 we could also use that to -- use that for
10 economic and workforce development training
11 and then use the funding that was going to be
12 used there somewhere else to develop another
13 lab? That would be a great use of our money.

14 So that's why we're looking at that,
15 and I think that's very interesting you
16 brought it up.

17 SENATOR KRUEGER: Thank you.

18 MR. ALLINGER: If you're opening up
19 {inaudible} ought to be up-front money for
20 full-day kindergarten and 4-year-old pre-K,
21 because districts have to wait for a lag on a
22 one-year basis, and they don't have enough
23 money under the tax cap to actually expand
24 those programs. So that would be a good use

1 of the one-time surplus.

2 SENATOR KRUEGER: I think we've spent
3 that about three times over already this
4 week, but thank you.

5 My time is up, so thank you very much,
6 everyone.

7 CHAIRMAN FARRELL: Thank you very
8 much. Thank you all.

9 MR. MULGREW: Thank you very much.

10 CHAIRMAN FARRELL: Next, Mark
11 Cannizzaro, Council of School Supervisors and
12 Administrators, CSA, 11:45.

13 I think I came close to your name.

14 MR. CANNIZZARO: That was pretty good,
15 actually. You did well, thank you.

16 CHAIRMAN DeFRANCISCO: If I could urge
17 you to speak from your heart, explain your
18 key issues -- I doze off when everyone reads
19 a single-spaced presentation, so please --

20 MR. CANNIZZARO: I'm not going to read
21 to you.

22 CHAIRMAN DeFRANCISCO: Thank you.

23 And I'm talking to everybody.

24 MR. CANNIZZARO: So good afternoon,

1 Assemblymember Farrell, Senator DeFrancisco,
2 Senator Flanagan, and members of the
3 Legislature. Thank you for giving us this
4 opportunity to testify before you today.

5 My name is Mark Cannizzaro. I am the
6 executive vice president of the Council of
7 School Supervisors and Administrators in
8 New York City. We represent 6,300 active
9 principals, assistant principals and
10 education administrators, approximately
11 10,000 retired, and 200 daycare directors and
12 assistant directors of our city-funded
13 daycare centers in New York City.

14 As the Senator so clearly said, I'm
15 sure that you can read my testimony. And I
16 actually find myself here agreeing with many
17 of the previous speakers, which may be scary,
18 may be a good thing.

19 But the first thing I'd like to echo
20 is Mr. Mulgrew's invitation for members of
21 this body to come to New York City to see
22 some of our schools, not only to see how well
23 we are doing in certain areas, but also to
24 speak to the educators, because I think

1 that's where you're going to get the best
2 sample of exactly what's needed in order to
3 make sure children are getting the best
4 possible education in New York City.

5 The first piece I would like to
6 address is the tying of school aid to the
7 acceptance of certain provisions in the
8 Governor's budget. CSA is opposed to this.
9 We have found in the past that tying funding
10 to certain provisions with NCLB and Race To
11 the Top ends up costing more money to
12 actually implement these provisions than is
13 actually given to the schools or actually
14 increase in school aid, so there's really no
15 net increase in anything that we're asking --
16 that we need to do in the schools.

17 The other piece is New York City is
18 well behind in the commitment to the Campaign
19 for Fiscal Equity. And if additional funds
20 are available, we feel that the first
21 commitment should be to the Campaign for
22 Fiscal Equity funding in New York City.

23 The second thing I would like to
24 address is the APPR, and many of you have

1 already spoken about this. I was
2 appreciative to hear Assemblymember Ra speak,
3 as someone with quite a bit of knowledge.
4 And obviously you've been speaking to people
5 in the system, so thank you for that.

6 Fifty percent of a state test score
7 for someone, whether it's a principal or
8 teacher's APPR rating, is far too much. If
9 we accept that 50 percent is the number, then
10 we also have to accept that those that come
11 up with good scores based on that 50 percent
12 are doing the job in an extraordinary
13 fashion.

14 And the fact of the matter is these
15 tests cannot be used -- and research has
16 shown, and a lot of people have referenced it
17 already -- research has shown that these
18 tests should not be used to evaluate
19 educators.

20 There is a place for them -- we can
21 see exactly where students are, it can be
22 used as a diagnostic tool. But value-added
23 measures have not been consistent and have
24 been found to not be a reliable measure for

1 educator evaluations.

2 Currently we use 20 percent on student
3 test scores. And I heard some mentions about
4 how the elimination of the local measures
5 will reduce some testing, and it will reduce
6 some testing. I certainly would be
7 supportive of reducing testing in any way
8 possible. But what we need to keep in mind
9 also is the 80 percent of educators that are
10 not English and math teachers need to use
11 some type of evaluation in the current system
12 also.

13 And someone earlier mentioned these
14 Student Learning Objectives. What Student
15 Learning Objectives are are assessments that
16 would need to be graded and prepared, and it
17 would be an administrative task that we're
18 seeing right now.

19 So the reduction of the local measures
20 only goes a small way to reducing testing the
21 way it needs to be reduced.

22 I heard some, also, comments about
23 perhaps using state measures as a growth
24 tool. And in many cases that would be a

1 wonderful opportunity and a wonderful
2 solution. However, there are certain
3 instances where this would not work, which is
4 probably why some measure of local control is
5 necessary.

6 Students in special education classes,
7 students with special needs, English language
8 learners, Mr. Mulgrew referred to the fact
9 that they're tested on their grade level
10 rather than on their actual educational
11 level. Well, when a sixth-grade teacher is
12 teaching a special needs student who is maybe
13 at a third-grade level, and does a tremendous
14 job with that student and has that student at
15 a fourth-grade level by the end of the school
16 year, that growth will not show up on a state
17 test when that child is tested on a
18 sixth-grade exam.

19 So if we're talking about growth,
20 which is not a bad idea, we need to also make
21 sure we take care of certain situations where
22 growth would not be measured just using the
23 state exam. And there are plenty of ways to
24 do that. So that's an important piece that

1 we ask you to consider.

2 Our chancellor has mentioned many,
3 many times in the old A through F system that
4 we used in New York City, that was based
5 mainly on student growth and standardized
6 test scores, that she's walked into buildings
7 to see great education happening and that
8 school being labeled a "C," and then into
9 other buildings where maybe not such great
10 things were happening and that school was
11 called an "A," simply because it was measured
12 mainly on test scores.

13 The next piece about the APPR that we
14 ask you to consider is this proposal about
15 using an outside evaluator to come in and
16 take a look at teachers within a school.

17 First of all, as a school principal I
18 feel that would be usurping my authority.
19 But secondly, and probably more importantly,
20 we're doing something in New York City right
21 now that I think maybe accomplishes the
22 Governor's intention yet doesn't take any of
23 the authority away from the school principal.

24 We use a group of people called talent

1 coaches, and they come in and they sit down
2 with the school administrators, and they go
3 into a classroom and they observe the
4 classroom together. And when they leave,
5 they discuss what the findings were and how
6 that teacher should be rated. And they're
7 trying to do everything in their power to
8 come into some type of sync so that we're all
9 talking about the same thing and we're all
10 evaluating as best as possible based on a
11 rubric that is applied evenly.

12 And another part about the talent
13 coaches is they help to build capacity within
14 the school building. So this type of person
15 coming from the outside would not be as
16 necessary, perhaps, and perhaps the Governor
17 would find that helpful.

18 As far as the APPR is concerned,
19 New York City has gone through one year of
20 the APPR. Many of our principals and
21 teachers are telling us that the feedback
22 they're getting through the observations has
23 been helpful.

24 Last year we came before you when we

1 requested an independent evaluation of
2 APPR -- we know there are some challenges, we
3 know there are some problems, and we would
4 love to be part of the solution. And again,
5 that's why I ask that people go into schools
6 and speak to the educators in the schools.

7 But we'd love to be part of the
8 solution to help this along the way, but we
9 don't think the Governor's proposal helps.
10 We have approximately 10 percent of our
11 principals and teachers right now with either
12 a teacher intervention plan or a principal
13 intervention plan, based on their scores from
14 last year. We haven't had an opportunity to
15 see the results at the end of this school
16 year, whether those same people have improved
17 or not, so to go and make some wholesale
18 changes right now we think is not prudent.

19 In addition, the goal is to improve
20 education, to improve teaching and learning
21 in schools. We're concerned that that goal
22 has been lost, and it seems that we're
23 looking to find a specific number of
24 educators to rate ineffective. Our concern

1 is that if we found the right educators that
2 needed to be rated ineffective and either
3 worked -- you know, received some intensive
4 help or be coached out of the business, that
5 would be fine. But we don't see this
6 proposal identifying the right group of
7 people.

8 As far as receivership is concerned,
9 we have 94 renewal schools in New York City
10 right now. Our chancellor has taken this
11 opportunity to work very closely with both
12 the UFT and the CSA as well as the leadership
13 of each one of these schools to put into
14 place a plan for improvement. We have an
15 independent research group going in to come
16 up with some findings that will be
17 co-interpreted at the school level with ideas
18 from parents, teachers and school leaders
19 about what they can do to solve the problems
20 and solve the issues that this independent
21 research group brings to their attention.

22 We have leadership coaches -- mainly
23 retired principals -- going into these
24 schools to work with the administrative staff

1 to try and help them improve and to help them
2 right the ship, so to speak.

3 The chancellor has promised resources
4 from guidance counselors to making some of
5 these schools CTE schools or putting CTE
6 programs into these schools. Some of these
7 schools will become community schools, some
8 will become dual-language to help our English
9 language learners acquire the language that
10 they need to be successful, and they have
11 intensive academic support, including in the
12 areas of special education.

13 Professional development
14 collaboration. Key plans will be developed
15 to make sure that the professional
16 development is targeted to these schools.

17 As far as tenure and discipline is
18 concerned -- {to court reporter} and I
19 apologize if I'm moving too fast. My wife
20 does the same thing, and she always tells me
21 to slow down.

22 CHAIRMAN DeFRANCISCO: You're going to
23 be done soon anyway.

24 MR. CANNIZZARO: What's that?

1 CHAIRMAN DeFRANCISCO: You're going to
2 be done soon anyway, because your time is up.

3 MR. CANNIZZARO: Okay. Okay. Just as
4 far as tenure and discipline is concerned, we
5 certainly support the need to make sure that
6 the best-quality educators and those that
7 care about children and those that are
8 ethically and morally the people we want in
9 front of children are the ones in front of
10 children.

11 But many of the proposals by the
12 Governor actually take away due process and
13 harm educators that may not be the ones we're
14 looking to remove.

15 Thank you.

16 CHAIRMAN FARRELL: Thank you very
17 much.

18 Questions?

19 CHAIRMAN DeFRANCISCO: No.

20 MR. CANNIZZARO: You guys want to go
21 home.

22 CHAIRMAN FARRELL: Thank you very
23 much.

24 MR. CANNIZZARO: Thank you.

1 CHAIRMAN FARRELL: Next, Jim Viola,
2 director of government relations, School
3 Administrators Association, 11:55 a.m.

4 And the next will be Billy Easton,
5 executive director, Alliance for Quality
6 Education. Come on down.

7 Good afternoon.

8 MR. VIOLA: Good afternoon, Chairman
9 Farrell. Good afternoon, Chairman
10 DeFrancisco. Good afternoon, Senator
11 Flanagan and honorable members of the State
12 Legislature.

13 My name is James Viola. I serve as
14 the director of government relations for the
15 School Administrators Association. I
16 appreciate the opportunity to address you
17 here today.

18 Rather than reiterate the testimony
19 that you already heard from NYSUT, from CSA,
20 and that you'll hear from John Yagelski
21 representing the Educational Conference
22 Board, I'm going to be focusing on four
23 program areas that were the subject of the
24 Governor's proposals. However, I would like

1 to point out, to the point raised by
2 Senator Flanagan earlier today, we will be
3 meeting with our federal delegation later on
4 this month and will impress upon them the
5 need for additional federal aid, raising just
6 the points that you suggested earlier this
7 morning.

8 In terms of annual professional
9 performance reviews, the Governor feels that
10 changes are necessary, probably most of you
11 feel that changes are necessary, and SAANYS
12 feels that changes are necessary. The
13 question is what kinds of changes. And I
14 think we should keep in mind the Hippocratic
15 Oath: First, do no harm.

16 The Governor proposes to amplify one
17 of the most problematic aspects of the
18 current APPR system, the state-developed
19 growth scores, to increase it from 20 percent
20 to 50 percent. Fifty percent is way, way too
21 high.

22 This is the part where administrators
23 and teachers are constantly asking, Who are
24 the students to whom our students are being

1 compared so that I'm getting a score? When
2 they find out that in fact your students are
3 not being compared to flesh-and-blood
4 students but to mathematical constructs, the
5 next question is, Can I see that?

6 How are students with disabilities
7 treated differently? How are students that
8 have a combination of living in poverty and
9 disabilities, how are they treated
10 differently? The answer to all these
11 questions is nobody knows for sure about how
12 that's being done.

13 These scores are based primarily upon
14 the Common Core-aligned tests, the same tests
15 that Governor Cuomo wants to extend for five
16 years, a prohibition from including the test
17 scores on students' transcripts, the same
18 tests that for which 55,000 students opted
19 out last year but the same tests the Governor
20 still feels are good enough for teachers' and
21 principals' evaluations.

22 The other thing to keep in mind by way
23 of opting out is if a certain number of
24 students opt out of a given teacher's

1 classroom or in principal's building, that
2 individual could automatically be rated
3 ineffective for that portion of their APPR.

4 The Governor also proposes to change a
5 part of the APPR system that's really
6 working, the 60 percent "other measures"
7 component that school administrators and
8 superintendents are saying is resulting in
9 better teacher-to-teacher and
10 teacher-to-administrator discussions, program
11 planning, and student planning things that
12 are happening right now.

13 The recommendations that are being
14 proposed are not value-added. They would add
15 administrative burden by requiring that 35
16 out of the 50 points for subcomponent 3 --
17 what this could result in in a small school
18 district that's trying to contain costs is a
19 high school principal going in and evaluating
20 teachers in kindergarten, an elementary
21 school principal going in and evaluating a
22 chemistry teacher at the high school level.

23 It would increase administrative
24 burden, it would add costs, it would reduce

1 the perception of the principal as the
2 education leader, and it would also
3 compromise instructional cohesiveness.

4 Lastly, in terms of the APPR part for
5 expedited hearings, it indicates in the
6 Governor's proposal that a failure to remedy
7 or correct behavior of the teacher or the
8 principal would not be a defense for their
9 removal. What this says is, in fact -- this
10 actually flies in the face of a hallmark of
11 the state APPR system. Commissioner King
12 always said the idea is not "I gotcha," but
13 to identify for principals and teachers what
14 are the things that need to be done to make
15 this teacher a better teacher, the principal
16 a better educational leader.

17 Whether or not that individual
18 receives the improvement plan that they're
19 supposed to get according to statute, and
20 whether or not they receive the services that
21 are in that plan, it doesn't matter, they
22 could still be removed.

23 In regard to the probationary
24 appointments and tenure, the Governor's

1 book says we will clarify that districts can
2 dismiss probationary teachers, quote, at any
3 time, for any reason, performance or
4 otherwise. Dismissal upon caprice or at
5 whim.

6 What that does is promotes favoritism,
7 it provides the opportunity for retaliation
8 when individuals make recommendations that
9 are not consistent with their supervisor, it
10 allows for punishment of principals that are
11 advocating for additional resources for
12 teachers, classrooms, and students. And as
13 you heard here this morning, it allows for
14 scapegoating when district-level initiatives
15 are not successful.

16 Going on from there, interventions for
17 failing schools. This is an example of
18 overreaction and actually overreaching as
19 well. The appointment of a receiver to have
20 powers that are the combination of powers
21 invested in school superintendents and in
22 boards of education, and then some -- that
23 flies in the face of local control. And it
24 actually even flies in the face of what is

1 legally possible, many people think.

2 For example, it includes, in the
3 proposed statute -- powers include limiting,
4 suspending, changing provisions of any
5 contract or collective bargaining agreement.

6 Rather than appointing a receiver,
7 what we would recommend is a more
8 constructive approach of assigning a school
9 or district coach. As one of the principals
10 of our board of directors said recently, "If
11 somebody's got a better idea of how to
12 improve performance in our school or our
13 district, I want to hear about it."

14 And then in that regard also, the
15 questions that were raised by Senator Krueger
16 earlier today, we have those very same
17 questions.

18 Lastly, pre-kindergarten. It's
19 premature to expand pre-kindergarten to
20 3-year-olds. We recommend instead that the
21 \$25 million be redirected to pre-kindergarten
22 services for 4-year-old students in
23 rest-of-state regions. Currently, about
24 60 percent of 4-year-old students who are

1 eligible for such services receive such
2 services. The preponderance of those
3 students are receiving those services on a
4 high-uptake basis.

5 To the point raised by Senator
6 DeFrancisco earlier today, these services are
7 offered in an unlevel way across the state,
8 ranging from New York City, where
9 approximately 83 percent of 4-year-old
10 students are receiving pre-K services, going
11 down to Long Island, where approximately
12 30 percent of students are receiving pre-K
13 services.

14 The full-day UPK program that you
15 enacted last year was underfunded by at least
16 \$38.3 million. Thirty school districts,
17 listed on the last page of the testimony that
18 you have, submitted timely applications for
19 that program and yet received no monies from
20 the program. In addition, 40 other school
21 districts filed an intent to file an
22 application, but did not do so because there
23 wasn't sufficient time for them.

24 Again, to the point that was raised by

1 Senator Krueger, we recommend an amalgamation
2 of the pre-K programs that are out there
3 right now, but in a way that doesn't defund
4 programs that are actually operating right
5 now and doesn't disenfranchise any students
6 that are receiving services right now.

7 We feel that the funding should be
8 equitably allocated on a formula basis -- not
9 competitive, and not based on year-to-year
10 appropriations by the State Legislature. If
11 there are insufficient funds to implement
12 these programs in the future, then priority
13 consideration should be given to school
14 districts, not to other eligible entities.

15 And just by way of wrapping up, there
16 are there are two pages of recommendations in
17 this regard, pages 14 and 15 in the
18 testimony. I won't go on to that right now.

19 And that's what I have to say.

20 CHAIRMAN FARRELL: Thank you very
21 much.

22 Any questions? Senator.

23 CHAIRMAN DeFRANCISCO: Senator
24 Flanagan.

1 SENATOR FLANAGAN: One question.

2 When we talk about the federal
3 government and their interaction, let's
4 forget the 20, 30, 40, 50 percent. In terms
5 of the tests that are administered by the
6 State of New York, do you believe that the
7 people that put together the tests include
8 the right people that should be putting
9 together the tests?

10 MR. VIOLA: That they include the
11 right people? That the tests are being
12 developed by the right people?

13 SENATOR FLANAGAN: Yeah.

14 MR. VIOLA: I don't know that.

15 But let me respond to your question
16 this way. The bill that you and the Assembly
17 proposed last year, Truth in Testing, I think
18 that bill makes tremendous sense here today.
19 What that bill would have required is that
20 there be an audit of the Common Core-aligned
21 tests to make sure that they're fair, valid,
22 that they're done at the appropriate grade
23 level for the students that they're being
24 administered to, and they would render that

1 information to members of the Legislature and
2 the Governor. And then, building on that,
3 the commissioner of Education would have to,
4 on an annual basis, provide you update
5 information about how that test system is
6 evolving.

7 SENATOR FLANAGAN: Thank you.

8 CHAIRMAN DeFRANCISCO: Excellent
9 testimony. You know, it was from the heart,
10 and you got all the points you wanted to get
11 in, and you answered all the questions.

12 This one, I'd be interested in your
13 answer. You were here when the Rochester
14 superintendent was here?

15 MR. VIOLA: Yes, I was.

16 CHAIRMAN DeFRANCISCO: How did you
17 like his idea about more administrators under
18 his control solely?

19 MR. VIOLA: You know what? I thought
20 it was very interesting, that for him as he
21 provided his testimony, all the problems were
22 out there. It was great to hear that
23 everything is just swell in Rochester's
24 central office administrators, that the

1 superintendent, the deputy superintendents
2 and upper echelon of that school district are
3 doing just a great job right now.

4 Wouldn't it be good to actually put
5 our APPR system completely in place and do an
6 evaluation system for superintendents, deputy
7 supers, just like we do for principals and
8 teachers? Something to think about.

9 CHAIRMAN DeFRANCISCO: Well, that's
10 what I thought you'd say.

11 (Laughter.)

12 CHAIRMAN DeFRANCISCO: Senator
13 Montgomery, you had a question?

14 SENATOR MONTGOMERY: Yes, I just want
15 to thank you for including in your statement
16 a position on the education tax credit.

17 MR. VIOLA: Yes.

18 SENATOR MONTGOMERY: How do you view
19 that in terms of, as I call it, the
20 "corporate creep" in education?

21 MR. VIOLA: And that's exactly what it
22 is. The way I look at the tax credit that
23 you're referring to right now --

24 SENATOR MONTGOMERY: Yes.

1 MR. VIOLA: -- funding in education is
2 almost like a chi-square formula, where you
3 have an A and a B. It's almost like the
4 scales of justice. To the extent you're
5 taking finite monies that are available to
6 New York State and putting those monies on
7 this part of the equation, what you're doing
8 is leaving less monies on the other part of
9 the scale to support school districts the way
10 public school districts should be supported.

11 SENATOR MONTGOMERY: Thank you.

12 SENATOR KRUEGER: Thank you very much
13 for your testimony.

14 Our next testifier is Billy Easton,
15 Alliance for Quality Education.

16 And then up on deck afterwards, just
17 for people keeping track, the 4201 Schools
18 Association and then the Educational
19 Conference Board.

20 Good afternoon.

21 MR. EASTON: Good afternoon. I gather
22 the instructions are to speak from the heart.

23 SENATOR KRUEGER: That will get you
24 points, yes. And don't read the whole

1 testimony if you can avoid it.

2 MR. EASTON: Okay. I won't read the
3 whole testimony, I promise.

4 Thank you very much to all of the
5 Senators and Assemblymembers and the chairmen
6 and chairwomen who are holding this hearing.
7 I'm happy to have this opportunity to
8 testify.

9 Our organization is a coalition of
10 parent and community organizations and
11 teachers from all across the state, from all
12 regions of the state.

