



# 2015-16 New York State Education Budget Funding and Policy Changes

## **School Aid**

- \$1.3 billion increase in formula-based aids (aids appearing on runs):
  - \$428 million Foundation Aid increase
  - \$603 million GEA Restoration
  - \$269 million net increase in all other aids (funded per current law formulas)
- GEA Restoration: Minimum restoration 30%, maximum 98%; formula includes four tiers taking into account extraordinary needs pupils, enrollment growth, free and reduced price lunch eligible pupils, and growth in limited English proficient students. Also includes a component to assure aid to “average need” districts with a Combined Wealth Ratio of less than .780. This leaves approximately \$434 million in outstanding GEA.
- Foundation Aid increase: Minimum increase 0.37%; maximum 15%. Formula applies a variable phase-in factor ranging between 1% and 13.24%, taking into account Need/Resource category and other factors.
- Building Aid interest rate re-set for assumed amortization will again be delayed (until 2016-17).
- \$340 million appropriated for universal prekindergarten grants, consistent with legislation adopted last year (*not a further increase*). \$300 million is reserved for the City of New York, \$40 million for the remainder of the state.

## **Other Education Funding (increases, new programs, and legislative restorations)**

- Persistently Failing Schools Transformation Grants - \$75,000,000\*
- Teacher centers - \$14,260,000\*
- State Education Department – additional funding for APPR implementation - \$1,000,000\*
- State Education Department – additional funding for Facilities Planning - \$800,000\*
- Bilingual education program grants - \$1,000,000\*

- Master teachers program - \$2,500,000
- Masters in Education scholarship program - \$1,500,000
- P-TECH - \$1,500,000
- Pre-K for 3-year-olds and 4-year-olds - \$15,000,000 (grant program, must have 4YO program, cannot supplant, weighted factors in law)
- School districts teacher residency incentive - \$1,500,000
- QualityStarsNY program (pre-k certification) - \$1,500,000
- Grants to school districts, public libraries, and not-for-profit institutions (Assembly) - \$14,350,000\* (locally-directed legislative items)
- Grants to school districts, public libraries, and not-for-profit institutions (Senate) - \$15,000,000\* (locally-directed legislative items)
- Grants to school districts, public libraries, and not-for-profit institutions (Senate – payable after April 1, 2016) - \$15,000,000\*

***\*Added by Legislature***

### **“Masters in Education” Teacher Scholarships**

- Provides full scholarships to students pursuing a graduate degree in education full time from New York State public higher education institutions who received their undergraduate degree in New York State, were a resident of the state, performed well academically in undergraduate school, and commit to teaching in a New York State public school (including charter schools) for five years following graduation. \$1,500,000 is appropriated for this program.

### **Graduate Teaching Program Admission and Certification**

- Graduate teaching education programs in New York will be required to set minimum GRE scores and a minimum undergraduate GPA of 3.0 for students to be admitted to their programs. Up to 15% of admitted students may fall below minimums if they demonstrate potential to positively contribute to the teaching profession.
- If greater than 50% of a graduate teaching education program’s graduates fail the applicable certification exams for three consecutive years, the state will suspend that program’s ability to admit new students.

### **Teaching Certification:**

- Teachers will be required to reregister with the Department every five years. During that period (in order to retain certification), they will be required to complete 100 hours of “continuing teacher and leader certification.” The standard was previously 175 hours of professional development.
- SED will establish “rigorous” standards for programs and activities counting toward this 100 hour requirement. Conducting APPR observations as a principal or peer reviewer will be eligible as credit toward the required hours.

### **Pre-K Special Education:**

- The commissioner is required to set regional rates for special education itinerant services. Rates will be phased in over a four year period beginning in 2016-17 school year.

### **Tenure:**

- The teacher and principal probationary period is extended to four years (currently three) for new teachers. For tenured teachers and principals transferring from other districts, it is extended to three years (currently two).
- In order to be granted tenure, teachers and principals are required to achieve either “effective” or “highly effective” ratings in three of the four probationary years. A teacher or principal cannot be granted tenure if they are rated “ineffective” in the final year of probationary period.
- A new clause expressly establishes that a school district has the unfettered statutory right to terminate a probationary teacher or principal for any statutorily and constitutionally permissible reason.

### **Teacher Evaluations:**

- SED is required to establish this new system and adopt regulations implementing same by June 30, 2015. SED is required to consult with experts, including experts in the fields of education, economics, and psychometrics, and to seek public comment. \$1,000,000 is appropriated to SED to carryout development of this system.
- A new evaluation system is established with the previously-named HEDI ratings. There will be two evaluation categories: student performance and observations:
  - 1) Student performance will be based on state growth scores for those in tested subjects and an SLO model based on a goal setting process developed by the Commissioner for those in non-state growth subjects. There will be a second optional measure (subject to collective bargaining) that may be based upon the state growth score

(presumably building-wide or district-wide average) or based upon a new test developed by SED.