13 What we're seeing in this year's
14 budget is an unprecedented effort by the
15 Governor to exert state control over what is
16 happening in individual classrooms throughout
17 the state. We want to, you know, start with
18 the funding issue. The Governor's proposal
19 for school aid of \$1.06 billion is totally
20 inadequate. It's half of what the Regents
21 proposed. It's less than half of what was
22 proposed by 83 legislators under a letter
23 issued under the leadership of
24 Chairwoman Nolan and Senator Parker and

1 signed on by many members here.

2 Our schools need a \$2.2 billion
3 increase, and the funding needs to be
4 focused, first and foremost, on high-needs
5 schools. It should be a mix of both
6 Foundation Aid and GEA restoration, but I
7 want to emphasize the Foundation Aid clearly
8 serves high-needs schools much better than
9 the GEA restoration does.

10 Of the Foundation Aid that's still due
11 to schools according to the State Education
12 Department, 76 percent of that money is due
13 to high-needs school districts. Whereas of
14 the GEA, only 36 percent is due to high-needs
15 school districts. So if we want equity, we
16 need to emphasize the Foundation Aid.

17 Under the tenure of the Cuomo
18 administration, inequality in our schools has
19 grown to record-setting levels. Currently
20 the gap between rich and poor school
21 districts on spending per pupil is \$8,733.
22 It has grown by \$700 under Governor Cuomo's
23 leadership. When the Governor says money
24 doesn't matter, you have to question which

1 students he's talking about.

2 The Governor has said, in fact, that
3 money does not improve performance. Like
4 many things in the Governor's presentation,
5 it's a good sound bite, but it's not backed
6 up by the evidence. A brand-new longitudinal
7 study that looks at students from school all
8 the way through career shows that for every
9 10 percent additional investment in
10 low-income students, it results in an
11 11 percent increase in their graduation rates
12 and a 9.5 percent increase in their earnings.
13 So clearly, money makes a big difference. It
14 has to be spent well, but it makes a big
15 difference.

16 To add insult to injury, the Governor
17 is holding our schools and our school
18 children hostage. He's holding everybody in
19 this room hostage. He's holding all of you
20 hostage to a set of reforms that frankly will
21 be very damaging to our schools and again, as
22 I said before, represent an unprecedented
23 overreach by the state into our individual
24 classrooms. The fact is that -- we're going

1 to go through -- I'm going to talk about
2 those reforms, but really and truly, they
3 should be decoupled from school funding.

4 Overall, the state is \$5.9 billion
5 behind where we should be under CFE
6 funding -- that's \$4.9 billion in
7 Foundation Aid, and \$1 billion in GEA -- and
8 the Governor's proposal is simply inadequate.
9 We encourage both houses to adopt one-house
10 budgets and have the State Education
11 Department issue school-aid runs based on
12 your one-house budgets.

13 The Governor -- I just want to talk a
14 little bit about the testing and teacher
15 evaluations, how the Governor gave a very
16 succinct evaluation of the teacher evaluation
17 system. He described it as "baloney." He
18 failed to mention that if it's baloney, he
19 must be Oscar Mayer. He's the one who
20 designed the system, he's the one who
21 actually held you hostage to adopt that
22 system at that time.

23 Again, he held a political gun to your
24 heads then, he's doing the same thing now.

1 He also failed to mention that his PR people
2 were so excited when he got the last system
3 adopted that he used it as an excuse to get
4 TIME Magazine to name him one of the 100 Most
5 Influential People in the World.

6 Though it was great then, now it's
7 baloney. There's an inconsistency here.

8 The one thing that is consistent is
9 that the Governor actually is ignoring the
10 research. The Governor says that everyone
11 will tell you nationwide that the key to
12 education reform is a teacher evaluation
13 system. But not this teacher evaluation
14 system. You haven't heard a single testimony
15 saying this is the way to go, and in fact the
16 research shows -- the American Statistical
17 Association warns that ranking teachers based
18 on test scores can have unintended
19 consequences and reduce quality. And the
20 RAND Corporation warns that we shouldn't be
21 using test scores in this way.

22 The idea of going to a 50 percent
23 based on tests, I don't know if there is any
24 other state that's even contemplating that.

1 It's very traumatic, it will result in more
2 teaching to the test, and you will be the
3 ones who hear it. You know, he may be
4 talking about baloney; you'll be the ones
5 getting beef from your constituents because
6 this is wholly unpopular in New York State.
7 I don't need to tell any of you that, though.

8 Pre-K. The Governor made a big
9 ballyhoo last year about pre-K, universal
10 pre-K for every 4-year-old in the state. And
11 we have this report that just came out today,
12 you might have seen it in Gannett papers, as
13 a result of this universal pre-K for
14 4-year-olds, full-day, all across the state,
15 outside New York City, in upstate and
16 suburban districts, only 5 percent of
17 students were served, 5 percent of
18 4-year-olds.

19 Now, we might say okay, it's the first
20 year of a phase-in. That's what the Governor
21 said. The Governor said he's adding
22 \$365 million of new money to pre-K this year.
23 It's new money like today is a new January --
24 I mean, a new February, compared to last

1 year's February. It's not new money at all.
2 It's a renewal of last year's money. There's
3 not a single additional child served as a
4 result of the Governor's proposal.

5 Let me make it clear. The Governor
6 has no plan whatsoever to phase in pre-K
7 beyond what he has done. He can say what he
8 likes in his speech, but his budget tells the
9 facts. There is no plan for Long Island,
10 Westchester County, upstate New York, none.

11 There should be. One thing I want to
12 mention specifically, on a one-shot that
13 could be done, a portion of the money that is
14 in the surplus from the bank deal should be
15 used to convert pre-K from a reimbursable
16 program to an up-front-funded program. That
17 was a major impediment for a lot of school
18 districts to start pre-K. It's a one-shot
19 expense, a one-time-only expense to make the
20 conversion, because after that, the ongoing
21 funding is the same.

22 The Governor got one thing right. He
23 identified that there's a major problem with
24 privately run charter schools cherry-picking

1 students, cherry-picking the higher-
2 performing students, the students who aren't
3 English language learners, the students that
4 don't have disabilities, students that often
5 have high-fee and reduced-price lunch, but
6 not the really high poverty, the free-lunch
7 students, often generally much lower than the
8 public schools.

9 So he announced he was going to have
10 anti-creaming legislation. Sounds like a
11 good idea. Clearly it's needed. We all
12 agree it's needed. The Governor's identified
13 it's needed. Only one problem with this
14 anti-creaming legislation, it leaves out the
15 anti-creaming part. It's entirely toothless.
16 The only additional requirement under this
17 legislation is self-reporting by charter
18 schools about their demographics.

19 There are no additional enforcement
20 measures. There is already a loophole wide
21 enough to drive a truck through on current
22 anti-creaming law, and that does not change.
23 No change whatsoever. The Governor
24 identified a problem, made a big speech about

1 it, and did nothing.

2 This is used as a justification,
3 though, for expanding charter schools
4 dramatically and expanding funding for
5 charter schools. And the question was asked
6 before about, well, will the additional
7 funding come from the state or local sources?
8 Well, the increase in the state-paid tuition,
9 which would grow by \$150 per student over two
10 years, would come from the state.

11 But the expansion of charter schools
12 will make a much bigger hit on the local
13 dollars. As you grow charter schools, then
14 more dollars come out of the public schools
15 to pay for privately run charter schools.
16 And at a time when our public schools are so
17 severely underfunded and our charter schools
18 are sitting on \$282 million in taxpayer
19 money, it just doesn't seem wise to be
20 expanding charter schools and increasing the
21 diversion of monies from our public
22 classrooms into privately run charter
23 schools.

24 Also, there's no accountability on

1 the -- no additional accountability for the
2 issues of fraud, waste and abuse that the
3 Deputy Comptroller has spoken out about so
4 clearly.

5 Finally, I just want to touch on two
6 other issues. The issue of the receiver, of
7 the state takeover of local schools. We've
8 all seen how state takeovers worked in
9 Roosevelt. This would be an even more severe
10 example -- and more severe than you have in
11 other states -- where the receiver could
12 override entirely any form of local control.
13 The school board, school superintendent, your
14 local voters, your parents, you, you're all
15 irrelevant after the receiver's in there.

16 The receiver can order many things,
17 but they can't invest more money. Now, the
18 Governor had a commission, and the commission
19 was right in many of their strategies. And
20 the Governor promised, in fact, many things.
21 Like he promised a couple of years ago, any
22 school district that wanted extended daytime
23 and wanted to opt in, the state would pay for
24 it. That never materialized.

1 paying tuition, they make the contribution
2 and they get the reimbursement, and that way
3 they get the scholarship.

4 And it should be decoupled from the
5 DREAM Act. I know not everybody here agrees
6 with the DREAM Act, but the DREAM Act is
7 something that's critically important. It
8 stands on its own merits and should be
9 adopted and not held hostage to this issue.

10 Thank you.

11 CHAIRMAN FARRELL: Thank you.

12 Questions? Shelley Mayer.

13 ASSEMBLYWOMAN MAYER: Thank you,
14 Billy. And thank you for your advocacy on
15 behalf of districts like mine, where I think
16 you've really made a difference.

17 On your point about 4-year-olds and
18 pre-K outside of New York City, which
19 unfortunately is an issue that has not
20 received the attention it deserves, you have
21 a chart that shows on page 5 here that
22 approximately 96,000 4-year-olds, about
23 61 percent of the 4-year-olds in the state,
24 you say are waiting for a spot, and 51,000 of

1 them are in low-income, high-need
2 communities.

3 So if we were to have full-day pre-K
4 for 4-year-olds where needed, are there
5 51,000 who would potentially be eligible who
6 are not going to be eligible because of the
7 Governor's failure to put money in?

8 MR. EASTON: There's 51,000 in
9 high-need districts and 96,000 total. Okay?
10 So there's -- if you just focus on the
11 high-need districts there's 51,000
12 4-year-olds, approximately, who are not
13 receiving full-day pre-K now and would be
14 likely taken up -- by the way, this is based
15 on the idea that there's an 85 percent
16 take-up rate, so there's actually more
17 4-year-olds in this number. So that's 51,000
18 in high-need districts, and 96,000 statewide.

19 ASSEMBLYWOMAN MAYER: But based on an
20 85 percent pickup rate.

21 MR. EASTON: Correct.

22 ASSEMBLYWOMAN MAYER: So not every
23 parent may choose to put their 4-year-old --

24 MR. EASTON: Correct.

1 ASSEMBLYWOMAN MAYER: And this
2 anticipates that not every child would.

3 MR. EASTON: Correct. And that's a
4 standard rate that the State Education
5 Department --

6 ASSEMBLYWOMAN MAYER: Okay. So the
7 Governor's failure to put really any new
8 money in for a full-day pre-K outside of
9 New York City would basically keep this
10 number -- probably 96,000, realistically --
11 out of full-day pre-K for next year.

12 MR. EASTON: Yeah. I mean, you can
13 look down for each region of the state
14 actually how many exact 4-year-olds there are
15 that have received, you know, full-day pre-K
16 as a result. And it's pretty bleak outside
17 the city.

18 ASSEMBLYWOMAN MAYER: Well, and as you
19 know for Yonkers, we discontinued full-day
20 pre-K because we did not have the money, and
21 then we were not eligible under last year's
22 pay-first option. So I think unless there's
23 a change in the up-front-payment methodology,
24 there are many districts who are not going to

1 be able, even if the money was there, to be
2 eligible. So I think that it's extremely
3 important that you continue to push that
4 point.

5 MR. EASTON: Well, that's why it's
6 important to convert from the reimbursal to
7 the up-front payment when there's the
8 one-shot money available now. It's not a
9 very high cost to make that conversion.

10 ASSEMBLYWOMAN MAYER: Thank you.

11 SENATOR KRUEGER: Thank you. Just one
12 or two small questions.

13 You raised the issue of competitive
14 funds at some point, and lots of other people
15 have. Do the highest-needs districts ever
16 win in a competitive scenario? Because
17 they're the most underfunded with the biggest
18 problems, as far as poor children walk into
19 schools with more needs, and they're the
20 lowest-funded to start with. So do
21 competitive funds in education actually just
22 make the playing field more uneven?

23 MR. EASTON: Well, it depends on the
24 nature of the competitive grant. So on some

1 of the RFPs, the State Education Department
2 has done a good job of prioritizing
3 high-needs schools. But that was done with
4 the pre-K and, nonetheless, you don't see,
5 while there is a number of high-need
6 districts that got it, you don't see
7 proportionally what you would expect. You
8 know, if you want to really prioritize them,
9 which is what the legislation said.

10 When you start making it based on
11 factors like test scores, I think that's
12 extremely problematic for multiple reasons,
13 that being one, the unlevel playing field.

14 But in general, the whole concept of
15 competitive grants is entirely misguided.
16 Again, the whole concept of using competition
17 in this way in education is entirely
18 misguided. It's all based -- all of these
19 things, the use of the tests the way we're
20 talking about, competitive grants, it's all
21 based on market economics. And it's based on
22 the theory, that I think was
23 well-intentioned, that if we apply market
24 economics to our education system we'll get

1 better results. It's not about money, it's
2 about all these competitive factors.

3 Although I would just point out that
4 at the end of my testimony there's a quote
5 from Dr. Margaret Raymond, who's the director
6 of CREDO, a nationally renowned conservative
7 think tank at Stanford specializing in
8 education issues. And she says -- this is a
9 recent quote -- "I actually am kind of a
10 pro-market kinda girl. But it doesn't seem
11 to work in a choice environment for
12 education. I've studied competitive markets
13 for much of my career. That's my academic
14 focus for my work. And {education} is the
15 only industry/sector where the market
16 mechanism just doesn't work."

17 So you start looking at all these --
18 charter schools are another example of, you
19 know, a market mechanism. So all these
20 forces, they're not successfully improving
21 the quality of education.

22 SENATOR KRUEGER: Thank you. Thank
23 you very much.

24 MR. EASTON: Thank you. Thank you

1 all.

2 CHAIRMAN FARRELL: Thank you.

3 SENATOR KRUEGER: And the next up is
4 Bernadette Kappen, chairwoman, 4201 School
5 Association.

6 CHAIRMAN FARRELL: And next is John
7 Yagielski, chairman, Education Conference
8 Board. Come on down.

9 DR. KAPPEN: Good afternoon.

10 CHAIRMAN FARRELL: Good afternoon.

11 DR. KAPPEN: Good afternoon. Thanks
12 for having us, Chairman Farrell, Chairman
13 DeFrancisco, Senator Flanagan, and
14 distinguished members of the legislature.

15 My name is Bernadette Kappen. I'm the
16 executive director of the New York Institute
17 for Special Education in the Bronx and
18 currently the chairperson of the 4201
19 Association.

20 And I have today with me my colleague
21 Tim Kelly, from St. Mary's School for the
22 Deaf. He's the vice chair, and we work
23 together on behalf of the 4201 group.

24 We want to first thank you -- we were

1 here last year when the Smart Schools Bond
2 Act was talked about, and we discussed the
3 need for the children in the 4201 Schools to
4 be included. And we are really happy to be
5 part of that, and we're trying to work now
6 and waiting for the State Education
7 Department to let us know how we would go
8 about applying for those funds for our
9 children to improve their communication
10 skills.

11 You know that our funding was changed
12 in 2011-2012, and we work directly now with
13 the school districts, where we have contracts
14 with them and they send us funds for the
15 children and then they have a payback through
16 SED. And it had been a challenge when we
17 first started, but I will say that things
18 have worked fairly well. And I think it's
19 been a good thing in working with some of the
20 districts; we've been more intimately
21 involved with them.

22 One thing that continues to be a
23 challenge for us, and I know that you're
24 aware of that, is that we've really had no

1 increase in our funding in the past six
2 years. And this has really been a challenge
3 for us. Many of the children who come to our
4 schools -- we have 11 schools in the
5 Association, for children that are blind,
6 deaf, and children with severe disabilities.
7 In many of those schools the children are not
8 just blind or just deaf. And even the
9 children with severe physical disabilities, I
10 would say that many of us are seeing children
11 with multiple disabilities. And to really
12 provide the excellence in education that they
13 deserve, it has been a challenge for us.

14 We have been working with the state
15 over the last number of years, and
16 collectively we've reduced our payrolls by
17 about 11 percent in trying to help meet the
18 needs, and the state over that time has
19 reduced our budgets about \$5.4 million. And
20 at this point I think we feel that it's
21 really critical that we talk about some type
22 of a change for us in this funding area.

23 You know in 2009-2010 we were involved
24 in the deficit reduction, and the following

1 year as well.

2 We are very pleased that we always are
3 considered under a separate appropriation in
4 the budgets. However, this sometimes
5 excludes us from other benefits that we might
6 be able to take advantage of; for example,
7 the Smart Schools. But you were really very
8 helpful in getting us included in that.

9 So we're asking this year that you
10 would consider for and support us in an
11 increase of 4.8 percent that would be on our
12 total funds. And this would be distributed
13 among the 11 schools. And throughout the
14 association, we've talked about this based on
15 the number of students in the enrollment at
16 the various schools.

17 In addition to the 4.8 increase that
18 would be more programmatic, we would ask you
19 to consider the settlement funds, that we
20 might be able to look at some of our delayed
21 capital needs. Some of our schools are
22 almost 200 years old, and some schools have
23 one building, some have a campus of maybe
24 22 acres that we need to maintain and have it

1 really meeting the health and safety needs
2 for the children that come to our schools.

3 So we would ask there that you
4 consider maybe \$11 million that we would be
5 able to improve the health, safety and the
6 environment for the students. And things
7 that would be included in there would be roof
8 repairs, boiler, PA systems, lighting
9 retrofits to meet some of the codes for the
10 schools that are in New York City -- I'm sure
11 you're aware there are many codes that we
12 have to participate in that we're not knowing
13 what's going to come up until we get a letter
14 in the mail -- for example, the backflow
15 preventers that many of us have had to work
16 on that cost a lot of money -- and we try
17 very hard to be in compliance.

18 So today I don't think we have a huge
19 ask. I think the two would be to really
20 think about us in the 4.8 area and the
21 settlement funds.

22 For our schools, I think we provide
23 great value in the state. In your documents
24 you'll see there that we have our average

1 daily attendance anywhere between 85 and
2 90 percent attendance, and we think that's
3 really very positive. Given that we have
4 many children with extraordinary health
5 needs, they do struggle to come to school,
6 even on a snow day.

7 In our particular situation we had --
8 out of 180 children, there were only 50
9 absent. So they really want to be with us.
10 They enjoy the environment they're involved
11 with.

12 We can tell you that we had
13 108 students that graduated from high school
14 in the various schools in the 4201
15 Association, and with almost no exception, we
16 have a 100 percent graduation rate. And for
17 some of these students, they probably would
18 have dropped out if they weren't involved in
19 a specialized type of situation.

20 We do have great success stories to
21 tell you, and we would hope that you would
22 come and visit us, to be able to see some of
23 the future taxpayers of the state and leaders
24 of the state.

1 I'll tell you about two people today.
2 One young woman some of you probably know --
3 we brought her here with us to Albany many
4 times -- vanessa. She will graduate this
5 year. She came to us in the fourth grade.
6 She barely spoke English and was not reading.
7 She will graduate with a Regent's diploma.
8 She has been accepted right now to
9 Manhattanville College, and they've offered
10 her a \$19,000 scholarship. So I would say
11 that's a positive outcome for coming to a
12 4201 school.

13 And another young man who goes to
14 St. Mary's, he came to the school and he had
15 a lot of physical issues, cognitive issues,
16 as well as his deafness. His mother wasn't
17 quite sure what would happen. But now they
18 have hope, and he's participating fully in
19 the school environment.

20 So we have a variety of children with
21 us. Not everyone goes to college, but we do
22 aim for our children to do whatever they can
23 in their community. So we do hope that
24 you'll visit us.

1 And I was thinking about coming here
2 today -- we all are familiar with Helen
3 Keller, who's been a quite outstanding
4 person. She did go to a specialized school
5 like some of ours. And one of her quotes I
6 think really sums up what we want for our
7 children, and we hope that you do too. "The
8 best and most beautiful things in the world
9 cannot be seen or even touched -- they must
10 be felt within the heart."

11 I think that's what we're all about,
12 is really helping the students really feel
13 what's inside of them and be the most capable
14 people possible.

15 Thank you very much.

16 CHAIRMAN FARRELL: Thank you.

17 Shelley?

18 ASSEMBLYWOMAN MAYER: Thank you,
19 Bernadette, very much, and thanks for all the
20 work you do.

21 On your recommendation of the
22 4.8 percent, you say distribution should use
23 a three-year average of student FTEs as
24 reported to NYSED.

1 That would be a flat, across-the-board
2 4.8 percent increase. Is the \$6.35 million
3 distributed among the schools based on this?

4 DR. KAPPEN: Based on their
5 enrollment, that we would have the
6 increase --

7 ASSEMBLYWOMAN MAYER: Enrollment over
8 three years?

9 DR. KAPPEN: Yes, right.

10 ASSEMBLYWOMAN MAYER: So that you
11 don't face this up and down, per-student --

12 DR. KAPPEN: Absolutely.

13 ASSEMBLYWOMAN MAYER: Because you do
14 some years have fewer students, and other
15 years have more.

16 DR. KAPPEN: Right. And we're asking
17 that this would be in addition to our current
18 certificate of approval, not added to. And
19 if it's not added to, then there's not an
20 increase in the per-pupil charge that would
21 be more expensive for the school districts.

22 ASSEMBLYWOMAN MAYER: Okay. So it's
23 basically \$6.35 million above last year's
24 appropriation --

1 DR. KAPPEN: Correct.

2 ASSEMBLYWOMAN MAYER: -- to be divided
3 among the schools based on this three-year
4 rolling average.

5 DR. KAPPEN: Yes. That's correct.

6 ASSEMBLYWOMAN MAYER: Thank you.

7 CHAIRMAN FARRELL: Thank you.

8 Any questions, others?

9 SENATOR KRUEGER: One. Senator
10 Flanagan.

11 CHAIRMAN FARRELL: Yes, Senator
12 Flanagan.

13 SENATOR FLANAGAN: Yes, I just want to
14 compliment you, you always make great
15 professional presentations, and give a shout
16 out to the Cleary School for the Deaf in my
17 neighborhood.

18 Tim, it's good to see you here. And
19 Jackie, the new director over there, is
20 fantastic, which I'm sure you know.

21 DR. KAPPEN: Thank you so much. Thank
22 you.

23 CHAIRMAN FARRELL: Thank you.

24 John Yagielski, chairman of the

1 Education Conference Board. And after him
2 will be Mark Silverstein, president of the
3 Coalition of Special Acts Public Schools.

4 Good afternoon.

5 MR. YAGIELSKI: Good afternoon to you.
6 My name is John Yagielski, and I serve as the
7 chair of the Educational Conference Board.
8 ECB is made up of the seven statewide
9 organizations representing parents, teachers,
10 principals, business officials,
11 superintendents, and school board members.
12 Quite an array.

13 In November we released a report that
14 calls for a \$1.9 billion increase in aid for
15 this coming year. I believe you had copies
16 handed out to you, and I'm not going to cover
17 those copies, but I'm going to make a few
18 comments.

19 For months before the release of that
20 report, we watched carefully as New York
21 State's fiscal conditions improved
22 significantly. We believe that this year can
23 be a turning point after a series of tough
24 years for schools. An improved fiscal health

1 puts the state in a position to help schools
2 make up some of the ground lost to the cuts
3 of the past years. In spite of the welcomed
4 increase in aid over the past two years, more
5 than half of our school districts are still
6 receiving less aid than they did in
7 2008-2009.

8 Last summer, ECB brought together the
9 best minds from our member organizations to
10 develop a thoughtful, responsive and timely
11 report on state aid that all members of ECB
12 could support. We released the report in
13 advance of the traditional state budget
14 timeline to help shape the thinking of state
15 policymakers from the Board of Regents to the
16 Governor and to the Legislature. This report
17 includes three key recommendations.

18 First, an increase in aid in this
19 coming state budget should help the
20 continuation of current programs and
21 services, recognizing, of course, the
22 limitations that the tax cap places on local
23 districts' ability to fund these continuing
24 programs.

1 Secondly, the state should accelerate
2 a plan to end the Gap Elimination Adjustment
3 and return to a functioning Foundation Aid
4 formula.

5 Third, an overall state increase of
6 \$1.9 million would help school districts make
7 meaningful progress on continuing state
8 initiatives and new requirements, including
9 teacher training and curriculum development
10 to meet world-class standards, expanding
11 access to Career and Technical Education
12 programs, allowing districts to continue and
13 grow pre-K programs, meet new requirements
14 related to English language learners and
15 address the recent influx of unaccompanied
16 minors.

17 As you move forward in your
18 discussions and debates this session, you
19 will no doubt be dealing mostly with adults
20 and adult-related issues. I would make one
21 personal request of each of you. Please,
22 please, please keep students and student
23 learning as your primary focus. They deserve
24 nothing less.

1 CHAIRMAN DEFRANCISCO: Are you kidding
2 me? You don't think we would understand
3 that? I mean, we may be in disagreement on
4 certain things, but you don't think we'd
5 understand that? That student learning is
6 our primary focus.

7 MR. YAGIELSKI: I do believe that.

8 CHAIRMAN DeFRANCISCO: I know you
9 believe it, but do you believe we don't
10 understand that?

11 MR. YAGIELSKI: No, I didn't say that.

12 CHAIRMAN DeFRANCISCO: Okay. All
13 right. Thank you.

14 MR. YAGIELSKI: Finally, we do need to
15 acknowledge and express our appreciation for
16 your past support of our schools and
17 hopefully look forward to that same level of
18 support this coming year.

19 And I want to end by thanking you for
20 the opportunity to address you today.

21 CHAIRMAN FARRELL: Thank you.

22 Any questions? Thank you. Have a
23 nice afternoon.

24 Mark Silverstein, president, Coalition

1 of Special Acts Public Schools. And after
2 that will be Sandy Myers, advocacy advisor,
3 New York City Coalition for Adult Literacy.

4 Mr. Silverstein.

5 MR. SILVERSTEIN: Good afternoon.

6 First, we want to thank you for the
7 opportunity to speak before this committee.
8 On behalf of the Coalition of Special Acts
9 School Districts, my name is Mark
10 Silverstein, superintendent of Hawthorne-
11 Cedar Knolls Union Free School District, and
12 president of the coalition. Sitting beside
13 me is Dr. Ellen Bergman, vice president of
14 the coalition and superintendent of schools
15 of Mt. Pleasant-Blythedale Union Free School
16 District.

17 To begin, I would like to extend our
18 appreciation for your ongoing support of our
19 schools. I especially would like to thank
20 Assemblymember Nolan, Assemblymember Mayer,
21 and Senator Flanagan.

22 Last year, because of your outspoken
23 support during the budget process, the
24 tuition-rate methodology was provided a

1 3.8 percent increase on the budget process.
2 The tuition-rate methodology also allowed for
3 a 3 percent growth during the 2013-2014
4 school year. The 3 percent growth in
5 2013-2014 and the 3.8 percent on the total
6 direct costs last year represents a step
7 towards annualized growth.

8 Special Acts school districts continue
9 to face many challenges. While the Division
10 of the Budget and the New York State
11 Education Department are willing partners, we
12 still need to speak about continued reforms
13 in the rate-setting methodology that can
14 address the needs of public school districts.

15 Fundamental to reform, however, is the
16 need for a predictable growth to the
17 tuition-rate methodology to allow for
18 increased expenses. Due to our funding
19 methodology, we do not receive state aid.
20 Even though we are a public school district,
21 we do not receive state aid.

22 As the state invests in public
23 education, as needed for our students to
24 achieve, it is imperative that you know that

1 we must have a rate increase if we have to
2 continue to do the work that we do.

3 The Coalition of Special Act Public
4 School Districts recommends that the
5 Legislature include a 4.8 percent increase in
6 support of our schools in each one-house
7 budget bill. This increase matches what the
8 Executive Budget presents for traditional
9 public schools.

10 In addition, we recommend the
11 inclusion of language in the budget to ensure
12 annualized growth to the tuition-rate
13 methodology so you are confident that, when
14 you support an increase to school aid, our
15 students receive the matching support for
16 their academic success.

17 Another issue of concern, multiple
18 years of zero-percent growth compounded by an
19 unresponsive tuition-rate methodology has
20 made our schools reliant on what's called
21 revenue anticipation notes, otherwise known
22 as RANs. For some, RANs represent
23 unreimbursed approved expenditures. These
24 are expenses that are allowed under the cost

1 manual but, because of frozen tuition rates,
2 were not reimbursed. RANs are also used to
3 manage cash flow as the tuition rates
4 reimburse for costs which occurred two years
5 ago and may not reflect current expenses.
6 This enables the school to pay current
7 expenses with the anticipation that the rate
8 two years from now will cover those expenses.

9 Over time, it has become more and more
10 difficult for our schools to secure RANs. In
11 my area, Westchester County, there has been
12 one bank that has been willing to extend a
13 RAN. We are being told that that bank will
14 not extend my RAN in the upcoming year. At
15 this date, it is unclear how my school
16 district will deal with this situation.

17 What was said to me by one of the
18 representatives of the bank is that "If
19 you're not going to get a rate increase from
20 the State Education Department, then why am I
21 going to loan you money?" That is not a sign
22 of confidence. That's hard to hear.

23 When I first started this
24 superintendency 13 years ago, there were six

1 or seven banks willing to bid on the RAN.
2 Now the one last bank, and a great guy, has
3 told us, in essence, I'm not going to be
4 bidding on your RAN. That's a significant
5 issue.

6 We would like to thank Assemblymember
7 Nolan for recognizing this challenge and
8 introducing legislation that would establish
9 a revolving loan account that would enable
10 Special Acts to obtain a RAN through this
11 mechanism when not available in the private
12 sector. And it's not. We know now that
13 similar legislation has been in the Senate,
14 been introduced by Senator Carlucci, and we
15 thank the Senator for his ongoing support as
16 well.

17 The Coalition of Special Act Public
18 School Districts recommends the use of
19 one-time settlement funds in the amount of
20 \$15 million to support the creation of a
21 revolving loan fund. This would go a long
22 way in providing stability to many of our
23 Special Act school districts.

24 Once again, the Coalition of Special

1 Act School Districts appreciates the
2 opportunity to share our thoughts and
3 recommendations. We look forward to working
4 together in improving the educational
5 services and outcomes for our students and
6 advancing meaningful change in our
7 tuition-rate methodology.

8 We are grateful for the personal
9 attention that many members of the
10 Legislature have given our schools
11 individually over the past several years. We
12 invite any and all members of this esteemed
13 committee to come and visit our programs and
14 look at the quality of work we do.

15 Please help us. Please do not let
16 Special Acts school districts not be
17 addressed in this year's budget. We're
18 counting on you.

19 CHAIRMAN FARRELL: Thank you.

20 Any questions?

21 SENATOR FLANAGAN: Just a comment.

22 You know this, but it bears repeating.
23 She's not here, but Beth Berlin and the
24 people at SED deserve a lot of credit. They

1 were very helpful in moving things along.
2 And ultimately, of course, without DOB it
3 wouldn't have happened.

4 MR. SILVERSTEIN: And we want to thank
5 the Division of the Budget and the State
6 Education Department, who've been willing and
7 able partners to help us to resolve this
8 problem. It is -- just at this point in
9 time, please, we need your help to resolve
10 this. Thank you.

11 CHAIRMAN FARRELL: Have a good day.

12 MR. SILVERSTEIN: You too.

13 CHAIRMAN FARRELL: New York City
14 Coalition for Adult Literacy, Sandy Myers,
15 advocacy advisor.

16 And after that will be Michael Neppel,
17 director of government relations, New York
18 Library Association.

19 Good afternoon.

20 MS. MYERS: Good afternoon, everyone.
21 Thank you so much for being here late into
22 the afternoon.

23 Again, my name is Sandy Myers and I am
24 an advocacy advisor at UJA-Federation of

1 New York. Today I am testifying on behalf of
2 NYCCAL, the New York City Coalition for Adult
3 Literacy, of which UJA-Federation is a
4 member.

5 NYCCAL is a coalition of teachers,
6 managers, students, and other allies from
7 community-based organizations, advocacy
8 groups, the public libraries, and CUNY
9 throughout New York City. Our providers in
10 the network provide a range of adult
11 education services including ESOL, Adult
12 Basic Education and High School Equivalency
13 preparation. We advocate for an adult
14 literacy system that provides quality,
15 comprehensive and accessible educational
16 services to those current students and other
17 adults who need it.

18 With Literacy New York as our advocacy
19 partner this year, we're supporting a
20 two-part budget request. We're recommending
21 a \$10 million investment in ALE, the Adult
22 Literacy Education, and a \$5 million
23 investment in a new High School Equivalency
24 Transition fund which would support

1 professional development and computer
2 technology. Literacy New York is submitting
3 separate testimony which will echo both of
4 those asks as well.

5 So in New York City right now, there
6 are approximately 1.7 million people who lack
7 their high school equivalency degree, English
8 proficiency, or both. And statewide, that
9 figure is closer to 3 million.

10 A new report from the Center for an
11 Urban Future reports that the number of
12 state-funded ESL seats has declined by
13 32 percent over the last 10 years, from
14 86,000 slots in 2005 to 59,000 seats in 2013.
15 As you can see, the number of seats we have
16 accessible in the city and state is not
17 matching up with the demand.

18 Similarly, New York City is home to
19 over 3 million foreign-born residents, and
20 statewide we have 4.4 million immigrants.
21 While not all of our city and state
22 immigrants are in need of adult education
23 services, they do make up a large portion of
24 the need.

1 Additionally, while higher education
2 is increasingly seen as necessary to
3 achieving individual financial security and
4 local economic growth, for many New Yorkers
5 the path to self-sufficiency and
6 postsecondary success has to start with basic
7 education, literacy skills, or a high school
8 equivalency preparation class.

9 We also know that there are direct
10 economic benefits that come from that
11 investment. For example, every high school
12 credential that's earned generates a net
13 economic benefit of \$324,000 in net benefits
14 for the city -- that is specific to New York
15 City. Additionally, for adults that are able
16 to complete high school or get their HSE
17 degree, median wages are 25 percent higher
18 than what they would otherwise be earning.

19 And next I want to talk a little bit
20 about the budget and where we've been and
21 where we are this year, so I want to draw
22 your attention to the graph on page 3.

23 So as you can see, we have three
24 different funding streams that largely

1 support adult education in New York City and
2 New York State. One is WIA, which is federal
3 passthrough funding that's been at about
4 \$36 million. We have EPE, which is the large
5 red bar that can't be missed, at about
6 \$96 million. And then what we're focused on
7 is that tiny little green bump on the right
8 side, which is ALE, which has traditionally
9 been around \$5 or \$6 million.

10 In this year's budget the Governor
11 proposed funding ALE at \$5.236 million. This
12 is level with the amount proposed last year,
13 but \$1 million short than what was in the
14 final budget thanks to what the legislature
15 put in last year. We're hopeful that you
16 will be able to meet that again, as well as
17 put in the additional funding to get us to
18 the \$10 million, which will put us on the
19 path towards serving more adults in need.

20 So again, we have our two-part
21 recommendation that I just want to delve into
22 a little bit more. Again, the first part is
23 to invest \$10 million in ALE. And one thing
24 I neglected to mention is that ALE is the

1 only funding stream that really goes towards
2 community-based organizations in the city and
3 state. The two other funding streams are
4 more focused on the Department of Education
5 and other institutional-based providers.

6 So the fact that we are at the
7 smallest level at around \$5 million forces
8 providers to compete for significantly and
9 proportionally less than other funding
10 streams that are available. So that's why
11 we're really focused on increasing ALE for
12 this year.

13 We estimate that 4 percent of those
14 adults in need are able to access
15 state-funded ESOL programs.

16 We also want to highlight that, given
17 the fact that New York State subsidizes every
18 high school equivalency test, and the pass
19 rates are 23 percent higher for those in prep
20 classes versus walk-in testers, it's in the
21 state's interest to fund preparation classes
22 so people are best equipped to pass the test
23 when they walk in and it's not perpetuating a
24 cycle of the state continuing to spend more

1 money. So it would be a wise investment to
2 invest in those prep classes.

3 The second recommendation is around a
4 \$5 million High School Equivalency Transition
5 Fund which would support both professional
6 development and computer technology. I want
7 to just close the loop and remind folks that
8 this is the recommendation that when Beth
9 Berlin was testifying, she referenced. It
10 was echoed by the Board of Regents for this
11 \$5 million investment, so we share that as
12 well.

13 We feel that this is especially
14 critical this year as the state continues to
15 phase in the new TASC test, the Test
16 Assessing Secondary Completion, which is what
17 replaced the GED that most of you are already
18 familiar with. While we support raising the
19 standards for the high school equivalency
20 exam, we want to make sure that students and
21 teachers are best prepared to be able to
22 teach to this test, since it is much more
23 aligned to the Common Core and additionally
24 will be given over -- will be based on a

1 computer over the next few years as well. We
2 want to make sure that students are able to
3 take and pass the test on the computer.

4 Lastly, I just want to highlight the
5 impact of administrative relief, DACA and
6 DAPA, that has been at the forefront of folks'
7 minds lately with the President's
8 announcement. So with the expansion of DACA,
9 which does allow for folks to obtain that
10 status if they're enrolled in an
11 education-based program which does include a
12 high school equivalency-based program, we
13 anticipate that there will be an increased
14 need for ESOL programs as well as high school
15 equivalency programs, and we want to make
16 sure that New York State is ready to meet
17 that.

18 And according to a recent study by the
19 Migration Policy Institute --

20 CHAIRMAN DeFRANCISCO: Excuse me one
21 minute.

22 MS. MYERS: Yes.

23 CHAIRMAN DeFRANCISCO: I know you're
24 being good to us by trying to move through,

1 but she's got to get every word. So you're
2 aware that the lady that's falling off the
3 chair --

4 (Laughter.)

5 MS. MYERS: Will do. Sorry about
6 that.

7 So quickly, to wrap up, according to
8 the Migration Policy Institute there's about
9 338,000 New Yorkers who could stand to
10 benefit from expanded DACA as well as DAPA,
11 so we want to make sure that New York State
12 is, again, ready to meet that need.

13 So with that, I will stop, and I'm
14 happy to answer any questions. And thank you
15 again for listening and being here, and we
16 look forward to continuing to work with you
17 all.

18 CHAIRMAN FARRELL: Thank you very
19 much.

20 CHAIRMAN DeFRANCISCO: Thank you very
21 much.

22 CHAIRMAN FARRELL: Any questions?
23 Have a good day.

24 MS. MYERS: Thank you.

1 CHAIRMAN FARRELL: Michael Nepl,
2 New York Library Association.

3 MR. NEPPL: Good afternoon. I'm Mike
4 Nepl. I'm the director of government
5 relations for the New York Library
6 Association.

7 I want to thank you for providing me
8 the opportunity to testify today. First I'd
9 like to thank the Legislature for their
10 ongoing and continued support of our state's
11 libraries. With your assistance last year,
12 we did reverse Governor Cuomo's proposed
13 \$4 million budget cut.

14 I submitted our written testimony, so
15 I just want to make a couple of points. Our
16 state's library program, despite your
17 support, is woefully underfunded. The
18 library program -- based on the most recent
19 census data, State Education Law pegs library
20 aid this year at \$102.6 million. Governor
21 Cuomo proposed \$86.6 million. This is flat
22 funding over last year. It's nearly
23 20 percent less than what the law
24 contemplates and is at 1997 levels.

1 This comes as a January 2015 Siena
2 Research poll found that library usage is
3 surging statewide. Usage is up 10 percent
4 over the last three years. It's up
5 20 percent for households that make less than
6 \$50,000 annually. The poll also found that
7 70 percent of respondents have used their
8 public library in the last six months. So
9 it's not surprising the poll also found that
10 a majority of New Yorkers favor increased
11 library funding, with nearly half favoring
12 increases in library funding proportional to
13 increases in education funding. Thirty
14 percent even responded that they would like a
15 \$15 million increase in funding, which is the
16 equivalent of full funding under the law.

17 Library funding, I don't need to tell
18 you, it's a core component of our state's
19 educational infrastructure. The previously
20 referenced Siena poll found that 94 percent
21 of respondents think that their local library
22 is a core part of their educational system.

23 Our state's libraries are chartered by
24 the same Board of Regents that oversees

1 schools, colleges, BOCES and other
2 educational institutions, and library aid is
3 administered through SED. Libraries are the
4 leading digital literacy educators in
5 New York State. And when schools close at
6 the end of each day, each week and each
7 school year, our local libraries remain open
8 to serve New York's children and our
9 families.

10 Important to note is that though
11 primary and secondary schools are currently
12 exempt from the MTA payroll tax, public
13 libraries and public library systems are not.
14 Those libraries subject to the tax remit
15 about \$1.5 million annually, and they then
16 receive a reimbursement in the state budget.

17 Now, I don't need to point out the
18 inefficiencies of that structure. But I will
19 submit that \$1.3 million means very little in
20 the context of the MTA's overall budget, but
21 it means a tremendous amount to these local
22 libraries that are subject to this tax. It
23 results in reduced staffing, reduced hours,
24 reduced programming and reduced services.

1 So, you know, it is beyond time to
2 treat public libraries and library systems as
3 we treat primary and secondary schools and
4 exempt them from the MTA payroll tax.

5 Maybe most importantly, library
6 funding is about access and equality. State
7 aid to our local libraries insures residents
8 of every community have access to a quality
9 library. While we applaud Governor Cuomo's
10 proposal to extend broadband access across
11 New York State, increased Internet speed is
12 irrelevant if you do not have a computer with
13 which to access the Internet.

14 Startlingly, for nearly a third of
15 African-Americans and Latinos and a quarter
16 of households making less than \$50,000 per
17 year, the public library is their primary
18 source of Internet access.

19 The recent Siena poll found that
20 library services are particularly critical in
21 economically vulnerable communities. Of the
22 respondents who have used their local public
23 library for job seeking or career building
24 programs in the last six months, 53 percent

1 were African-American and 40 percent were
2 households making less than \$50,000 per year.

3 Finally, libraries are models for
4 shared services. For over fifty years,
5 New York's library systems have served as a
6 model of governmental cooperation and
7 efficiency. According to the State Education
8 Department, state investments in library
9 systems has yielded a return in excess of
10 seven-to-one for every dollar spent.

11 Libraries should be fully funded under
12 the law. But short of that, library aid
13 should at least increase in proportion with
14 increases in education funding.

15 Again, I appreciate the opportunity to
16 testify today and am happy to field any
17 questions you may have.

18 CHAIRMAN FARRELL: Thank you very
19 much.

20 Questions?

21 ASSEMBLYWOMAN MAYER: Thank you.
22 Just to be clear, the Governor's proposal is
23 \$86.6 million, is that correct?

24 MR. NEPPL: That's correct.

1 ASSEMBLYWOMAN MAYER: And your ask is
2 \$102 million.

3 MR. NEPPL: It's not just our ask,
4 it's what the law requires.

5 ASSEMBLYWOMAN MAYER: Okay. But it's
6 down at the bottom in small print, so your
7 number is \$102 million. Your baseline
8 number.

9 MR. NEPPL: \$102.6 million is what
10 Education Law requires based on the most
11 recent census data for the upcoming fiscal
12 year.

13 ASSEMBLYWOMAN MAYER: Okay. Thank
14 you.

15 CHAIRMAN FARRELL: Thank you.

16 MR. NEPPL: Thank you.

17 CHAIRMAN FARRELL: Robert Biggerstaff,
18 Executive Director, New York State
19 Association of Small City School Districts.

20 CHAIRMAN DeFRANCISCO: Is Robert here?

21 CHAIRMAN FARRELL: Don't see him.

22 CHAIRMAN DeFRANCISCO: Okay.

23 CHAIRMAN FARRELL: Moving right along.

24 Next is Omar Boucher. Should not be

1 here either. Is not. Fred Koelbel. Not
2 here also.

3 Okay, moving right along. David
4 Little, executive director of the Rural
5 Schools Association of New York State.

6 And after that would be
7 StudentsFirstNY, Tenicka Boyd, director of
8 organization, and NYCAN, Derrell Bradford,
9 executive director, and Au Hogan, parent,
10 Jamaica, Queens.

11 Mr. Little.

12 MR. LITTLE: Thanks, folks. I
13 appreciate the opportunity to speak to you.
14 I salute your stamina, if nothing else, in
15 all of this.

16 Rural schools represent about half of
17 the school districts in the state. Our
18 problems aren't any different than any of the
19 other school districts in the state, except
20 that in many cases they're exacerbated by not
21 having much of a local tax base, being a
22 little more remote than other places, having
23 a tough time trying to recruit and retain,
24 particularly, young teachers simply because

1 there's not as much of a social life in rural
2 areas, and so it's difficult to try and get
3 young people to come there.