- 2) Observations will be conducted by the traditional supervisor/administrator and additionally by either by an independent evaluator or peer evaluator, subject to collective bargaining. SED will establish the scoring rubric, scoring bands, minimum evaluations, and other parameters.
- The two categories will form perpendicular axes of a matrix. Scoring on each category will be based upon the HEDI classifications (once for each category). The combination of the two categories will create a resulting overall HEDI rating calculated by using the combination. A visualization of the matrix described in statutory language is below:

		Student Performance Category			
		I	D	E	H
Teacher Observations Category	H	D	E	H	H
	E	D	E	E	H
	D	I	D	E	E
	I	I	I	D	D

- Whether or not to use the second student performance option (and which one) as well as independent observations vs. peer evaluations will be the sole elements required to be collectively bargained locally.
- School districts will not receive an aid increase for the current year unless they submit a plan complying with the law and subsequent regulations to SED and have it approved by Nov 15. No aid would be withheld until April 1, 2016.
- Students cannot be assigned teachers for two consecutive years who have been rated ineffective. School districts may apply for a waiver if this would be impracticable.

**Testing:**

- SED will be required to submit a report to the Governor and the Legislature by June 1, 2015 detailing recommendations to reduce testing in the state. They must work with stakeholders to develop this report.

**3020-a:**

- Teachers convicted (in criminal proceedings) of a violent felony against a child where the child was the intended victim will have their certifications automatically revoked by the state.
- Collective bargaining agreements are required to adopt these new provisions of state law.
- After July 1, 2015, all pedagogical hearings will be conducted in front of a single hearing officer (currently a panel for some cases). Two consecutive ineffective APPR ratings for a teacher or principal are evidence of incompetence and can only be rebutted by clear and convincing evidence that the employee is not incompetent considering all surrounding circumstances. Three consecutive ineffective ratings can only be rebutted by showing fraud in the rating. A district *may* bring dismissal proceeding against a teacher or principal after two consecutive ineffective ratings, but *shall* bring a proceeding after three.
- Educators charged with sexual or physical misconduct against a student (in the context of district removal proceedings) shall be suspended without pay for the durations of their hearing. They will be entitled to a probable cause hearing within ten days of being suspended. They will also be subject to an expedited hearing process (sixty days).
- Hearing officers will be required to set a schedule for full and fair disclosure of witnesses and evidence to be offered by the employee in a hearing (reciprocal discovery).
- Children will be allowed to testify in 3020-a proceedings via closed-circuit video in some cases.
- Hearing officers will be required to give “serious consideration” to the action recommended by the Board. If they reject that recommendation, the rejection must be based on reasons within the hearing record and the officer must detail why in a written decision.

**School Receivership:**

- The Legislature and Governor appropriated \$75 million for the programs included in restructuring of “failing” schools.
- This legislation affects individual school buildings only; it is not extended to entire districts. The lowest performing 5% of school buildings (approximately 178 schools) in the state will be included in the program, designated as “failing.” The lowest performing schools, those who have been among the lowest achieving in the state for the previous ten years (about 27 schools), will be designated as “persistently failing.”
- Persistently failing schools will continue to operate under local leadership for one year, with a plan for improved achievement approved by SED, including “rigorous performance metrics and goals.” The superintendent of the parent district will be given all powers that would be made available to a receiver for that period (except to overturn decisions of the Board concerning the superintendent’s employment). For those designated as “failing,” a period of

two years would be given to meet goals. Those schools newly designated as “failing” after the 2016-17 school year would be instantly eligible for receivership.

- At the end of the one or two year period, respectively, the school will be evaluated by SED and it may either be 1) removed from the list, 2) allowed to continue under district leadership, or 3) placed into receivership. Schools that make “demonstrable progress” toward their set goals will be allowed to remain under district leadership, subject to annual review.
- When a receiver is required, the school district appoints the receiver (subject to approval by the commissioner). The receiver will have the power to supersede any decision of the superintendent or school board, develop an intervention plan, create community schools, implement social services, mental health services, child welfare services, career and workforce education for students and the community, assistance for ELL’s, students with disabilities and economically disadvantaged students, and mentoring and development services. They will also set goals for student achievement, attendance, academic success among subgroups, and student and faculty support.
- In addition to these powers, the receiver will also have power to reallocate portions of the district budget, hire and fire teachers, administrators and staff (including all building employees), order conversion to a charter school and seek renegotiation of collective bargaining agreements (receiver requests renegotiation; if negotiations are not resolved within 30 days, unresolved issues to be submitted to Education Commissioner who shall resolve them within five days).
- The receiver will be appointed for not more than three years, after which the Commissioner will make a determination as to whether receivership will continue.

**Not Included in the Budget – all expected to be considered in remainder of legislative session:**

- Property Tax Reimbursement/Circuit-Breaker
- Education Tax Credit
- Charter School Reimbursement Increase/Building aid, increase in cap on number of charter schools which may be authorized
- Extension of New York City mayoral control