4 But mostly we're challenged by the
5 inequitable distribution system that we have
6 in our state. It's not an issue of how much
7 we spend in our state. We spend one out of
8 every \$10 spent on public education in the
9 United States of America. We spend more than
10 GE makes worldwide in any given year. We
11 spend a lot of money on public education. We
12 don't distribute it very well, particularly
13 when we try and adequately assess what a
14 community can pay itself for public
15 education. In many rural areas they can't
16 raise \$50,000, \$75,000, \$100,000 under the
17 tax cap, and so equitable aid distribution
18 becomes everything.

19 I do want to just emphasize here that
20 the Executive Budget seems to effectively
21 distract us from that need and talk more
22 about whether or not the budget is going to
23 be held up for one reason or another, whether
24 it's ethics reform or whether it's

1 educational reform. Many of the reforms that
2 he's proposed make perfectly good common
3 sense. 3020-a reform is long overdue.
4 Matching the length of tenure evaluation to
5 the length of time that an individual
6 educator gets to obtain their permanent
7 certification, that makes perfect sense. So
8 there are some reforms that are valid within
9 the proposal.

10 But the fact of the matter is we're
11 looking over here at these things, and
12 wondering whether the total is going to be
13 held up, when in fact we've got this problem
14 of systematically defunding our schools
15 through the GEA and inadequately distributing
16 and underfunding according to what the
17 rollover budget is for this year.

18 Rolling over our existing programs and
19 services for public education takes about
20 \$2 billion, and so when your upper limit --
21 if you do everything that I ask, I'll give
22 you half of that -- it's probably an
23 inadequate sum game for public education to
24 provide.

1 There's a couple of things in there
2 that aren't mentioned at all, one of which is
3 we're either waiting to hear guidance on how
4 we're supposed to regionally reduce our tax
5 levy by 1 percent or have us be named free
6 and clear of that responsibility one way or
7 another. To have that responsibility hanging
8 without any guidance is difficult, obviously,
9 for school districts.

10 Voting machines are another. It's not
11 a very attractive issue, but the fact of the
12 matter is there's a whole lot of millions of
13 dollars that will have to be spent by school
14 districts, or either that or go back to paper
15 ballots, because we don't have the voting
16 machines. Counties, quite honestly, took the
17 federal money for the State of New York, and
18 in many cases they aren't willing to share
19 those voting machines with local school
20 districts.

21 The other thing that I would mention
22 as being what's missing from the budget
23 obviously is a blended method of addressing
24 both the GEA and adding in a new foundation

1 formula that's actually workable. It's
2 politically challenging, I certainly
3 recognize, to be able to do that. But trying
4 to justify having, in name only, a state
5 surplus and a state windfall at the same time
6 that you're eliminating monies that you're
7 constitutionally and legally required to
8 provide, is untoward. It's not an
9 appropriate response.

10 And so one way or another, I think the
11 Governor has said we're going to quit talking
12 about the GEA. And I welcome that, that
13 would be great, as long as we're quitting
14 talking about it because we've eliminated it
15 and we're moving forward.

16 But let's not allow the GEA
17 elimination to obscure the fact that what's
18 really needed is a foundation formula that
19 moves forward, accurately representing what a
20 community can afford to pay and contribute to
21 public education. If we've done that, then
22 we will have solved the issue for the
23 generation coming forward.

24 And with that, I'll leave it to you

1 folks.

2 CHAIRMAN FARRELL: Yes, Senator.

3 SENATOR KRUEGER: Thank you.

4 Not a question, just a thank you. I
5 quickly perused your whole testimony, and I
6 just want to say, as a big-city legislator, I
7 think we pretty much agree with you
8 completely on your needs in the rural school
9 districts.

10 So hopefully more and more of us will
11 all keep talking to each other, because we're
12 all on the same page.

13 MR. LITTLE: We're one family. I'd
14 love it if we acted like it.

15 SENATOR KRUEGER: Thank you very much.

16 CHAIRMAN FARRELL: Thank you,
17 Mr. Little.

18 MR. LITTLE: You bet.

19 CHAIRMAN FARRELL: StudentsFirstNY,
20 Tenicka Boyd, director of organization,
21 Derrell Bradford, executive director, NYCAN.
22 And Au Hogan.

23 CHAIRMAN DeFRANCISCO: Is Tenicka out
24 organizing?

1 explain it because a little bit of it is
2 technical.

3 There's a program in New York State
4 commonly referred to as SEIT. That stands
5 for Special Education Itinerant Teacher. The
6 program is found in Section 4410 of the State
7 Education Law. Section 4410 of the State
8 Education Law deals with the education for
9 children with disabilities, and the SEIT
10 program is basically a preschool program for
11 children who have learning disabilities,
12 developmental disabilities.

13 And the reason why it is itinerant is
14 because it is determined that providing these
15 services for these youngsters, 3 and 4 years
16 old, in their homes, is the best way to
17 deliver the services and make them ready,
18 hopefully, for the rigors of public school
19 education when they become the age of 5.

20 A year ago the Governor made a
21 recommendation in the budget on SEIT which
22 you rightfully rejected. And the reason why
23 you rejected it was because it was rather
24 simplistic. What the Governor wanted to do a

1 year ago was to change the nature in which
2 the SEIT services are reimbursed. And that's
3 not a bad idea. What the Governor wants to
4 do is to say, You know what? Instead of the
5 State Education Department spending an
6 enormous amount of time and effort and money
7 trying to devise a separate tuition rate for
8 each of the hundreds of SEIT providers and
9 agencies -- and believe me, it takes a lot of
10 time, and at the end of the day and it's not
11 even all that accurate -- instead of going
12 through all that time and effort, let's
13 create a regional rate.

14 So the state's divided into X number
15 of regions, and the providers who provide
16 these important services all receive the same
17 rate for that region. Because the costs are
18 basically the same. That makes a lot of
19 sense to me.

20 The reason that you rejected the
21 Governor's proposal last year is that it was
22 terribly simplistic in a kind of complicated
23 subject. The Governor wanted to have these
24 rates developed virtually overnight,

1 implemented all at once -- in some cases
2 providers would see a tremendous increase,
3 maybe, in their budgets; others, a tremendous
4 decrease. And I had concerns and you had
5 concerns that the proposal was not being
6 implemented thoughtfully and carefully.

7 The Governor has come back with a
8 slightly different proposal this year in
9 which he would say that once the State
10 Education Department develops the details for
11 how this will be implemented, it ought not be
12 phased in -- it ought not become effective
13 immediately, but rather phased in over a
14 period of time up to four years. Which makes
15 sense because it avoids sticker shock and
16 these vast dislocations in the budget for an
17 agency, either big swings up or big swings
18 down.

19 So I don't want to get into the weeds
20 here or the details. I suspect that John --
21 Senator Flanagan, the Chairman of the
22 Education Committee in the Senate -- knows
23 this subject pretty well, and a lot of you
24 have heard about it, but I don't want to get

1 into the small details. Here's the only
2 thing I want to ask of you.

3 I believe that developing a regional
4 rate and giving the authority to the people
5 who should have the authority, the State
6 Education Department, to work this all out is
7 the right thing to do. But what the Governor
8 would say, what he does say in his budget
9 proposal is that you in essence, the
10 Legislature in essence should then abdicate
11 your responsibility and your authority to vet
12 the changes.

13 So he would give the authority to SED
14 to develop this new methodology, these new
15 rates, these regions, and whatever they say
16 would be how the system would work in the
17 future.

18 They may come up with very good ideas.
19 They may. But the final approval of such an
20 important change, whether it's good or bad,
21 rightfully belongs with the Legislature. You
22 ought not divest yourself of the authority to
23 look at what SED comes up with and then vote
24 on it. To pass a bill, if it's a good

1 proposal. That is what you would have to do
2 absent the Governor's budget proposal. These
3 changes would have to be made statutorily by
4 amending Section 4410.

5 All that I am suggesting is look at
6 the Governor's proposal as a good starting
7 point. I think regional rates is a good
8 idea. But having said that, the devil is in
9 the proverbial details here. And how this
10 proposal ultimately is expressed could be
11 very good, could be problematic. And it's a
12 matter that the Legislature ought to keep its
13 purview and its authority over.

14 So that's the sum and substance. The
15 Governor has come up with a good starting
16 point, but the end point ought to continue to
17 be legislative approval. And I hope that you
18 agree with that and I hope that as you move
19 forward -- if you do, if you choose to --
20 with the Governor's proposal for SEIT, that
21 you will keep in mind that the final word and
22 the final decision-making ought to continue
23 to be vested in the Assembly and the Senate,
24 the men and women who ought to be making

1 these policy changes.

2 My final thought on the matter is that
3 in my experience in the Legislature and in
4 life I have often found that the right
5 process leads to the right policies. And the
6 wrong process ultimately leads to something
7 that we regret.

8 I thank you as always for your time,
9 and I leave you with some excess time.

10 CHAIRMAN FARRELL: Yes, thank you very
11 much.

12 Any questions?

13 CHAIRMAN DeFRANCISCO: You have
14 another three minutes of credit for next
15 year.

16 MR. SANDERS: Next year. It's in the
17 bank, right?

18 Thank you very much.

19 SENATOR KRUEGER: Thank you, Steve.

20 CHAIRMAN FARRELL: Jim Cultrara,
21 New York State Catholic Conference.

22 And Jake Adler, New York State policy
23 director, Orthodox Union, that will be next.

24 MR. CULTRARA: Good afternoon,

1 Chairman Farrell, Chairman DeFrancisco,
2 honorable members.

3 You have before you the testimony of
4 Bishop Edward Scharfenberger from the Diocese
5 of Albany, representing the Roman Catholic
6 bishops in New York State. We're going to
7 dispense with the reading of the testimony.
8 And although his testimony comments on a
9 number of important issues, I'm going to
10 restrict my comments to two issues, the first
11 being on education tax credits.

12 I first want to correct what Andy
13 Pallotta from NYSUT, how he characterized tax
14 credits as a back-door voucher program, that
15 it would provide additional resources for and
16 help the wealthy -- wealthy individuals and
17 corporations.

18 There are vouchers in existence in
19 this country in Milwaukee and in Cleveland --
20 nowhere else, to my knowledge. Other places
21 have scholarship programs. If this is a
22 voucher, then I think he would say that the
23 current tax deductions for charitable
24 donations are also vouchers. And those have

1 been in existence in every state in this
2 country, and the United States provides a tax
3 deduction. Those are no more a voucher than
4 this is.

5 And to his point about education tax
6 credits providing resources for and helping
7 the wealthy and corporations, what's
8 different about this tax credit proposal, as
9 opposed to tax credits that are given to
10 Hollywood or the beer industry or the yogurt
11 industry or virtually any other taxpayer, is
12 that, like tax deductions, the donor doesn't
13 get to keep his money. They don't -- the
14 corporation, the individual, the pizza
15 delivery guy, they don't keep their money,
16 they part with their money one way or the
17 other.

18 So this is not a tax cut, where they
19 can pocket it. This is an incentive for them
20 to redirect their resources, their tax
21 liability, to education. Just like a tax
22 deduction is.

23 And as you know, this proposal would
24 provide an equal share of those tax credits

1 for donations to the public school sector in
2 a variety of ways, as well as to the private
3 school community, but only in one way. And
4 that is to go to families, to scholarship
5 organizations -- these donations would go to
6 scholarship organizations to enable more
7 scholarships to be given out to low- and
8 middle-income families.

9 We are very grateful to the Senate,
10 the Senate Republican Conference, for having
11 taken the lead on this issue for numerous
12 years; again, passing the proposal with
13 strong bipartisan support in the Senate again
14 on January 21st. We are grateful for the
15 support of the vast majority of legislators
16 in the Assembly who are supporting this bill,
17 both as cosponsors and those who are not but
18 nonetheless support it. And lastly, we are
19 very supportive and thankful for the Governor
20 including a version in his Executive Budget
21 proposal.

22 We are urging lawmakers to recognize
23 the plight of tuition-paying families, the
24 dual burden that they have been shouldering,

1 and hope that this is the year where their
2 plight can be addressed.

3 The second point I want to focus on is
4 in the area of mandated services and cap
5 reimbursement. For two years, the 2012-2013
6 budget and the 2013-2014 budget, you were
7 good enough to enact language that restored
8 the originally negotiated cap reimbursement
9 formula for our schools.

10 The State Education Department has yet
11 to put that into effect. And they continue
12 to calculate the state's obligation based on
13 a contrived formula which does not address
14 the actual costs incurred by our schools.
15 They are shortchanging our schools by
16 \$15 million a year. That \$15 million
17 difference is then transferred to the
18 shoulders of parents who have to meet the
19 difference with increasing tuition. And as
20 you have seen, the parents of independent
21 religious schools find it increasingly
22 difficult to shoulder that burden, fewer and
23 fewer of them are able to do so and forced to
24 transfer their children into public school.

1 And you know what the cost is when that
2 happens.

3 We're urging you once again to enact
4 language to restore that cap reimbursement
5 formula prospectively and to satisfy the
6 state's obligation retroactively as quickly
7 as you can.

8 Thank you.

9 CHAIRMAN FARRELL: Thank you.

10 Questions? Yes, Shelley Mayer.

11 ASSEMBLYWOMAN MAYER: Jim, do you
12 support the Governor's coupling of the
13 educational tax credit with the DREAM Act?

14 MR. CULTRARA: We don't support the
15 coupling. We support the DREAM Act, the
16 Catholic Conference supports the DREAM Act.

17 Our priority, of course, is the
18 enactment of the education tax credit. We
19 believe the issues ought to stand or fall on
20 their own merits. And whether the coupling
21 makes it easier to get one or both done or
22 impossible, that's for you to determine and
23 lawmakers to determine. We support enactment
24 of the education tax credits. As well as the

1 DREAM Act.

2 CHAIRMAN FARRELL: Thank you.

3 MR. CULTRARA: Thank you.

4 CHAIRMAN FARRELL: A do-over.

5 StudentsFirstNY, Tenicka Boyd. Present?

6 Jump up and down. Nope, still not here. Oh,

7 they are here. And Derrell Bradford,

8 executive director. And is Mr. Hogan or

9 Au Hogan with you also?

10 MR. HOGAN: Yes.

11 CHAIRMAN FARRELL: You're both

12 StudentsFirstNY and NYCAN, that is correct?

13 MR. BRADFORD: Yes, sir.

14 CHAIRMAN FARRELL: Okay. Good

15 afternoon.

16 MR. BRADFORD: Good afternoon. Thanks

17 for having us.

18 MR. HOGAN: Good afternoon, Senator.

19 My name is Au Hogan, and it is a

20 pleasure being here this afternoon. That

21 pleasure, however, is greeted with the sad

22 reality of the concern I have for the

23 continued failing practices allowed in our

24 inner-city schools.

1 I am a district public school parent
2 and grandparent from South Jamaica, Queens.
3 My children and grandchildren and I all went
4 through the New York City public school
5 system. I joined StudentsFirstNY as a parent
6 member, and I am here today because I want
7 and I would like to demand change.

8 Our education system needs real
9 change, fundamental reform, the kind of
10 reform that Governor Cuomo outlined last
11 month in his State of the State presentation.
12 I support the Governor's plan because he
13 understands that the same old status quo is
14 failing too many of our kids.

15 There is an ongoing crisis in public
16 education, and it is not just here in
17 New York State. America's public education
18 system, once touted as the best in the world,
19 has fallen behind systems that at one time
20 modeled their systems after ours. And if we
21 don't act, now, that fall will continue, and
22 future generations of schoolchildren will
23 suffer.

24 The classroom, once a place of great

1 hope and promise, has become a place of
2 gloom, fear and an unspeakable despair. You
3 might not understand that or understand the
4 immediacy of this crisis if you've never been
5 to communities that are similar to mine, like
6 Jamaica, to Bed-Stuy, from the South Bronx to
7 Crown Heights, to inner-city Rochester and
8 Buffalo.

9 In our neighborhoods, parents look to
10 public education as a lifeline for our kids,
11 lifelines that we rely on to help prepare
12 them for the future and for greater
13 opportunity. But for too many kids, the path
14 to opportunity is blocked, blocked by an
15 education system in desperate need of
16 fundamental reform to turn these things
17 around.

18 My grandchild Dre is an example of a
19 child who is being failed by our broken
20 education system. Every year the possibility
21 of him achieving a successful future seems
22 more and more impossible. Our grandson is a
23 good kid with a loving family that values
24 learning. He's not an outlier, he's your

1 regular mainstream kid who this system should
2 have no problem educating. Dre wakes up
3 every morning and goes to his district public
4 school, and day after day he gets 100s on his
5 classroom work. But when it comes time to
6 take the tests, you know, the ones that
7 really tell you whether a kid is ready for
8 the next grade, he gets zeroes. He is not
9 being prepared for the future he deserves.

10 I understand that teaching is a
11 complicated and hard job. However, educators
12 are entrusted with the responsibility of
13 guiding entire generations of kids, and these
14 kids are owed the chance to learn from
15 effective teachers and a system that works
16 for them, not against them.

17 If we don't hold the system up to
18 higher standards by continually improving
19 upon our schools and the teaching profession,
20 we will continue to fail our kids all across
21 New York and all across this country.

22 I am here today to represent the many
23 parents and grandparents like myself who
24 believe that taking the necessary steps to

1 reform our education system must happen and
2 must happen now. Governor Cuomo is right:
3 Education is the great equalizer. But as I
4 mentioned previously, if we continue to
5 follow the same failed policies of the past,
6 we will continue to fail our children. Our
7 children deserve better. My grandson
8 deserves better.

9 I am proud to stand in support of the
10 Governor because he is fighting for kids
11 across the state, kids just like my grandson.
12 Every child should have access to a school
13 where they have a real opportunity to reach
14 their full potential.

15 Thank you for my time.

16 CHAIRMAN FARRELL: Thank you.

17 Yes?

18 MS. BOYD: Thanks, Au. And thank you
19 to the committee for giving me an opportunity
20 to speak today.

21 My name is Tenicka Boyd. I am a
22 parent, and I also have the pleasure of
23 directing the parent organizing effort at
24 StudentsFirstNY.

1 StudentsFirstNY is New York's leading
2 voice for students. As part of our community
3 organizing efforts, we have talked to over
4 300,000 New Yorkers in predominantly
5 low-income communities and communities of
6 color who are deeply concerned with the lack
7 of quality schools and quality teachers
8 available to their children.

9 I am here not only as a New York City
10 district school parent, but also as someone
11 who talks to parents each and every day. And
12 I not only support the Governor's opportunity
13 agenda, I believe it is something that many
14 parents, in the communities that we serve,
15 also strongly support.

16 I want to open up with the real story
17 of education in New York. Have you ever
18 heard a 16-year-old that reads at a
19 third-grade reading level? I had a high
20 school student walk into my office because he
21 was terrified that he might not be able to
22 graduate or read like "a senior." He, a
23 young black male from a family who attended
24 the New York City high school as he did, told

1 me about the low expectations, the
2 poor-quality lessons, and the countless
3 stories of inadequate teaching. All he ever
4 wanted, he told me, was to "read like the
5 kids in Westchester."

6 And we talk to kids like this in
7 Brooklyn every single day. There are, in
8 New York City alone, over 143,000 students
9 legally zoned to historically and
10 persistently failing schools. We have
11 schools in New York City where less than
12 13 percent of black males are graduating and
13 can read on grade level. In 43 percent of
14 all New York City middle schools, 90 percent
15 of the children are failing to read. One
16 hundred fourteen high schools in New York
17 City are producing students that, if they do
18 graduate, have to take remedial courses.
19 That's across income level.

20 In districts like Brownsville, a
21 historically black community in Brooklyn,
22 there is not a single district elementary
23 school that has educated more than 20 percent
24 of its kids to read at grade level, and that

1 is criminal.

2 New York spends more per pupil than
3 any other state and double the national
4 average, and yet we still fail to give
5 students in Brownsville quality teachers who
6 are supported and have the proper tools to
7 succeed.

8 We've heard from the teachers union
9 bosses who say that the Governor has gone too
10 far. It's the job of the union leaders to
11 protect their lowest-performing members, I
12 get it. But the teachers union is a
13 special-interest group and cannot parade
14 around like they are putting the interests of
15 students first. And I heard Michael Mulgrew
16 say he was angry on behalf of the teachers.
17 Let me be angry on behalf of the students and
18 the parents.

19 In a city with failing schools, in
20 many of the communities that serve our
21 students, it is outlandish to think the
22 Governor is going too far. It's outlandish
23 to think, when it comes to for many of the
24 kids in the schools that we serve, when their

1 destiny is prison or teen pregnancy, that the
2 war is on teachers. This isn't a war on
3 teachers, this is a fight for students. This
4 is a fight for an education that can open the
5 gateway to opportunity.

6 When students in high-poverty
7 communities are three times as likely to be
8 taught by an unsatisfactory teacher than a
9 student in a low-poverty community, this is a
10 fight for equity.

11 This is the real story of parents like
12 me, and parents like Au, and the parents I
13 talk to each and every day. Not the same
14 tired story that we hear day in and day out
15 from the teachers union that uses money and
16 history of influence to have us believe that
17 the students are too hungry, too tired, and
18 too misbehaved to pay attention in class, to
19 pass an exam, or to read or write at grade
20 level. And frankly, it's condescending and
21 misleading.

22 Not only are we in a crisis, we have
23 failed generations of students and their
24 parents with policies that have sought to

1 provide more comfort for the adults than
2 quality education for the students. What we
3 know is that a quality teacher is the biggest
4 in-school predictor of a child's success,
5 more important than the amount of money we
6 spend and more important than the number of
7 kids in a classroom.

8 We know that students who are
9 consistently assigned to a high-quality
10 teacher have a higher chance of going to
11 college and earn a higher salary. Yet we
12 have schools with the highest number of
13 minority children, with the highest rates of
14 poverty, and with the lowest college
15 readiness rates, with the most undesirable
16 teachers.

17 The Governor's plan will fix that.
18 Governor Cuomo's plan wants to ensure that
19 our highest-need students get the very best
20 teachers. He wants to ensure that no student
21 in any part of this state is taught by two
22 unsatisfactory teachers in a row. The
23 Governor is seeking to incentivize our
24 already great teachers to ensure they stay in

1 the system longer and in communities that
2 need them the most.

3 For far too long we have succumbed to
4 the notion that more money will save us, when
5 the truth is more money has not led to better
6 results. We need to hold the adults in this
7 system accountable for the failure to educate
8 our students.

9 I strongly encourage you to take this
10 testimony into account when you are making
11 your decisions on the education of our
12 students. I hope as an elected body, with
13 the desire to stand up for what's right, we
14 put the interests of students first by
15 supporting wholeheartedly the Governor's
16 plan.

17 CHAIRMAN FARRELL: Thank you.

18 Mr. Bradford.

19 MR. BRADFORD: I have so little to add
20 that hasn't been said passionately already,
21 but I will endeavor to do so.

22 So, Senators and Assemblymember, thank
23 you very much for having me. I will be
24 brief.

1 Just four quick points. The first one
2 I want to say is that you don't do these
3 things, particularly the Governor's teacher
4 quality agenda, because you think teaching is
5 unimportant, you do it because you think it
6 is deeply important and you understand that
7 if you value something, you have to measure
8 it.

9 The conversation we've been having
10 today about teacher evaluation and whether or
11 not we can find effective teachers, let alone
12 place and deploy them -- which is an
13 important issue that the Obama administration
14 has taken on, and so has the Office of Civil
15 Rights, because low-income and high-minority
16 schools are less likely to get highly
17 talented teachers or teachers who are
18 teaching in subject specialty. It's not
19 about whether or not it's 20 percent or
20 40 percent, the conversation that's being had
21 with you today is whether or not you should
22 measure or you shouldn't.

23 And no evaluation system is perfect.
24 The question is whether or not we can do

1 better than one that ranks 99.9 percent of
2 people effective. Which is exactly what you
3 had before you passed your laws in 2002. I
4 think the people who are suffering the most
5 under that system are actually the phenomenal
6 teachers who are leveled to no distinction by
7 a system that's not precise enough, because
8 the local measure, as the Regents have
9 written about, clouds up the evaluation
10 system. That's the first thing.

11 The second thing I want to say is that
12 I'm deeply supportive of charter schools for
13 two reasons. One is the chartering power is
14 a device for the state to create innovation.
15 And I would argue the person who was here
16 from AQE earlier, his quote from the ED at
17 CREDO, which is that markets don't work, I
18 think that's totally wrong. We're having an
19 exciting conversation about what the
20 possibilities are for our kids precisely
21 because they do, precisely because the
22 competition and the change that has been
23 introduced into this discussion has leveled
24 the playing field, again in this sector, for

1 what we can do for our kids.

2 And one quick statistic here.

3 Five-point-four percent of all schools in
4 New York State are charter schools. So far
5 from like a prairie fire of chartering, it is
6 a tiny portion of all schools. And if you
7 added a hundred schools to it tomorrow, you
8 would still be at 11.5 percent. So I would
9 urge you to raise the cap, because it is not
10 the end of the world to do so.

11 And last thing is that -- and Jim
12 Cultrara actually explained the details of
13 the differences between tax credits and
14 vouchers very well earlier. But I'm a huge
15 supporter of the tax credit program not just
16 because it's a new revenue raiser for
17 districts, but because I know lots of kids --
18 and I was one of them -- who, but for winning
19 a scholarship lottery, would not have had
20 great lives that made us prosperous and free.

21 I support anything that gets a child
22 from a terrible place to a great place
23 because education is all that we have,
24 particularly if we haven't been blessed with

1 the right parents with the right money and
2 the right degrees.

3 So again, you have a tremendous
4 opportunity to make grand change on a huge
5 scale for, at the least, a quarter of a
6 million kids who have languished in
7 underperforming schools, as the Governor has
8 pointed out, for the last decade. That kind
9 of change does not come easily. There is no
10 great time to do it, but there are times that
11 are better than others, and now is that time.

12 Thank you very much.

13 CHAIRMAN FARRELL: Thank you.

14 I don't like to get into discussions
15 about charter schools because there's a
16 mother behind every child in that school who
17 will kill me if I get in her way. But when I
18 hear what you're saying, it bothers me. The
19 failure is the charter schools, because we're
20 not doing our job -- I prefer what this young
21 lady said, we're not doing our job on those
22 programs that are not charter schools.

23 The charter schools are the creamers.
24 That's all that it is. It creams off and you

1 get a lot of bright young people, but then
2 you leave behind. I'm more concerned about
3 what's left behind. And we've got to work
4 for that.

5 And as I say, I'm going to get into
6 trouble and I'll get letters for this --

7 MR. BRADFORD: No, no, it's okay,
8 Assemblyman --

9 CHAIRMAN FARRELL: -- but it does
10 concern me because Mr. Bloomberg thought it
11 was easy. Give me control, I'll fix it. He
12 got control, and he realized it wasn't as
13 easy as he thought. And when charter schools
14 popped up, he said, Oh, my gosh, take them,
15 send them over there. And that's how,
16 whenever he got in trouble, "You're not
17 educating my child," they'd say, "Oh, send
18 them over to the charter schools." That's
19 like Macy's saying, Don't buy it from us, buy
20 it from Gimbel's.

21 And so we've got to be careful. There
22 are things we have to do --

23 MS. BOYD: A child is nothing like
24 Macy's --

1 MR. BRADFORD: I would like to
2 respond, sir. This is a -- it's a passionate
3 discussion. I'm happy that you feel
4 passionately about it, because I do too.

5 Two things. The reason why I started
6 talking about the teacher quality agenda is
7 because the teacher quality agenda is pivotal
8 to making sure we fix the traditional
9 district schools. I don't have an either
10 position on these things, I'm for great
11 schools no matter wherever they are. And
12 they look all kinds of different ways. And
13 teacher quality is one of the ways that you
14 help get traditional district schools better
15 faster.

16 CHAIRMAN FARRELL: But increasing the
17 amount of those schools doesn't accomplish
18 it. If what you're saying is true, leave
19 those there, now let's accomplish making the
20 left-behinds better. That's what I'd like to
21 hear from you, not what the Governor wants.

22 MR. BRADFORD: Yes, I respect your
23 opinion very much, sir.

24 CHAIRMAN DeFRANCISCO: Senator

1 Krueger.

2 SENATOR KRUEGER: Thank you.

3 Ms. Boyd, you're angry because you
4 think this is criminal. And I'm not sure I
5 wouldn't use the same terms. Does it make
6 you angry that the lowest-income school
7 districts spend \$19,500 on average per pupil
8 and the wealthiest districts are spending
9 almost \$36,000 per pupil, and don't you think
10 that has something to do with what's
11 happening or not happening in our schools?

12 MS. BOYD: Well, let me say this. As
13 a New York State public school parent and as
14 a former child in a low-income community -- I
15 was born and raised in the housing projects
16 myself; my mother, a parent of five, raised
17 all in the public school system -- I will say
18 that there has been countless studies that
19 have suggested that what we spend, on
20 average, for a child in a failing school is
21 actually more than what we spend on a child
22 in a mid-income and a high-income community.
23 And I can get those facts to you.

24 But what I will say is undoubtedly, as

1 a parent, I do believe as a country we should
2 be investing more in our education, no doubt
3 about it. Of course, right? I believe that
4 the state should be doing that. What I also
5 know as a parent, though, and what I know in
6 my own life -- and I'm sure you all can say
7 this in your own lives -- when I look back on
8 my journey, what I know was very important
9 and essential to my growth was my teachers.
10 Right?

11 And so I walked into that school
12 hungry, my mother working 16 hours a today
13 from the 11th floor in Cabrini Green housing
14 projects, and I was met with Doug Smith, who
15 told me I could be anything, go anywhere,
16 read any way. And he sat with me each and
17 every day and told me I can do and be
18 something. So I'm for money that's going to
19 get kids like me more Doug Smiths.

20 SENATOR KRUEGER: Thank you.

21 May I ask you what your salary is at
22 StudentsFirstNY?

23 MS. BOYD: I'm not going to talk about
24 my salary.

1 SENATOR KRUEGER: Okay. Mr. Bradford,
2 you work for NYCAN.

3 MR. BRADFORD: Yes, I do.

4 SENATOR KRUEGER: Can you tell me your
5 salary?

6 MR. BRADFORD: I don't think I should
7 have to. It's not a public -- it's not a
8 public document. And I have to raise money
9 to pay for my salary on my own. So ...

10 SENATOR KRUEGER: Can you tell me what
11 the budget is for your organization?

12 MR. BRADFORD: So that's actually a
13 great question, because NYCAN is more like
14 "me can." I'm rebooting it right now.

15 So the budget is the \$25,000 I raised
16 from a foundation three and a half weeks ago
17 so I could come here and talk to you about
18 things I really care desperately about, the
19 fact that there are hundreds of thousands of
20 kids just like me in districts all across
21 New York who aren't getting the teachers they
22 deserve that will give them a chance to be
23 prosperous and free. And that's what matters
24 to me.

1 SENATOR KRUEGER: Thank you.

2 MR. BRADFORD: You're welcome.

3 SENATOR KRUEGER: And Ms. Boyd, since
4 you won't tell me your salary, can you tell
5 me the budget of your organization?

6 MS. BOYD: I actually don't know. I'm
7 the director of parent organizing, and our
8 director of operations isn't here. So I
9 actually don't know that.

10 SENATOR KRUEGER: How large is the
11 staff?

12 You have a one-person staff --

13 MR. BRADFORD: Yes. Me can, yes.

14 SENATOR KRUEGER: Yes. And your
15 staff?

16 MS. BOYD: Yup. So we have about four
17 or five senior staff people, and we have
18 about 32 folks organizing district parent
19 organizers.

20 SENATOR KRUEGER: Thank you.

21 CHAIRMAN FARRELL: Any other
22 questions?

23 CHAIRMAN DeFRANCISCO: Yeah, I just
24 had a couple of questions.

1 You're down in the district and you're
2 talking to students every day and I assume
3 you're talking to parents every day.

4 MS. BOYD: Yup.

5 CHAIRMAN DeFRANCISCO: And you made a
6 great point about your mother, that you went
7 into school on grade level.

8 I'm from Syracuse. What I hear from
9 the school district all the time in
10 Syracuse -- and I was on board a hundred
11 years ago, on the school board -- is that you
12 can't get any parental cooperation so that
13 when you go out to the district, go out to
14 class, there's no support from the parents,
15 there's no care on behalf of the parents, and
16 how can you raise a child as well as teach
17 them.

18 What's your experience, from talking
19 to the parents in your area and what the
20 influence is on parental noninvolvement with
21 the kids' education?

22 MS. BOYD: Yeah, I don't know when
23 this rumor started that parents don't -- are
24 not engaged and don't care about their kids.

1 So what I see is completely different. And
2 so I've been an organizer in communities for
3 a long time around education specifically,
4 and parents like Au, I met Au two and a half
5 years ago when I started working at
6 StudentsFirstNY as a parent that we engaged
7 on this issue.

8 And what many parents are saying is
9 that they really feel shut out of the school
10 process and so they don't necessarily feel
11 welcome. These are folks who are being
12 introduced to a system that they're not
13 necessarily familiar with.

14 And so we have meetings all time in
15 community centers, in churches, in
16 cafeterias, and we don't have a problem
17 engaging parents at that level. So I
18 wouldn't know why necessarily a school system
19 doesn't have the opportunity to engage
20 parents unless they're doing it, like my
21 daughter's school, at 3:30 in the afternoon
22 when many of our parents in working-class
23 communities are working.

24 CHAIRMAN DeFRANCISCO: Okay, and as

1 far as charter schools, I love Denny Farrell,
2 but I don't agree with him on this one. I
3 think we wouldn't have known the inadequacies
4 unless we had an alternative to send children
5 to to see how they were doing -- at, by the
6 way, a much lower cost.

7 And as far as the tax credit, to me
8 that gives middle-income and lower-income
9 parents an opportunity to take another choice
10 if they're not happy with the choice that
11 they had.

12 So these alternative schools are the
13 ones that -- and by the way, the cost -- the
14 savings to New York State from allowing the
15 tax credit is astronomical. It's much less
16 cost.

17 And so I guess what I'm saying is
18 you're a product of charter schools,
19 obviously, that's --

20 MR. BRADFORD: I went to an
21 independent school.

22 MS. BOYD: None of us went to charter
23 schools.

24 CHAIRMAN DeFRANCISCO: Oh, independent

1 school, okay.

2 MR. BRADFORD: They didn't have any
3 charter schools when I was a kid, actually.

4 CHAIRMAN DeFRANCISCO: Okay, that's
5 right, you're too old.

6 In any event, what I'm saying is all
7 of these things should be continued, and we
8 appreciate your coming to testify.

9 MR. BRADFORD: Thank you for having
10 us.

11 CHAIRMAN FARRELL: Just to add to that
12 a little, what I was saying is that we don't
13 have to do more. I understand why they're
14 there, but they should not be doing more.
15 Because there's too many failures. My
16 district is in Harlem, and what's going on
17 down there is terrible.

18 MR. BRADFORD: I'd love to come talk
19 to you about that, sir.

20 CHAIRMAN FARRELL: I mean, and
21 that's -- and that is -- and I don't like
22 people -- I'm trying to say this very
23 carefully because I don't need 50,000 mothers
24 in front of my door as I say it. But I don't

1 know if the money is put in the right
2 position when it is telling us what to do and
3 not what to do. It would be easier.

4 But I'll be glad to talk to people
5 about the charter schools in my district and
6 what's going on there. Where are you from?
7 Anybody from Washington Heights or Harlem?

8 MS. BOYD: No, Brooklyn.

9 MR. HOGAN: Southeast Queens.

10 Just if I may, Assemblyman Farrell,
11 when the conversation of teacher evals and
12 charter schools came to my community, it was
13 like the first time that the parents trusted
14 that there would be a chance that there was
15 going to be an option to how their kids were
16 failing.

17 So I know a lot of people say let's
18 continue to do this whole thing. But when
19 there was only that public school answer, it
20 felt like our communities never had a voice
21 before, because there was no option.

22 CHAIRMAN FARRELL: Well, that's why
23 I'm saying I'm not opposing the charters
24 being there, but I'm opposing that we're

1 allowing the schools that are there to stay
2 there as dregs.

3 MR. HOGAN: Yes, I agree.

4 CHAIRMAN FARRELL: That's what is
5 bothering me.

6 MR. BRADFORD: And, Chairman, a last
7 thing. I think -- and you sort of heard this
8 earlier -- it's like a conversation of like
9 Uber and the Taxi & Limousine Commission.

10 CHAIRMAN FARRELL: Oh, no, don't get
11 into --

12 (Laughter; cross-talk.)

13 MR. BRADFORD: I'm just saying that,
14 like, a lot of people don't like Uber because
15 they're like, look at how regulated we are.
16 And the answer isn't to kill Uber, the answer
17 is how do we free up the Taxi & Limousine
18 commission to deal with that company.

19 And we need to have the same
20 conversation about the freedoms and
21 autonomies that charter schools have, and
22 some independent schools, exported to
23 traditional district schools in a positive
24 way that lets them respond in a positive way.

1 CHAIRMAN FARRELL: I thank you all
2 very much.

3 MR. BRADFORD: Thank you.

4 MS. BOYD: Thank you.

5 MR. HOGAN: Thank you.

6 CHAIRMAN DeFRANCISCO: It livened
7 things up a little bit.

8 CHAIRMAN FARRELL: You woke me up. I
9 haven't spoken all year.

10 Jake Adler, New York State policy
11 director, Orthodox Union.

12 (No response.)

13 CHAIRMAN DeFRANCISCO: Is he here?

14 CHAIRMAN FARRELL: No, not hearing
15 anybody.

16 Jeff Leb, manager, government/external
17 relations, United Jewish Appeal Federation of
18 New York.

19 (No response.)

20 CHAIRMAN FARRELL: Okay, that's two.

21 Michael Borges, executive director,
22 New York State Association of School Business
23 Officials. All right, we finally hit one.

24 And then Robert Lowry, deputy director

1 of the New York Council of School
2 Superintendents. Oh, you're all together.
3 And the New York State School Boards
4 Association, Julie Marlette, director of
5 government relations.

6 MS. CUNNINGHAM: Good afternoon. I'm
7 Deborah Cunningham, and I'm sitting in for
8 Mike Borges, who couldn't be here. I'm
9 director of education and research for the
10 New York State Association of School Business
11 Officials.

12 And on behalf of our 1900 members from
13 the business offices of New York State public
14 school districts, it is a pleasure for me to
15 talk to you today about using public
16 resources to help school districts in their
17 efforts to ensure that all students graduate
18 college and career ready.

19 Today New York State ASBO released
20 their 2015 School District Fact Book, and a
21 copy was delivered to each member of the
22 Legislature and the Governor's office. It
23 includes maps for each legislative area and
24 the school districts that are in it, and key

1 facts on school district spending, state aid
2 and local levy and fund balance, and amounts
3 of GEA that are still owed to those school
4 districts and amounts of financial aid still
5 due. So I wanted to point that out to you.

6 I'm going to just give you some very
7 quick highlights from my testimony. I think
8 if we're going to talk about school aid we
9 first need to talk about the condition of
10 New York State public school districts. So I
11 would direct you to page 4 of my
12 presentation, which is titled "Current status
13 of school district financial condition."

14 The Comptroller last week released his
15 report on school district fiscal stress, and
16 he found that school district fiscal stress
17 had increased over last year. Ninety school
18 districts, or 13 percent, were in fiscal
19 stress, according to his system. And he
20 articulated the overarching problem of fiscal
21 stress with a quotation that I want to read
22 to you, because I think it is quite profound.
23 "Districts in fiscal stress are more than
24 twice as likely as other districts to have

1 low graduation rates and nearly twice as
2 likely to have high poverty -- and these
3 disparities are more pronounced than last
4 year."

5 This is a problem that school aid can
6 address. New York State ASBO studies school
7 district financial condition every year, and
8 we look at both the educational side of it
9 and the fiscal side of it. And we have noted
10 that school districts lost 10 percent of
11 their workforce over the Great Recession.
12 When looking at the last years of data, we
13 see that they lost another 2 percent of their
14 workforce. More than 40 percent of school
15 districts overall have lost fund balance in
16 the last year. This is 56 percent for
17 high-need urban suburban school districts,
18 and 45 percent for high-need rural school
19 districts. So we find this troubling.

20 On the Executive proposal, I think we
21 have three issues with it. Tying the dollars
22 to complex reforms doesn't seem appropriate
23 for school districts that are, every day,
24 providing services to students and families.

1 The lack of runs produces a lack of
2 transparency that communities depend on.
3 They look to their business officials, and
4 they count on the information being timely
5 and accurate. And having no Executive runs
6 makes it very difficult to estimate what the
7 local levy will be if you don't know what the
8 state aid will be.

9 And finally, \$1.1 billion is really
10 too low. Districts have lost cumulatively
11 \$8.8 billion over the life of the Gap
12 Elimination Adjustment. And \$4.7 billion is
13 still due in Foundation Aid, per the 2007
14 formula.

15 And then finally, there's out there
16 \$259 million in prior-year adjustments.
17 These are adjustments to prior years on
18 aid that have been approved by the department
19 that are owed to school districts. We think
20 those should be paid to school districts.

21 We think the education tax credit and
22 the charter school expansion is something
23 that we shouldn't be putting resources behind
24 until we deal with the GEA and Foundation

1 Aid.

2 So our New York State ASBO proposal is
3 a blended approach, which is similar to the
4 Regents and the Educational Conference Board.
5 It would eliminate the GEA in two years and
6 phase in Foundation Aid over four years. It
7 would also take -- proposes to use
8 \$384 million of the settlement funds for
9 education one-shots. And these are the
10 prior-year adjustments I just mentioned at
11 \$259 million and putting back in the formula
12 growth aid, so that school districts that are
13 experiencing large growth get some
14 reimbursement, such as the influx of
15 unaccompanied minors.

16 And in addition, we propose tax cap
17 technical amendments. We think that there
18 are things that can be done that would allow
19 the state to pursue tax relief and
20 educational improvement simultaneously, and
21 we have some good ideas there. The
22 Educational Conference Board is coming out
23 with a paper that we are leading shortly that
24 will give a lot of good ideas on tax cap

1 changes that we can do.

2 And finally, towards the end of my
3 presentation I detail all of the things that
4 school districts do in the budget process so
5 you can see how important these aid runs are
6 to that process. They have been planning
7 since October. March 1st they have to tell
8 their community what the levy is going to be
9 for next year. They need the state aid runs
10 to do that. There are many requirements in
11 April and on, so you can see those.

12 Thank you for your time.

13 CHAIRMAN FARRELL: Thank you very
14 much.

15 Go ahead.

16 MR. LOWRY: I'm Robert Lowry, deputy
17 director of the State Council of School
18 Superintendents. Thank you for your time.
19 Thank you for hanging in there. We have to
20 do this once a year; I appreciate you do this
21 several times each year.

22 And thank you also for your past
23 support of public schools.

24 You've heard a bit about the furor

1 that the lack of aid runs has caused.
2 Basically the Governor's budget sets up two
3 scenarios: No reform, no district gets an
4 increase in aid over the prior year. If his
5 reforms are enacted, it's not clear what
6 districts can expect. He appropriates for a
7 \$1.1 billion increase, but the formula in
8 grant changes that he proposes or keeps on
9 the books would only generate about a
10 \$360 million increase, leaving up for grabs
11 whatever else districts might count on.

12 As I say, it's caused a lot of
13 consternation. Part of that is because
14 districts are required to submit data for the
15 property tax cap calculations by March 1.
16 But I think a bigger thing is just the school
17 district budget process is very open and
18 transparent. In districts outside the Big 5
19 cities, it culminates with a vote by the
20 public on the budget. And so the whole
21 process is geared towards engaging and
22 informing voters on the choices. And having
23 aid runs from the Governor makes the options
24 more realism-based than boards and

1 communities are asked to weigh.

2 The whole focus on the lack of aid
3 runs has diverted attention from some bigger
4 issues. First, the amount of money that the
5 Governor has proposed for school aid is not
6 sufficient to address some widely held
7 concerns. Second, we're not having a
8 debate -- until today -- about the merits of
9 some of his reforms.

10 I have to say that despite all your
11 efforts over the last few years, school
12 districts are still struggling financially.
13 We do surveys of superintendents each year
14 and for four years we've seen modest gains in
15 the overall financial outlook for school
16 districts, according to our surveys. But
17 those gains are not translating into improved
18 services and opportunities for students,
19 according to the way superintendents are
20 looking at their budgets.

21 This year they say that in only two of
22 19 categories do more superintendents say
23 programs and services have improved. Most of
24 them -- all the other ones, more

1 superintendents say that quality has
2 diminished rather than improved.

3 We also ask for a longer-term view
4 about how financial decisions over the last
5 four years have affected programs and
6 services. And there, only preschool and
7 school safety show improvements. A lot of
8 concern we hear from superintendents is about
9 their capacity to provide extra help for
10 struggling students.

11 We also see that when we ask "If you
12 got more money, what would be your top
13 priorities," capacity to provide extra help
14 for struggling students, but also this year
15 concern about mental health and counseling
16 services and advanced placement classes.

17 My written testimony shares some
18 observations about why schools are still
19 struggling financially. You know, one is,
20 despite your efforts, half the districts in
21 the state are still receiving less aid than
22 they did five years ago. We've also had
23 surging costs for some items like pension
24 costs. Even with the anticipated rate

1 reduction, districts would still be paying
2 70 percent more next year than they were back
3 in 2008-2009.

4 Again, the lack of aid runs makes it
5 impossible to really assess how the
6 Governor's proposal would affect individual
7 districts. But we do see that the amount
8 that he's recommended is not sufficient to
9 address some widely held concerns. The Gap
10 Elimination Adjustment was born with the
11 Great Recession when the state had to close
12 big budget gaps. Those gaps are gone.
13 District leaders find it hard to see how the
14 continuation of the GEA is justified under
15 those circumstances.

16 Funding increases to pay for
17 current-law formulas for Building Aid, BOCES
18 aid, Transportation Aid. That would drive
19 like a \$300 million increase. GEA is a
20 billion dollars. But those two items alone
21 wouldn't provide help for some of the state's
22 poorest districts serving some of its poorest
23 children. And those sums also wouldn't do
24 anything to address Career and Technical

1 Education, services for English language
2 learners, or accelerating the expansion of
3 full-day pre-kindergarten.

4 Again, the Governor ties an increase
5 in aid to a reform agenda. Some of his
6 initiatives we support, some we would oppose,
7 some we question. A lot of them hinge on the
8 teacher evaluation system, so it makes sense
9 to start there.

10 An evaluation system has to be about
11 more than just ranking and sorting teachers
12 into categories. It should be about
13 improving teaching and school leadership by
14 helping districts make good decisions about
15 personnel and also providing information to
16 improve teaching and school leadership on a
17 day-to-day basis.

18 Our members have very little
19 confidence in the system for making
20 employment decisions. They do see it having
21 an impact on improving teaching on a
22 day-to-day basis.

23 We support the Governor's proposal to
24 require statewide scoring bands for the

1 various parts of the evaluation system. We
2 oppose making state test scores, the state
3 growth measure, 50 percent of the evaluation.
4 There's a lack of confidence in the soundness
5 of that measure. And it also just puts too
6 much emphasis on standardized testing as a
7 measure of the value of the education system.

8 We would also oppose his proposal to
9 require that independent evaluators
10 constitute 35 percent of the evaluation. It
11 would be burdensome and costly, and it also
12 detracts from the feedback between a
13 principal and his or her teachers.

14 We do oppose the Governor's proposals
15 to expand the charter school cap and to
16 increase funding for charter schools.

17 On the Governor's recommendations for
18 failing schools, it's an aggressive agenda.
19 We've asked our members for their reactions.
20 We don't want to just say no, we'd like to be
21 able to offer some better ideas as well as
22 some concrete reactions. For now, I'll say
23 this. We do accept that the same provision
24 in the State Constitution that obligates the

1 state to provide funding to assure a sound,
2 basic education for all students should be
3 read to obligate the state to step in when a
4 school or district is failing for
5 nonfinancial reasons.

6 But the State Education Department
7 cannot manage school districts from Albany,
8 or schools, and so a strategy should be to
9 impel and empower local leaders to act before
10 failure becomes entrenched.

11 Finally, no one can be required to be
12 a teacher, a principal or a superintendent,
13 or to work in a failing school. We have to
14 be careful not to make these positions so
15 risky and disgraced that no one will take
16 them.

17 We'll testify at the revenue hearing
18 next week; we'll offer some specific thoughts
19 on the education tax credit and the
20 Governor's property tax relief proposals. I
21 do want to say we support funding for the
22 State Education Department's assessment
23 operations as a way to reduce reliance on
24 stand-alone field tests and enable the

1 department to release more test questions.

2 One of the things that struck me in my
3 interactions with educators over the last few
4 years is how many of them say they worry that
5 schools in the future will not be able to
6 offer opportunities to students in the future
7 that those in the past have had. It should
8 be all our goal to try and make sure that
9 students in the future have opportunities at
10 least as good -- hopefully better -- than
11 what our children have had so far.

12 MR. FESSLER: Thank you. This may
13 surprise you, but I am not Julie Marlette.
14 Julie couldn't be here today. My name is
15 Brian Fessler. I'm a governmental relations
16 representative with the New York State School
17 Boards Association. Thank you, Senators,
18 thank you, Assemblymen, for having us here to
19 speak today.

20 First I must echo the comments that
21 both Bob and Deb made regarding an actual
22 school aid proposal and the lack of school
23 aid runs associated with the lack of a
24 proposal. School board members are locally

1 elected within their communities, they're
2 responsible and responsive to those who
3 elected them within their school districts.
4 And as Deb and Bob said, the budget
5 development process is not a couple of week
6 process, it's not a month or a two-month-long
7 process. This begins in the fall, runs
8 through the winter, and the Executive Budget
9 proposal is the first real look at the
10 revenue side of the school district budget.
11 And so school board members and school boards
12 can't be open and can't have true, honest
13 conversations with the public without that
14 information, just like you all up there
15 cannot have open, true, honest conversations
16 about the budget without having that
17 information. So that's critical to our
18 members.

19 But also as Bob said, even taking a
20 look at the broad number of \$1.1 billion,
21 that's not enough. That is wholly
22 insufficient. There are a lot of
23 responsibilities that school districts have
24 had trying to get out of the rut from the

1 past few years. And we also just saw a
2 couple of weeks ago the tax cap number for
3 school districts for 2015-2016 will be
4 1.62 percent, which is again, for a second
5 year, below kind of that 2 percent moniker
6 that we've heard. So there will be
7 additional pressures and restrictions on the
8 local revenue side for school districts.

9 One of the things we looked at with
10 the \$1.1 billion figure that the Governor
11 mentioned is that that figure is actually
12 still even below his own estimates over the
13 past four years. The Division of Budget's
14 enacted budget reports over the past four
15 years show a cumulative four-year
16 \$1.25 billion underfunding of school aid even
17 based on the Governor's own numbers.

18 He's effectively taken the savings
19 from school aid data adjustments over the
20 past four years and diverted it into the
21 General Fund to help create surpluses,
22 instead of investing that money to help
23 offset multi-billion-dollar school aid cuts
24 that have been made to New York, specifically

1 both in 2010-2011 and 2011-2012.

2 We request a minimum \$1.9 billion
3 increase going into 2015-2016. The biggest
4 portion of that would be taking a look at
5 Foundation Aid and GEA. We have a breakdown
6 in the written testimony that we've submitted
7 to show kind of the focus and the benefit for
8 different types of school districts and how a
9 combined focus on both GEA restoration and
10 Foundation Aid will be helpful to the
11 greatest number of school districts.

12 The last couple of items we just
13 wanted to mention, we were disappointed to
14 see a lack of a focus in the Executive Budget
15 for unaccompanied minors. We think that's
16 important both as a current-year aid and to
17 adjust going forward. And then also we've
18 heard mention CTE. We request investments in
19 CTE reflective of the Board of Regents
20 decision over the past couple of months, an
21 increase in the BOCES aidable salary cap, a
22 commensurate increase in Special Services Aid
23 for non-component districts going forward.

24 And then just a couple of the

1 education reform items that we did want to
2 highlight. Similar to Bob and the Council of
3 School Superintendents, some things we like,
4 some things we're kind of on the fence about,
5 and some things we dislike.

6 Just to mention a few of them, we
7 support the Governor's proposal to amend the
8 3020-a teacher discipline process. Districts
9 have been discouraged not just by the cost of
10 that process, but then also kind of the
11 results and outcome of that process, and we
12 think the Governor's proposal helps address
13 that.

14 The state intervention plan, we oppose
15 the intervention plan. We really think it's
16 too broad, too sweeping. It gives the
17 commissioner no flexibility in the
18 appointment of a receiver and instead inserts
19 the receiver in all schools designated in
20 priority status for three years or more. We
21 see that affects almost 200 individual
22 schools statewide.

23 And then teacher tenure and probation,
24 we've long supported the enactment of a

1 five-year probationary period for tenure. So
2 there are some pieces that we would like to
3 see amended going forward, but we do support
4 the basic concept.

5 We would ask for additional
6 flexibility for boards to be allowed when
7 considering retention of employees who are
8 fluent, for example, in native languages
9 within their schools. So we agree with the
10 concept of the proposal but would like to see
11 some changes based on what the Governor has.

12 Thank you. I appreciate it.

13 CHAIRMAN FARRELL: All right. Thank
14 you very much.

15 Any questions? Yes, Mr. Ra.

16 ASSEMBLYMAN RA: Thank you, Chairman.

17 Just quickly, you all mentioned the
18 school aid runs issue. And, you know, I
19 think many if not all the legislators agree
20 that that's a very important and essential
21 piece of information. I'm just wondering
22 what type of -- what you're hearing from the
23 membership of your respective organizations
24 as to how they are moving forward with

1 planning.

2 You know, they need to make,
3 especially in these times, very difficult
4 decisions about staffing, about different
5 programs, and what kind of, I guess,
6 assumptions they're being forced to make in
7 planning their budgets. I spoke to one of my
8 local superintendents and he just said, "You
9 know what, I'm planning my budget assuming
10 I'm not getting any increase in state aid
11 this year."

12 So I'm just wondering what your
13 members are saying.

14 MS. CUNNINGHAM: It's very difficult,
15 and they are just doing the best they can.
16 There is some present law data available that
17 some school districts are using to estimate
18 Transportation Aid and Building Aid, which is
19 required for the submission of the tax cap,
20 the calculation of the capital exclusion.
21 But that doesn't really help you know what
22 your state aid is going to be for next year
23 so you can then assess how much local levy
24 you need.

1 So it puts school districts in a very
2 awkward position, and it really does limit
3 their ability to have their communities trust
4 them.

5 MR. LOWRY: I'd kind of like advice on
6 what to tell people, because that's a
7 question we get, is what numbers should we
8 use. And I think, you know, as Deborah said,
9 for some of the exemptions, exclusions in the
10 tax cap, you could say, well, there are
11 formulas on the books that would provide this
12 much for Building Aid, this much for
13 Transportation Aid. But that doesn't address
14 funding for basic operations, like reducing
15 the GEA would.

16 And I think district officials are
17 just, you know, kind of at sea right now
18 trying to figure out what should we put in.
19 Should we assume no increase beyond present
20 law.

21 MR. FESSLER: Yeah, I think
22 anecdotally, following up on Bob's comment,
23 that, you know, school boards have to be
24 responsible during the budget development

1 process. And, you know, they don't see any
2 school aid runs, they see language in the
3 Governor's budget that says if the reform
4 agenda items are not adopted in their
5 entirety, then no district can receive any
6 aid over their 2014-2015 level. And, you
7 know, so no aid runs showing any increase,
8 we've got this language here.

9 So I think a lot of districts, at
10 least what I've heard, as Bob said, they're
11 assuming no aid increase. They're assuming
12 no additional Foundation Aid, no additional
13 restoration of the GEA. And that's kind of
14 the situation they've been pushed into, going
15 forward.

16 MS. CUNNINGHAM: And we know what that
17 means. It's going to be more decimation of
18 programs.

19 CHAIRMAN FARRELL: Senator?

20 SENATOR FLANAGAN: On a couple of
21 points that you raised, I want to be clear
22 I'm giving my own opinion. The expense-based
23 data that's out there, there's a run
24 available to show what that is. It's not

1 estimated, it is what it is.

2 MS. CUNNINGHAM: It's present law.

3 SENATOR FLANAGAN: But it's present
4 law based -- but the data, we don't make it
5 up. It comes from you. So the numbers that
6 are submitted --

7 MS. CUNNINGHAM: It comes from school
8 districts. It does.

9 SENATOR FLANAGAN: Okay.

10 MS. CUNNINGHAM: But --

11 SENATOR FLANAGAN: No, no. Let me
12 finish. Everyone agrees that it's about
13 \$307 million. That's factual data that is
14 provided by you. It can always be verified
15 by SED and the Comptroller's office. So that
16 you should assume, and no one should walk
17 away from that unless the data you provided
18 in November changes, and February will
19 reflect that. And everybody knows there will
20 be some change between November and February.

21 So you have that factual data
22 available to you. Whether it's right or
23 wrong, at worst-case scenario there will be
24 another \$60 million to \$70 million, because

1 by law, under the personal income growth
2 index, I think it's a 1.1 or 1.7 percent, the
3 total is \$377 million.

4 Now, historically, in some respects we
5 haven't deviated at all, with the exception
6 of the fact that we don't see the school run.
7 In the last couple of years I think it's fair
8 to say that at the end of the day we end up
9 with some hybrid on GEA and Foundation Aid.
10 And there has been more of a focus on GEA
11 because of the problems that that has
12 created.

13 If I were speaking to my school
14 districts, I'm going to tell them they should
15 expect both, that at the end of the day there
16 will be some type of compromise and the
17 Governor put out a number that is 4.8 percent
18 at \$1.1 billion as long as other things
19 happen.

20 So I view that as a very good starting
21 point, not necessarily a finishing point. I
22 don't want to be cavalier and suggest that
23 somehow all those reforms are going to fall
24 off the table, because I don't think that's

1 going to be the case. Do I think we're going
2 to see ultimately exactly what's in the
3 Governor's proposal being in the enacted
4 budget? No. Because this is all going to be
5 about compromise.

6 But, you know, looking at the numbers,
7 the only thing I would caution is -- and it's
8 almost uniform listening to people today:
9 1.1 is not enough, 1.1 is not enough, 1.1 is
10 not enough, nothing less than 2 billion is
11 not enough. At 4.8 percent, the education
12 community is getting largesse that every
13 other part of the budget is not even close
14 to, including Medicaid. So I would just be
15 careful of that.

16 And let me ask you this, and this is,
17 I think, a factual question: The drop in the
18 cost in pensions. Everyone talks about it
19 when they went up. But I'm assuming that
20 you're either quantifying that as a savings
21 or it's spent in some other capacity.
22 Because when we get to the negotiating table,
23 SED has the numbers and sure as heck the
24 Governor's office has the numbers, and it's

1 hundreds of millions of dollars statewide,
2 savings that you're either going to put in a
3 contract or you're going to spend in some
4 way.

5 So what are you doing with that?

6 MS. CUNNINGHAM: Well, that is true,
7 those savings will be there.

8 But I would go back to the
9 Comptroller's report and that quote about the
10 fiscally stressed districts have the most
11 poverty, and they're the most underfunded on
12 the foundation formula, that they have the
13 farthest to go to get students up to the
14 standards. And that's our real problem. So
15 that's why we need to -- to fund --

16 SENATOR FLANAGAN: Okay, but here's
17 the world in which we live. We have to
18 respond, it's not just one group saying one
19 thing or another. You can have a situation
20 where -- and I don't know the exact number,
21 but I can guarantee I'm going to get it. If
22 there's a statewide savings on that
23 reduction, you come to us and say this cost
24 has gone up, this cost has gone up, health

1 insurance, oil -- well, even oil's going
2 down. But things like that.

3 In this instance, that number is going
4 to be quantifiable. So if it's a
5 \$300 million savings statewide, that's going
6 to be part of the discussion. Whether school
7 districts and school boards like it or not,
8 that is clearly going to be part of the
9 discussion.

10 MS. CUNNINGHAM: Yeah, and that's a
11 good thing.

12 SENATOR FLANAGAN: And I've listened
13 to districts -- it is a good thing, but it's
14 vexing at the same time because some of the
15 school districts that I spoke to, the boards,
16 they say: Oh, our teachers already said,
17 well, that's our money, we've already assumed
18 that that's going to be given back to us.

19 So just be mindful that that is going
20 to have to be part of the conversation. In
21 my opinion, we're going to see a hybrid
22 between the GEA and the Foundation Aid, but
23 there will be aggressive discussions, because
24 the Governor is certainly not going to walk

1 away, in part or in whole, from what he's
2 advanced.

3 MS. CUNNINGHAM: And I think it's -- I
4 agree with you, there's historical precedent
5 of doing a blended approach of GEA and
6 Foundation Aid. Hopefully that will
7 continue. But it's just hard for school
8 districts to manage the budget process with
9 hunches like that without real numbers that
10 they can --

11 SENATOR FLANAGAN: Right, but if you
12 just take -- as an aside, but related, for
13 the last couple of years the Senate
14 Republicans, we haven't changed. GEA has
15 been our number-one priority. So without an
16 ounce of disrespect to the Executive, if the
17 Governor had put out money for GEA, we'd
18 still be asking for more. If he put out
19 money for Foundation Aid, GEA would still be
20 our number-one priority.

21 CHAIRMAN DeFRANCISCO: And you should
22 know that it ain't easy for us either.

23 MS. CUNNINGHAM: We know.

24 CHAIRMAN FARRELL: Thank you very

1 much.

2 MR. LOWRY: Thank you.

3 SENATOR KRUEGER: Thank you very much.

4 MR. FESSLER: Thanks.

5 MS. CUNNINGHAM: Thank you.

6 CHAIRMAN FARRELL: Next, Jake Adler,
7 New York State policy director, Orthodox
8 Union. And then after him will be Jeff Leb,
9 manager, government/external relations,
10 United Jewish Appeal Federation of New York.

11 Are you two together?

12 MR. ADLER: Yes.

13 CHAIRMAN FARRELL: All right. Good
14 afternoon.

15 MR. LEB: Good afternoon.

16 We're going to switch around the
17 order, and I'm going to go first.

18 I'm Jeff Leb, for UJA-Federation of
19 New York. Good afternoon, Chairman Farrell,
20 Chairman DeFrancisco, Chairman Flanagan,
21 Senator Krueger, Assemblyman Oaks, and Ed Ra
22 was here before. So good afternoon,
23 everyone. Thank you so much for taking the
24 time to have us and hear us today.

1 In the interests of time, I will not
2 go through my entire testimony but will just
3 focus on --

4 CHAIRMAN FARRELL: Thank you very
5 much. We appreciate it.

6 MR. LEB: -- some points. I try to be
7 considerate.

8 I represent UJA-Federation of
9 New York. We represent 140,000 Jewish
10 day-school students and thousands attending
11 either preschool or adult learning programs
12 throughout our network of 100 community-based
13 organizations.

14 My written testimony contains a
15 detailed discussion of matters of great
16 importance to us and the communities that we
17 represent. The issues discussed in my
18 testimony include the education investment
19 tax credit, mandated services reimbursement,
20 and the comprehensive attendance policy,
21 safety equipment for nonpublic schools,
22 universal pre-K, the Smart Schools Bond Act,
23 transportation, energy efficiency, state aid
24 for textbook, computer hardware and software

1 funding, full funding for academic
2 intervention services, nursing services,
3 adult literacy and high school equivalency.
4 So if you have lots of time after and you
5 want to read through it, it's a nice read.

6 In the interests of time, though, I'm
7 just going to discuss a couple of points that
8 we are advocating for. The first one is the
9 education investment tax credit. The
10 education investment tax credit is included
11 in Governor Cuomo's Executive Budget this
12 year and establishes \$100 million in tax
13 credits to encourage private philanthropic
14 investment from both corporations and
15 individuals in public and nonpublic schools.

16 Education tax credit programs have
17 been successfully used in other states for
18 over a decade, and they create new pools of
19 funding that give public school districts
20 more opportunities to fund programs outside
21 of state revenue, and allow more children to
22 receive scholarships to attend the nonpublic
23 schools of their parents' choice.

24 We support the education investment

1 tax credit and we urge its passing in the
2 adopted and enacted budget.

3 And the other issue I'm going to focus
4 on is the mandated services reimbursement and
5 comprehensive attendance policy.

6 We thank the Legislature and the
7 Governor for the previous support of
8 comprehensive attendance policy, which is
9 CAP, and funding for mandated services
10 reimbursement, it's also known as MSR, in the
11 2014-2015 budget. It's a way to pay down
12 long-standing debts owed to the nonpublic
13 school community that accumulated throughout
14 the years.

15 Governor Cuomo's recommended increase
16 this year is certainly a step in the right
17 direction. However, we urge the State
18 Legislature to increase the CAP appropriation
19 to keep the state's debts to the nonpublic
20 schools from growing. Additionally, we would
21 ask that the payment for prior obligations be
22 increased beyond what is recommended in the
23 Executive Budget proposal in order to begin
24 quicker payment of prior-year obligations.

1 And this concludes my oral testimony.

2 Thank you very much.

3 CHAIRMAN FARRELL: Thank you.

4 MR. ADLER: Good afternoon. My name
5 is Jake Adler. I am the New York State
6 policy director for the Orthodox Union Teach
7 NYS initiative.

8 Thank you for remaining in this
9 hearing for all these hours. Thank you for
10 letting me testify. As the sages say, "The
11 time is short, and the work is abundant." I
12 will keep my comments very short.

13 I echo Jeff's sentiments on the
14 education investment tax credit. I would
15 just add, this bill or similar bills have
16 been passed into law in Pennsylvania and
17 Florida. It has not come at any cost to the
18 public school, and it's benefited both public
19 school and nonpublic school communities.

20 I would encourage the passage this
21 year. I think the nonpublic school community
22 has paid their dues, and I think it's time
23 that we allow them to share in some of that.

24 The other thing I would like to focus

1 on is universal pre-K. As we all know, last
2 year Mayor de Blasio came and asked for
3 \$300 million for universal pre-K. It was
4 part of a \$330 million universal pre-K
5 expansion.

6 Frankly, my community has been left
7 out in the cold in UPK expansion, and it's
8 unacceptable. Only 11 percent of the Jewish
9 community is being allowed to participate in
10 UPK. We think that the UPK rules can be
11 tweaked slightly to allow for greater
12 participation for every child in the city.

13 I would also ask that the universal
14 pre-K program throughout the state be
15 increased, that more funding be made
16 available for every child in New York State
17 to receive the strong educational foundation
18 that they need.

19 Thank you.

20 CHAIRMAN FARRELL: Thank you.

21 Any questions? Senator.

22 SENATOR KRUEGER: Thank you.

23 In your testimony, Jeff, you say that
24 providing a tax credit will encourage direct

1 philanthropic donations. What is Jewish law
2 about charity and giving?

3 MR. LEB: What is Jewish law?

4 SENATOR KRUEGER: Is it supposed to be
5 for tax credits?

6 MR. LEB: Jewish law encourages
7 charity and giving to all causes and all
8 people in need.

9 SENATOR KRUEGER: Would you agree that
10 Maimonides is considered a leading scholar on
11 teaching of philanthropy and Judaism?

12 MR. LEB: I would agree, Senator, yes.

13 SENATOR KRUEGER: And he had eight
14 different standards. Does one of them
15 include tax deductibility?

16 MR. LEB: I don't believe Maimonides
17 tackled tax deductibility.

18 SENATOR KRUEGER: Do you think he did?

19 MR. ADLER: I'm not a scholar on
20 Maimonides, but I don't think so.

21 SENATOR KRUEGER: Thank you.

22 Do you agree that government funding,
23 even if it goes to religious schools, should
24 only be for nonreligious teaching?

1 MR. LEB: Absolutely.

2 MR. ADLER: I would agree.

3 SENATOR KRUEGER: Thank you.

4 Are you aware that the Anti-Defamation
5 League and the American Jewish Committee have
6 both gone to court arguing against
7 educational tax credits in various other
8 states?

9 MR. LEB: Is this question for me or
10 for him or for both?

11 SENATOR KRUEGER: Both of you. You're
12 together.

13 MR. LEB: I know that there are many
14 groups that oppose the policy.

15 MR. ADLER: I would echo that
16 sentiment, yes.

17 SENATOR KRUEGER: Thank you. I find
18 myself on the side of the Anti-Defamation
19 League and the American Jewish Committee on
20 this one. Thank you.

21 MR. LEB: Thank you.

22 CHAIRMAN DeFRANCISCO: Who was the
23 scholar she referred to?

24 MR. LEB: Maimonides.

1 CHAIRMAN DeFRANCISCO: If Maimonides
2 lived in New York State with all the taxes
3 today, do you think he might possibly have
4 another principle as far as charitable
5 giving?

6 Okay, thank you.

7 MR. LEB: I'm sure Maimonides would
8 thank you all for your time serving the
9 state.

10 (Laughter.)

11 CHAIRMAN FARRELL: Thank you.

12 MR. LEB: Thank you very much.

13 CHAIRMAN FARRELL: Council for a
14 Strong America: Debra Scullary, brigadier
15 general; Mark Eagan, president and CEO,
16 Albany-Colonie Chamber of Commerce; Steve
17 Krokoff, Albany chief of police. Silence.
18 The sounds of silence is here with us again.

19 United Neighborhood Housing, Gregory
20 Brender, deputy director, policy and
21 advocacy. Okay, got that one.

22 Betty Holcomb is cancelled.

23 Next is Literacy New York, Janice
24 Cuddahee, executive director. Are you here?

1 Not here.

2 New York State Congress of Parents &
3 Teachers, Richard Longhurst, executive
4 administrator. All right, come on down.

5 CHAIRMAN DeFRANCISCO: You're next.

6 CHAIRMAN FARRELL: You're next.

7 Okay, thank you. Let's begin.

8 MR. BRENDER: Good evening. Thank you
9 for the opportunity to testify and for
10 staying late for it.

11 My name is Gregory Brender. I'm here
12 on behalf of United Neighborhood Houses. We
13 are New York City's federation of settlement
14 houses and community centers. Our member
15 agencies provide a broad array of services,
16 including many that support and provide
17 education in a community-based setting and in
18 a multigenerational approach. This includes
19 early childhood education, both through
20 pre-kindergarten and childcare programs,
21 after-school programs, summer camps, Summer
22 Youth Employment, and programs like Services
23 for Older Adults, which, while we may not
24 normally connect to education, also contain

1 intergenerational programs that support young
2 learners.

3 I wanted to speak briefly today about
4 two ways in which we engage with education.
5 One is adult education, and the other is
6 pre-kindergarten. New York State is
7 currently at a critical juncture in its adult
8 education system. It is simultaneously
9 experiencing pressures from last year's
10 transition to the Common Core as well as
11 increased demand due to the president's
12 administrative relief policies.

13 In order to ensure the success of
14 adult learners and educators in this
15 environment, UNH urges the Legislature to
16 expand funding for the adult literacy
17 education program from \$4.3 million to
18 \$10 million as well as create a high school
19 equivalency transition fund of \$5 million.

20 In 2014, New York State was one of the
21 first in the nation to phase out the decades'
22 old General Education Development, commonly
23 known as the GED, and replace it with a more
24 rigorous test, known as the Test Assessing

1 Secondary Completion, pronounced as TASC.

2 This new examination will become
3 increasingly aligned to the Common Core over
4 the next year, which supposes significant
5 challenges for adult education programs that
6 employ generalist teachers as opposed to
7 content knowledge specialists. This also
8 means the threshold for success on the
9 examination will be harder to reach for adult
10 learners with general educational or English
11 language deficits.

12 Further, the TASC will be increasingly
13 administered in a computer-based format,
14 versus the traditional paper-and-pencil
15 design of the GED. This means that students
16 without basic computer literacy skills have
17 an additional barrier to overcome before they
18 can hope to earn their HSE diploma and go on
19 to further education or employment
20 opportunities.

21 However, we are confident that given
22 the right tools, educators and students can
23 succeed. In fact, students that enroll in
24 preparation programs in New York State have a

1 pass rate 22 percentage points higher than
2 those without preparation.

3 Expanding preparation programs via the
4 Adult Literacy Education funding stream will
5 ensure more students will succeed and earn
6 their diplomas.

7 In addition to the challenge of the
8 new Common Core examination, there's also
9 significant demand for adult education in
10 New York State and New York City as a result
11 of President Obama's Deferred Action for
12 Childhood Arrivals program, known as DACA,
13 and the recently announced Deferred Action
14 for Parents of Americans program, or DAPA.
15 These administrative relief programs allow
16 individuals to receive temporary work
17 authorization, which lets them come out of
18 the shadow economy and into mainstream
19 employment opportunities.

20 Part of the requirement for qualifying
21 for DACA is that individuals either have or
22 are making progress towards their high school
23 diploma or its equivalent and are enrolled in
24 alternative literacy programs such as ESOL.

1 Unfortunately, the Governor's budget
2 sets the state on the wrong path by cutting
3 last year's adult literacy education
4 allocation from \$5.3 million to \$4.3 million.
5 UNH urges that this funding be restored and
6 expanded to \$10 million in FY 2015.

7 Parallel to this expansion, UNH
8 recommends the establishment of a \$5 million
9 high school equivalency transition fund which
10 would provide for professional development
11 for educators as well as the purchase of
12 computer technology for adult education
13 programs.

14 With the matter of pre-kindergarten,
15 UNH members have been providers of
16 pre-kindergarten since the program was
17 founded in 1996. And since that time we've
18 really been hoping for and pushing for the
19 program to live up to its name of being truly
20 universal pre-kindergarten. This
21 September 4th, the first day of school in
22 New York City, was a glorious day for
23 settlement houses and for New York City
24 because in that first day of school we had

1 pre-kindergarten seats that were full-day for
2 53,000 children for the first time in our
3 city's history.

4 And this was because and almost
5 entirely due to the investment that New York
6 State made. This investment was something
7 that was promised to be part of a multi-year
8 expansion that would continue this expansion
9 in New York City and also continue the
10 expansion outside of New York City, where
11 there are many, many more children who do not
12 have access to any pre-kindergarten services,
13 or those who do only have access to
14 two-and-a-half-hour-a-day programs.

15 Therefore, we urge that New York State
16 continue its promise to expand
17 pre-kindergarten to be truly universal both
18 in New York City and outside New York City,
19 by investing \$70 million to continue the
20 expansion in New York City -- we already have
21 programs in our membership and throughout the
22 city that are working to make new space
23 licensable and usable for high-quality early
24 childhood education programs -- and

1 \$150 million to continue the expansion that
2 has really just started outside New York City
3 and ensure that all New York's children have
4 access to high-quality early childhood
5 education.

6 Thank you again for the opportunity to
7 testify.

8 CHAIRMAN FARRELL: Thank you.

9 Any questions? Any comments? Thank
10 you. Have a good day.

11 SENATOR KRUEGER: You did not have
12 written testimony; right?

13 MR. BRENDER: No, but I'll write that
14 up and submit it.

15 CHAIRMAN FARRELL: You didn't submit.

16 MR. BRENDER: I didn't. I will write
17 it up and submit it.

18 CHAIRMAN FARRELL: Oh, okay, good.

19 All right. No, I just want to make sure
20 there's somebody keeping their job now.

21 (Laughter.)

22 CHAIRMAN FARRELL: We thought it was
23 lost.

24 Janice Cuddahee?

1 MR. LONGHURST: No.

2 CHAIRMAN FARRELL: And you're?

3 MR. LONGHURST: Richard Longhurst,
4 New York State Congress of Parents &
5 Teachers.

6 CHAIRMAN FARRELL: All righty.
7 Richard Longhurst, executive administrator,
8 New York State Congress of Parents &
9 Teachers.

10 MR. LONGHURST: Thank you.

11 CHAIRMAN FARRELL: Good evening.

12 MR. LONGHURST: I wish you all a good
13 evening, and I have to commend your
14 endurance. And I've been sitting in the back
15 and cutting my comments to reflect what I
16 think that your seats might be able to
17 endure.

18 (Laughter.)

19 CHAIRMAN DeFRANCISCO: Thank you.

20 CHAIRMAN FARRELL: Thank you.

21 MR. LONGHURST: I'm Richard Longhurst.
22 I'm executive administrator of the New York
23 State Congress of Parents & Teachers, or PTA.
24 We represent about 300,000 dues-paying

1 parents, families, teachers and students
2 throughout New York State. We're also the
3 parent representative on the Educational
4 Conference Board.

5 And the previous speakers have spoken
6 to many of the issues that we also support,
7 so I'm going to confine my statements to
8 three issues: The Governor's reform agenda,
9 tax credits, and charter schools.

10 In doing so, PTA's themes that we're
11 trying to pursue this year include, number
12 one, honoring past fiscal and constitutional
13 commitments; asking if proposed reforms will
14 improve the teaching and learning experience
15 for our children; and implementing reforms
16 that strengthen family and school
17 partnerships.

18 We view the Governor's
19 reform-in-exchange-for-aid demand as
20 potentially damaging to schools. It's
21 offensively heavy-handed and geared more
22 toward addressing issues of adults than
23 improving the learning environment for
24 children. As an alternative, we offer our

1 own reform views, beginning with teacher
2 preparation.

3 We believe that every student deserves
4 a teacher who is highly qualified from day
5 one. For New York State PTA, that means a
6 teacher who is fully certified, having
7 demonstrated content competence and
8 participated in a closely supervised clinical
9 internship prior to being assigned primary
10 responsibility for a student classroom.

11 By carefully attending to preparation,
12 our state will both improve the effectiveness
13 of teachers entering the profession and
14 reduce the large number of teachers who
15 choose to leave the profession within the
16 first five years.

17 Earned tenure is a guarantee of due
18 process, not an assurance of lifetime
19 security. If a teacher is fully prepared
20 prior to entering the classroom, then we must
21 ask what we will learn about that teacher's
22 performance in five years that we could not
23 also have learned in three.

24 Further, by requiring five years of

1 effective performance as the Governor
2 proposes, might we be creating a system where
3 many new teachers never actually achieve
4 tenure?

5 The Governor proposes that 50 percent
6 of a teacher's annual performance be based on
7 student performance on standardized tests.
8 We believe that assessment is a valid and a
9 valuable aspect of instruction, but our
10 recent experience has led us to conclude that
11 linking student scores directly to educator
12 rating has damaged the professional
13 evaluation system and the quality of
14 instruction it was designed to improve.

15 The original ESEA/No Child Left Behind
16 intent of collecting annual test data was to
17 identify performance gaps across schools,
18 across districts, and among identified
19 subgroups, not to link individual
20 single-student test results to individual
21 teachers. The role for standardized state
22 and national tests should be to assess the
23 effectiveness of the school community as a
24 whole -- that means teachers, principals,

1 parents and others.

2 For individual educators, the New York
3 State teacher standards and performance
4 indicators adopted by the New York State
5 Board of Regents in 2011 suggests that the
6 most productive use of student test results
7 is for diagnostic purposes that focus on how
8 each teacher or principal uses student
9 assessment data to alter, inform and enhance
10 instruction.

11 We test our students far too much.
12 Our tests are far too long, and we use test
13 results for too many purposes that are
14 unrelated to the improvement of classroom
15 instruction.

16 The Governor also proposes that
17 50 percent of a teacher's annual performance
18 rating be based on at least two classroom
19 observations, one by a principal that
20 contributes 15 percent to the total rating,
21 the other by an outside, independent
22 evaluator that would contribute 35 percent to
23 the total rating.

24 As described, this proposal ignores

1 the multiple aspects of the Regents teaching
2 standards, some of which may not be evident
3 from a classroom observation.

4 Additionally, by proposing that
5 35 percent of the APPR be judged by an
6 outside evaluator, the Governor makes a
7 mockery of local control, implies
8 questionable confidence in local school
9 leaders, and leaves unanswered questions of
10 who trains outside evaluators, who pays for
11 their services, who holds them accountable,
12 by what standards, and how many will be
13 necessary to perform thousands of teacher
14 observations.

15 The National PTA asserts that the
16 primary purpose of educator evaluation is to
17 inform and support ongoing teacher and
18 principal professional development. We
19 agree. This can't be done effectively if
20 every educator receives the same assessment
21 score or if every educator receives the
22 highest score possible. As such, the
23 evaluation strategies must be capable of
24 distinguishing relative strengths and

1 weaknesses that impact student success in
2 multiple ways.

3 However, when the purpose of the APPR
4 system is viewed as primarily punitive, the
5 professional development potential of a
6 differentiated rating system would be lost.

7 With regard to rewards and incentives,
8 if we seek to motivate and improve our
9 teachers through rewards, we must first ask
10 what motivates teachers and whether our goal
11 is to inspire future performance or merely to
12 recognize the past. We must ask if financial
13 bonuses incentivize teachers to collaborate
14 or to compete. If competition is the answer,
15 does such competition lead to more effective
16 instruction and better student outcomes? We
17 don't believe financial bonuses can be the
18 only answer. There are many other
19 alternatives that can be at least as
20 effective, and these must be explored.

21 Now to education investment tax
22 credits. We oppose such legislation. Until
23 this state honors its past fiscal commitments
24 to public education, we must strongly oppose

1 these plans since they would tend to divert
2 funding from traditional public schools to
3 support priorities and agendas selected by
4 individuals and corporations, not by the
5 elected and appointed officials
6 constitutionally responsible for assuring
7 equity and adequacy in the use and
8 distribution of state dollars.

9 With regard to charter schools, when
10 Governor Pataki first proposed charter
11 schools as potential incubators of innovation
12 and creativity that would benefit all public
13 schools, we embraced the concept with two
14 caveats. Public funds must not be diverted
15 from traditional public schools to charter
16 schools, and charters must be accountable to
17 boards of education in the districts where
18 the students they serve reside.

19 Before supporting expansion of
20 charters, we need to ask several questions.
21 First, have the innovations of present
22 charters benefited public education? Are
23 current charters being held accountable to
24 the State and to the local taxpayers in the

1 same manner as traditional public schools?
2 Will creation of new charters divert
3 additional funds from traditional public
4 education? And finally, does it make sense
5 to expand the number of charter schools while
6 we at the same time seek to reduce the
7 numbers of traditional public schools through
8 mergers and consolidation?

9 We thank you for this opportunity to
10 share our thoughts. If we are to succeed in
11 the effort to prepare our children to thrive
12 in a competitive and global society, parents
13 and families must have a voice in shaping and
14 implementing that effort. We seek your
15 support in building collaborative efforts to
16 reach that goal.

17 Thank you.

18 CHAIRMAN FARRELL: Thank you very
19 much.

20 Any questions? Any statements? Thank
21 you.

22 CHAIRMAN DeFRANCISCO: Thank you.

23 SENATOR KRUEGER: Thank you.

24 CHAIRMAN FARRELL: Next, Randi Levine,

1 early childhood project director, Advocates
2 for Children.

3 Good evening.

4 MS. LEVINE: Good evening.

5 CHAIRMAN FARRELL: And the next one
6 will be Michael Martucci, New York School Bus
7 Contractors Association. Is he here? Yes.

8 Thank you.

9 MS. LEVINE: Thank you. Good evening.

10 Thank you for the opportunity to speak
11 with you today and for staying late into the
12 afternoon. My name is Randi Levine, and I am
13 the policy coordinator at Advocates for
14 Children of New York.

15 For more than 40, Advocates for
16 Children has worked to promote access to the
17 best education New York can provide for all
18 students, especially students of color and
19 students from low-income backgrounds. Every
20 year we help thousands of New York City
21 parents and students navigate the education
22 system.

23 I'd like to speak with you today about
24 a few issues. First, pre-K. By the time

1 they enter kindergarten, children from lower
2 socioeconomic backgrounds lag significantly
3 behind children from higher socioeconomic
4 backgrounds in academic skills. High-quality
5 early childhood education programs are proven
6 to help narrow this gap. The pre-K funding
7 in the final 2014-2015 budget allowed
8 New York City to take a substantial step
9 toward reaching universal pre-K for every
10 4-year-old, and we were very excited by that.
11 However, the job is not yet done in New York
12 City and is far from done in the rest of the
13 state.

14 While we support the \$25 million for
15 pre-K for 3-year-olds included in the
16 2015-2016 Executive Budget, we are
17 disappointed that the budget does not
18 increase funding for pre-K for 4-year-olds.
19 We urge the Legislature to keep the promise
20 of universal pre-K that is truly universal
21 and accessible to every child by increasing
22 funding for pre-K for 4-year-olds in New York
23 City by at least \$70 million and in the rest
24 of the state by at least \$150 million, to

1 ensure that the funding is available to
2 school districts up-front, and to prioritize
3 serving high-needs school districts and
4 children.

5 We also support the investment of at
6 least \$3 million for QUALITYstarsNY. This
7 investment will support early childhood
8 education programs in meeting quality
9 standards that promote children's learning
10 and development.

11 CTE, Career and Technical Education
12 programs, have been mentioned several times
13 today. Currently, 24 percent of students in
14 New York State fail to graduate in four
15 years, and CTE holds the possibility of
16 creating alternative pathways to a high
17 school diploma for many of these young
18 people. The Board of Regents proposal on
19 state aid recommends a funding increase for
20 CTE, but this funding increase was not
21 included in the Executive Budget. We urge
22 the Legislature to include the Board of
23 Regents proposal on CTE investment in the
24 budget and to ensure that these programs are

1 accessible to all students, including
2 students with disabilities and English
3 language learners.

4 Over half of New York City's
5 school-age children come from immigrant
6 families. The most recent graduation data
7 showed that only 32.5 percent of NYC's
8 English language learners and 31.2 percent of
9 English language learners statewide graduated
10 with a high school diploma within four years.

11 The Board of Regents' 2015-2016
12 proposal on state aid recommends an increased
13 investment of \$86 million for English
14 language learners for a variety of approaches
15 to support those students, and also an
16 increased investment of \$10 million in new
17 funding for districts to address the recent
18 arrival of unaccompanied immigrant students.
19 We urge the Legislature to include these
20 investments in the final budget as well.

21 Advocates for Children opposes the
22 proposal in the Executive Budget to allow
23 school districts to seek waivers from
24 important protections for students with

1 disabilities. A special education waiver
2 provision as broad as the one proposed in the
3 Executive Budget would erode students' rights
4 and have an adverse effect on children and
5 youth with disabilities, particularly those
6 who are low-income. Importantly, there has
7 been no showing that this provision will
8 result in significant cost savings for
9 districts or remove actual barriers to
10 serving students with disabilities more
11 effectively.

12 This waiver proposal has been rejected
13 in prior years' budgets, and we urge the
14 Legislature once again to ensure that this
15 waiver proposal is not in the final budget.

16 Next I want to talk about charter
17 schools. We are pleased that in his budget
18 address Governor Cuomo highlighted the need
19 to ensure that charter schools provide
20 opportunities for high-needs populations. We
21 share this goal. Advocates for Children gets
22 calls from families of students with
23 disabilities who enrolled their children in
24 charter schools believing that these schools

1 would provide their children with an
2 excellent education, only to have the charter
3 schools suspend or expel their children or
4 encourage them to leave.

5 Unfortunately, the legislation
6 proposed in the Executive Budget would not
7 accomplish the goal of ensuring that charter
8 schools serve high-needs populations. We've
9 outlined some of the reasons in our written
10 testimony why this proposal is flawed,
11 including the fact that reporting would not
12 have to happen until October 1st -- we often
13 hear from parents before then who are being
14 encouraged to find another school or whose
15 students are being suspended or expelled --
16 as well as the fact that incoming students to
17 a school are often evaluated and identified
18 as having disabilities as the school year
19 progresses. So we could have a situation
20 where a charter school may be encouraging
21 students with disabilities to leave, or
22 expelling them, and at the same time
23 identifying other students as having
24 disabilities.

1 So if we look at just the number of
2 students with disabilities in the school, it
3 may look stable or even increased even when
4 the charter school has practices that are not
5 serving students with disabilities well.

6 Data reporting alone, of course, does
7 not cause charter schools to serve more
8 high-needs students. You've heard statistics
9 today and we have more in our written
10 testimony about charter schools that were
11 recently reauthorized despite the fact that
12 the percentage of English language learners
13 that their schools are serving is
14 significantly lower than the percentage of
15 English language learners served in school
16 districts. Despite the fact that in 2010 the
17 Legislature amended the Charter Schools Act
18 to require charter schools to meet targets
19 that are comparable to the local school
20 districts.

21 And we're also concerned that
22 reporting the number of students with
23 disabilities and English language learners at
24 a school does not provide any information

1 about whether or not these students are
2 receiving the programs and services they need
3 and whether or not they are being
4 well-served.

5 We have some recommendations here for
6 strengthening a reporting requirement,
7 including changing the timing of the
8 reporting requirement and requiring charter
9 schools to report suspension and expulsion
10 data disaggregated by race and students with
11 and without disabilities.

12 We also urge the Legislature, however,
13 to look beyond charter school reporting
14 requirements. We would be pleased to work
15 with the Legislature to develop meaningful
16 reforms to ensure that charter schools serve
17 high-needs populations and do not expel or
18 push out these students. The Legislature
19 should not increase the maximum number of
20 charter schools without addressing these
21 issues.

22 Finally, we support the concept of
23 setting regional rates for special education
24 itinerant teacher services, which are special

1 education teachers who go into pre-K
2 classrooms to work with students with
3 disabilities. We agree that there's a need
4 to be cautious and to think carefully about
5 the precise wording of the legislation, but
6 certainly support this concept to ensure that
7 there's a logical and cost-efficient system
8 for SEIT services.

9 Thank you for the opportunity to
10 testify, and I would be happy to answer any
11 questions that you have.

12 CHAIRMAN DeFRANCISCO: Any questions?

13 SENATOR KRUEGER: Excellent
14 testimony, thank you.

15 CHAIRMAN DeFRANCISCO: Thank you very
16 much.

17 CHAIRMAN FARRELL: Thank you.

18 Michael Martucci, New York School Bus
19 Contractors Association.

20 MR. MARTUCCI: Good evening. My name
21 is Michael Martucci. I'm the owner of
22 Quality Bus Service, a people transportation
23 company located in Orange County, and the
24 vice president of the New York School Bus

1 Contractors Association.

2 The New York School Bus Contractors
3 association is an association of
4 approximately 200 pupil transportation
5 companies that employ 40,000 folks here in
6 New York State. We transport approximately
7 60 percent of the 2.3 million schoolchildren
8 here in New York State every day, doing this
9 with about 300,000 school buses.

10 Today I come with two things. The
11 first is to say that we're very happy with
12 the transportation portion of the Governor's
13 Executive Budget proposal, and second is to
14 ask you for nothing, no money for any
15 initiative that we have --

16 SENATOR FLANAGAN: (Clapping.)

17 MR. MARTUCCI: -- but rather, to
18 present one simple cost-saving solution that
19 we know will save the taxpayers of New York
20 at least \$14 million a year.

21 There's no question that schools are
22 in a position today where they need to cut
23 costs wherever possible. And what is
24 unbelievable is that school districts that

1 utilize private transportation contractors
2 pay, through their transportation contracts,
3 the sales tax on every school bus that's
4 operated in their school district. So
5 essentially school districts that utilize
6 private transportation operators are paying
7 as part of their contracts these costs. In
8 turn, you are reimbursing the schools through
9 aid, and the rest of it is left for the local
10 taxpayer.

11 What we come here today to ask you for
12 is a sales tax exemption for school buses,
13 parts and fuel used to transport
14 schoolchildren to school each day. This
15 exemption is not something that's foreign to
16 public transportation. Here in New York,
17 coach buses, transit buses and other forms of
18 public transportation like commercial
19 aircraft and ferry boats are tax-exempt.

20 And basically what we come with is a
21 solution that will save this \$14 million a
22 year, which essentially is sales tax that's
23 being funded by taxpayers here in the State
24 of New York.

1 throughout both houses to visit a school
2 transportation facility this month.
3 Nationally, the American School Bus Council
4 is calling this "Love the Bus" Month, and
5 we're trying to encourage all public policy
6 leaders in the state to go see a bus, climb
7 around a bus, sit in it, get a sense of it,
8 talk to a driver. It's an amazing system we
9 have out there, the safest transportation
10 network in the world to transport our
11 children every day to school, public school
12 district operations as well as contract
13 operations, making sure that 2.3 million kids
14 are safe every day.

15 Unlike my colleague, I do have some
16 things to ask for. I would like to tell you
17 that NYAPT joins with the Educational
18 Conference Board and others in calling for
19 restoration of the funds that were taken away
20 from school districts in the GEA adjustment.
21 Those funds, a loss of those funds ripple
22 down through. Now, the school bus only looks
23 like it's separate from the school districts.
24 When school districts lose money, there are

1 effects on transportation that result in
2 fewer stops, fewer extracurricular programs,
3 fewer training opportunities for drivers,
4 less equipment changes in new buses being
5 purchased, and all that affects the safety of
6 our kids.

7 So the GEA cuts have affected
8 transportation just like they've affected the
9 classroom and our teachers and other things
10 in the districts. So restoration of GEA is
11 very important in the state.

12 We also urge the Legislature to fully
13 fund the expense-based aid of transportation
14 for transportation costs. Again, the
15 Governor's budget doesn't specify that. We
16 understand, as Senator Flanagan pointed out,
17 that it is expense-based. We kind of know
18 the number. We certainly request that you
19 would fully fund that transportation as
20 expense-based aid.

21 Next, we'd like to endorse, again in
22 the Governor's proposal, the continued
23 authority for allowing districts to lease
24 school buses as part of their operation.

1 That's looking to be -- the sunset for that's
2 moved down to 2017. That's fine. We would
3 also endorse making that permanent law,
4 because it is a benefit in terms of how
5 districts operate and potential cost savings
6 for them in their operations.

7 Next, we do endorse and we appreciate
8 the work the Legislature has done to
9 continuously fund the school bus driver
10 safety training program, going back to 1997,
11 at a level of \$400,000. It is in the
12 Governor's budget. It has not been increased
13 from \$400,000 since 1997. It averages out to
14 17 cents per student in the state.

15 This year we're calling for,
16 requesting you to increase that by \$100,000.
17 And our request is that it be focused on
18 training for school bus drivers that relate
19 to their work with students with
20 disabilities, transporting students who are
21 in pre-K programs, teaching them good
22 security and protection for themselves on the
23 bus in cases of incidents of violence and,
24 fourth -- I just lost my fourth one. Yes.

1 But we are looking -- I felt like a
2 presidential candidate there, losing my last
3 item. But we're looking for additional
4 training in those areas because the drivers
5 need them.

6 And the fourth was, I'm sorry, very
7 sorry for that, bullying-related training
8 consistent with the Dignity Act for All
9 Students that was passed several years ago.
10 School bus drivers are not getting the
11 training they need to deal with
12 gender-related bullying that goes on, racial,
13 ethnic and other bullying that goes on in the
14 bus. We do a lot for teachers and principals
15 in the school, but those drivers are alone on
16 the bus, and we'd like to see a dedicated
17 effort to make sure they get the training
18 under that \$400,000 enhanced with an
19 additional 100.

20 Next, we would request that
21 pre-kindergarten-related transportation be
22 included as reimbursable under Transportation
23 Aid. The Legislature passed Chapter 242 in
24 2012 that allowed districts to provide the

1 transportation but also very specifically
2 said it would be on their dime. To the
3 extent that we want to expand the ability of
4 districts to provide transportation and have
5 successful pre-K programs, we would ask that
6 Transportation Aid be expanded to include
7 transportation for pre-K.

8 Our ask, if we could, under the
9 settlement funds -- it seems like a one-time
10 kind of thing that might be helpful to
11 districts and contractors alike -- to the
12 extent that operators do not have their buses
13 enclosed in fenced-in areas with security
14 lighting and surveillance cameras, their
15 buses are vulnerable to attack, to people
16 boarding them doing damage on the buses. And
17 we've seen several instances of that
18 happening this year, including in the
19 Mid-Hudson where the children got on the bus
20 the next morning and found someone sleeping
21 in the back of the bus.

22 We need to do more to secure those
23 buses, and we're suggesting that perhaps some
24 portion of the settlement fund -- \$5 million

1 to \$10 million, perhaps -- might be used for
2 lighting, fencing, and security cameras to
3 help protect those buses around the state.
4 Our estimate is about 40 to 45 percent of the
5 operators do not have security fencing around
6 their buses, and that's a problem.

7 On a very technical issue, I have a
8 couple of quick things here. Currently
9 school districts are not allowed to purchase
10 and get aid for GPS and telematics on their
11 school buses for security and management
12 purposes to keep costs down and manage their
13 fleets better. We've asked the Education
14 Department to adapt and we need a legislative
15 change to 3635 that allows for the purchase
16 of that equipment to be aidable, and we spell
17 that out a little bit more in detail, with
18 language included in our testimony.

19 Lastly, in addition to mandate
20 relief -- and I could go on for several
21 minutes about the things we've asked for for
22 mandate relief, including a duplicate
23 fingerprint bill that Senator Flanagan and
24 Mr. Thiele sponsored last year and the

1 Governor vetoed just weeks ago -- those kind
2 of granular things we're looking for in
3 mandate relief.

4 I want to spend a minute before I
5 finish on the need to provide funds, if
6 that's the issue -- and we're trying to dig
7 out the issue. Currently the Department of
8 Education does not have a full-time director
9 of school transportation or any staff
10 dedicated to that issue. It's almost a
11 \$4 billion enterprise that we have in this
12 state with 50,000-plus school buses,
13 50,000-plus bus drivers picking up
14 2.3 million kids ever day, and there's no one
15 in charge within the Education Department to
16 oversee that, make sure that training is
17 going on, make sure that the training is
18 being developed and provided out in the
19 field, responding to parent and district
20 calls about the problems they have in
21 transportation.

22 The position that they had has been
23 vacant for over a year and a half, and it's
24 starting to show problems, we're kind of

1 busting at the seams with problems now, with
2 children being left on buses, children have
3 been dragged by their school bus upstate --
4 Senator DeFrancisco has probably seen the
5 stories about things that are happening and
6 they start to show some erosion in our safety
7 program. And it needs someone at the top of
8 the heap to ensure that those things are
9 happening.

10 We've talked with the commissioner and
11 her staff about the issue and advised them
12 that we'll be recommending or urging the
13 Legislature to dedicate the funds or make
14 changes in Education Law that prescribe that
15 there be such a person in place for the
16 safety of our kids.

17 So a number of things, kind of a top
18 10 list of things we'd ask for. We
19 appreciate all that this Legislature has done
20 for transportation in New York State, and
21 many of you individually paying attention to
22 the concerns we have for the safety of those
23 children.

24 So go out there and love the bus and

1 go visit a school bus sometime this month,
2 we'd be glad to have you. And I'm open to
3 any questions you have.

4 CHAIRMAN FARRELL: Thank you very
5 much.

6 Any questions? Thank you.

7 SENATOR KRUEGER: Thank you very much.

8 MR. MANNELLA: Thank you.

9 CHAIRMAN FARRELL: Marian Bott and
10 Barbara Bartoletti.

11 MS. BOTT: Barbara is going to stay in
12 her chair.

13 CHAIRMAN FARRELL: Barbara, you're not
14 coming in?

15 MS. BARTOLETTI: Nope.

16 CHAIRMAN FARRELL: Anybody else left
17 here that hasn't been heard? Okay. Good, to
18 close.

19 MS. BOTT: Yes, yes. Seems like same
20 time last year, same time the year before.

21 CHAIRMAN DeFRANCISCO: Excuse me.
22 We're going to have psychological evaluation
23 of the transportation people, because they're
24 done and they're still here.

1 (Laughter.)

2 MR. MARTUCCI: We're waiting for the
3 bus.

4 (Laughter.)

5 MS. BOTT: I guess my ride is still
6 here too.

7 Well, thank you, Assemblypeople, for
8 coming back. We missed you for quite some
9 time today.

10 ASSEMBLYMAN WEPRIN: It was a busy
11 day.

12 (Laughter.)

13 MS. BOTT: Really.

14 So I was going to say that we were
15 hoping that because of the tie-in with the
16 DREAM Act of the education tax credit, that
17 we were hoping that we could encourage
18 sharing with the Higher Ed Committee. But as
19 it seems, the way it's worked out today, it
20 was hard enough just to get members of all
21 the four committees here.

22 So in due course, it would be great if
23 we could take part in some sort of a
24 discussion with the trade of the DREAM Act

1 and the education tax credit act. I don't
2 know what the appropriate forum for that
3 would be, but we would like some public forum
4 for that discussion of that trade-off, if
5 that was possible.

6 Okay. I'm not going to read page 1,
7 but I am going to highlight our concern this
8 year with the education tax credit. Our
9 testimony normally is a little more broad
10 ranging, but this year we are sufficiently
11 concerned with what happened during this past
12 year. I know all of the organizations,
13 including Coalition for Opportunity in
14 Education, the Catholic Conference, other
15 groups heavily, heavily spent and heavily,
16 heavily lobbied all of you. And we don't
17 have those sort of resources, so we're sort
18 of desperate here to be heard.

19 I've set forth some bullet points
20 about why the education tax credit should be
21 excluded from the final budget, and I want to
22 start with a prop. Okay, here's my prop.
23 The prop is a black bag. And the black bag
24 is the receptacle for the January 1

1 applications.

2 So here in my middle section will
3 be -- this is my surface probe. But these
4 are all of the heavy, heavy, already
5 understood preapplication certificates.
6 They're already very sophisticated, and they
7 have got lots and lots of money behind them.
8 And we have all these other little cabinets
9 where you might have an application for
10 someone in Assemblyman Aubry's district or
11 someone in Assemblyman Weprin's district for
12 a public school. You might.

13 You have Liz Krueger's district.
14 That's a pretty deep pocket. You have lots
15 of donors that might want to donate to
16 private schools. I happen to live in Robert
17 Rodriguez's district, but my daughter went to
18 a private school in Liz's district. Why
19 wouldn't my husband and I write a big check
20 to that private school? We don't have to
21 write a check for our district.

22 So we have poor transparency, and I'm
23 going to be a little more serious now. The
24 Legislature is absolved of responsibility for

1 the inner workings of a hundred million
2 dollars of privately directed school aid.
3 Senator DeFrancisco earlier today alluded to
4 the problem with the pre-K not being included
5 in the computer runs. This is the same
6 problem. It's a hundred million dollars,
7 goes into the black box, and the Legislature
8 would not know who applied or who received
9 certificates for 18 months. That's the way
10 the legislation is drafted. That's the way
11 the Governor's bill looks, that's the way the
12 Senate bill looks, and that's the way the
13 Assembly bill works. So no one wins on
14 transparency as far as we're concerned.

15 And if you disagree with me, if you
16 read it differently, please let us know now.
17 Because this is the way we read it, and this
18 is the primary objection on the part of the
19 League.

20 So then there's the joint report that
21 comes out on May 31st of the year after the
22 bill passes, and it's supposed to tell you
23 the number of applications, aggregate value
24 of certificates, et cetera. And I'm not

1 going to read all that. But there's nothing
2 that really tells you who influenced this
3 process.

4 Now, maybe you don't care. But you
5 don't know what the size of those bricks were
6 in that black box. You have no idea. But
7 you have some idea, because you've been
8 prelobbied by a lot of these people.

9 So there's no guarantee --

10 CHAIRMAN DeFRANCISCO: Don't we get
11 lobbied by you too?

12 MS. BOTT: Pardon me?

13 CHAIRMAN DeFRANCISCO: Don't we get
14 lobbied incessantly from the League of Women
15 Voters as well?

16 MS. BOTT: Not on this. There's only
17 one of me, A. I'm a volunteer, B. C, I
18 don't live here. No, you don't get lobbied
19 incessantly. This is my only chance.

20 Now, there will be some carry-on
21 lobbying activity between now and March 31st,
22 but it's nothing like you had all year long
23 with the dollars that have gone into the paid
24 lobbyists. I'm not a paid lobbyist, you know

1 that. Of course you know that.

2 Anyway. So the big concern is that
3 the scholarships are awarded by the State
4 Education Department and the Department of
5 Taxation and Finance. The way we read the
6 legislation, it's fairly murky. What happens
7 if an application, for example, to a charter
8 school management organization -- not a
9 charter school, because that's prohibited by
10 the Governor's rules. Not by the Senate
11 rules. But what happens if some entity, it's
12 a nonprofit entity, it comes in from an
13 application? You don't know whether it's
14 someone that should be approved or not.
15 You've basically given that responsibility
16 for monitoring up to the poor State Education
17 Department that already has said today that
18 they have enough new projects to take care
19 of, or the Department of Taxation and Finance
20 to sort of run the trains with the
21 certificates.

22 So you've got a whole lot of data that
23 has to be shared between these two
24 organizations, and you won't be privy to any

1 of it.

2 Do I misunderstand? Do I
3 misunderstand, those of you who are on the
4 bill? Okay.

5 Now, a couple of other sort of tax
6 points, because we heard some things about
7 that earlier. Private schools already
8 receive substantial aid. It's not as though
9 they don't. So I've listed out some of the
10 amounts that I was able to identify based on
11 looking at this year's Aid to Localities and
12 the last year's computer runs and trying to
13 do a comparison of that. They're not doing
14 so badly. I think they got about
15 3.65 percent more this year in promised aid.

16 Now, the fiscal impact on New York, I
17 differ with Mr. Cultrara on this because he
18 said that -- he made some comparisons with
19 tax credits and tax contributions. So I want
20 to go through this without messing up, so I'm
21 going to read. Income tax credits for 2014
22 are estimated to cost our state \$3.4 billion.
23 That's found in the tax expenditure report,
24 the most recent report. Charitable

1 contributions totaling \$12 billion as of 2010
2 probably can be prorated up to \$15 billion
3 for 2014. They will create a tax expenditure
4 tied to an estimate of average income tax
5 rate. At 5 percent, those will cost the
6 state \$750 million in 2014.

7 Are you with me? Is that resonating,
8 there's a whole lot of difference between the
9 tax credits and the charitable contributions?

10 State income tax credits primarily go
11 to large classes of individuals in need, such
12 as the Earned Income Tax Credit, the Empire
13 State Child Credit, and the Family Tax
14 Relief.

15 Business tax credits encourage
16 economic development and are directed at
17 classes of businesses.

18 Charitable contribution deductions are
19 much less costly to the state. First come,
20 first serve has no place in determining tax
21 expenditures. Either an entire class of
22 individuals or businesses should receive a
23 credit, or none should be granted for the
24 purpose.

1 As has been shown in both Florida and
2 Georgia, the corporate programs in particular
3 are insidious because the tax relief offered
4 encompasses numerous taxes owed by
5 businesses. If a corporation does not owe
6 income tax, it can instead get credit for
7 sales taxes and other taxes. If this type of
8 policy started in New York, it could quickly
9 invade valuable sources of non-property-based
10 revenues. IBM Corporation declined to apply
11 for this credit in Georgia in protest of this
12 poor tax policy.

13 Since 400,000 students attend
14 nonpublic schools and 3 million attend public
15 schools, there's likely to be a much greater
16 appetite for this credit than \$100 million,
17 creating constant pressure in the future, as
18 we have seen with STAR. Given the ease with
19 which nonprofits are being encouraged to
20 form, an industry attracting donors to this
21 credit will form. It already has. We know
22 that. The wealthiest school districts have
23 had foundations for a long time. Others have
24 been encouraged to form. All sorts of

1 nonprofit scholarship organizations will be
2 encouraged to form. And you know this
3 because they've been talking to you.

4 If carried to its logical conclusion,
5 the wealthiest New York donors would directly
6 dictate both curriculum and school finance,
7 not the Legislature or the State Education
8 Department.

9 Now, the fiscal impact on taxpayers.
10 An individual taxpayer's charitable deduction
11 here in New York depends upon the taxpayer's
12 adjusted gross income bracket. Higher tax
13 bracket taxpayers are granted a lower
14 percentage of itemized deductions. We know
15 that. And perhaps that's bad. If you happen
16 to make a million or \$10 million, you have a
17 substantial haircut on your charitable
18 deductions.

19 A corporate taxpayer's charitable
20 contribution is a business expense with no
21 reduction in value. Tax credits are equally
22 valuable to both groups, and the ability to
23 carry over unused credits, as in the proposed
24 ETC, would make it attractive for donors to

1 be charitable even when generating paper
2 losses. A rational taxpayer would always opt
3 for the tax credit.

4 But if all donors to education
5 charities were to request them, the cost
6 would be a substantial percentage of the
7 \$15 billion estimated above, since colleges,
8 universities, and private schools are very
9 popular donation targets for charitable
10 giving.

11 SENATOR FLANAGAN: Marian --

12 MS. BOTT: So you're creating a
13 two-class system.

14 SENATOR FLANAGAN: -- can I ask you a
15 question?

16 You're going on and on and giving a
17 lot of details. I want to ask you a very
18 basic question. What's the position of the
19 League? Because I'm gathering --

20 MS. BOTT: What is the what?

21 SENATOR FLANAGAN: The position of the
22 League and the group that you represent. If
23 you are completely opposed to tax credits --

24 MS. BOTT: Yes.

1 SENATOR FLANAGAN: Okay. I disagree,
2 but I respect that. So if you -- I think you
3 would be serving yourself better if you just
4 said we don't like these, we're not going to
5 like them.

6 MS. BOTT: But that wouldn't -- but
7 that wouldn't be --

8 (Overtalk.)

9 SENATOR FLANAGAN: Excuse me? You're
10 giving us a half an hour explanation --

11 MS. BOTT: There's a reason I say we
12 don't like it, but I'm explaining why we
13 don't like it in enough detail to refute
14 those who spoke before us who gave you
15 incorrect information.

16 SENATOR FLANAGAN: But you're opposed
17 to it regardless. No matter what the content
18 is, you are philosophically opposed to any
19 tax credit like this. Is that correct?

20 MS. BOTT: Well, let's think about
21 this. Maybe if it only went to public
22 schools and if it were limited in terms of
23 the income value. Like a million dollars is
24 really, really way off the charts compared to

1 other states. You all know that. No other
2 state has given a million dollars.

3 There may be some circumstance under
4 which a tax credit, if it were given to an
5 entire class of people for a maximum amount
6 of money, it would be acceptable. This one
7 isn't.

8 So that's why I wanted to be careful
9 to explain why the particular provisions of
10 this one are harmful.

11 SENATOR KRUEGER: I, for the record,
12 appreciate the detailed explanation. Tax
13 policy is complicated, and you were
14 attempting to document how much this will
15 cost us in relationship to other tax credit
16 and exemptions and expenditures we have in
17 our tax code. But I --

18 MS. BOTT: I went to some trouble to
19 dig those out. And I had a little help from
20 Taxation and Finance, although they were very
21 suspicious of me.

22 SENATOR KRUEGER: Thank you.

23 MS. BOTT: So just in closing, there
24 are other states that have similar programs,

1 but none this extreme.

2 Virginia's maximum income is
3 \$125,000 -- excuse me. The maximum amount
4 that you could take as a tax credit is
5 \$125,000. The total program is much smaller.
6 That's on the last page of my testimony.
7 There's no program that has the audacity that
8 this one does.

9 SENATOR KRUEGER: Thank you.

10 CHAIRMAN FARRELL: Thank you.

11 MS. BOTT: Have a great evening, all.

12 CHAIRMAN FARRELL: Thank you very
13 much.

14 That's it for tonight. Tomorrow we
15 shall be here at 9:30 to begin again, Human
16 Services.

17 (Whereupon, the budget hearing
18 concluded at 6:23 p.m.)

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