



c/o Eastern Suffolk BOCES, 201 Sunrise Highway, Patchogue, New York 11772

Phone: (631) 687-3001/Fax: (631) 289-2529/Email: [scssa@esboces.org](mailto:scssa@esboces.org)

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[golfboat@optonline.net](mailto:golfboat@optonline.net)*

MEMORANDUM

TO: Members of the Long Island Delegation to the NYS Senate  
Members of the Long Island Delegation to the NYS Assembly

FROM: Dr. Julie Davis Lutz, Legislative Co-Chair  
Dr. Walter F. Schartner, Legislative Co-Chair

DATE: February 26, 2015

RE: Response to the Governor's Proposals

We thank you as always for your ongoing interest in high quality public education on Long Island and across New York State. We write in an effort to share our thoughts and priorities regarding the proposals made by Governor Andrew Cuomo in his State of the State address on January 21, 2015.

We respectfully request that you demand that the Governor relinquish to the Board of Regents and the State Education Department their constitutional right to establish educational policy. We further request that the Governor and legislature adequately fund New York State public schools in keeping with the Constitution of the State of New York, which provides that the legislature shall provide for the maintenance and support of a system of free common schools wherein all of the children of the state may be educated. To this end, we ask that you decouple the adequate funding of public schools for New York State children from the Governor's request for educational policy reform for which the Governor has no constitutionally derived power.

We further weigh in on the Governor's specific proposals below:

**GEA Elimination and Equitable Funding**

We support the Educational Conference Board's recommendation for a \$1.9 billion increase in school aid and complete elimination of the Gap Elimination Adjustment (GEA). It is no longer possible to justify the continued existence of the GEA that is reducing total state aid by over \$1 billion this year. At the same time, it is necessary for the state to rebuild a functioning operating aid system. While New York State gets high marks for funding education, it gets failing marks in the equity with which it does so. Providing schools a basic operating aid formula that they can count on year in and year out would help district leaders plan and budget better for the students and communities they serve. In addition, for the immediate future, district leaders need baseline state aid estimates to comply with reporting requirements for the property tax cap.

### Support for English Language Learners

Students who are English language learners present a unique set of educational needs. Recent changes in Part 154 Commissioners Regulations increase requirements in reporting and delivery of services for these students. Many school districts in Suffolk County are already seeing success with programs that they have in place. These new mandates could cause unneeded changes in presently existing programs that are working well. School districts stand ready and willing to provide these services, but state financial support must be provided to ensure that the needs of non-native English speakers are met. We are asking for a delay in the implementation of these revisions to ensure that school districts have the time to recruit and hire staff qualified to meet the new requirements and to avoid the same issues that the hasty implementation of other initiatives has caused.

Flexibility in accountability reporting is also needed. Schools with an influx of older (16+ years), transient, and credit-deficient students who have had interruptions in their formal education (SIFE) are likely to see graduation rates be negatively impacted, threatening popular support for schools when the public compares these districts with districts not impacted by these challenges.

Additionally, emergency support must be made available in the current school year to meet the needs of districts that have seen an influx of these students this year.

### Unfunded Mandates

While implementing a plan for equitable funding, we call on you to observe a moratorium on unfunded mandates and ask you to pass legislation restricting the imposition of additional unfunded mandates on local governments by the state until such time as those mandates are fully funded by the state. We understand that there are good intentions behind many of the new mandates that come down for schools to implement, but we believe that the cost of that implementation which in some cases amounts to thousands of dollars (i.e., Dignity for All Students Act) or hundreds of thousands of dollars (i.e. APPR and Part 154 revisions), goes unnoticed and unsupported by additional state dollars. In an era of a tax levy cap, these are huge additional burdens.

### Charter Schools

We request that you allow new charter schools only where schools are indeed failing. We also ask that the funding of those schools not come from the sending school districts. We support the premise that charter schools should serve populations that mirror those around them and encourage increased accountability and oversight of charter schools.

### TRS Reserves

We request that you authorize a Teachers' Retirement System reserve fund. Surging increases in TRS over the past several years devastated the budgets of many school districts, forcing cuts in operational budgets. Authorizing the establishment of a TRS reserve fund would allow districts to plan for the possibility of surging TRS contribution costs.

### Broadband Initiatives

We support the proposal for one-half billion dollars to broadband initiatives to bring adequate Internet service to schools and students that lack access.

### Pre-K for Three-Year-Olds

Pre-K for three-year-olds, although a sound idea, should not be funded until full-day kindergarten and universal pre-K for four-year-olds is available to all.

### Probationary Teachers and Tenure Awards

We support a lengthened probationary period to allow for a thorough evaluation of performance and qualifications. We also support language clarifying that a probationary teacher can be dismissed at any time for any legally permissible reason. However, we request that the decision of who receives tenure after five years be left to the sole determination of the Superintendent and local Board of Education.

### APPR Reform

We support APPR reform. The system as it stands is complicated, and not based on legitimate statistical methodology. We support moving to statewide scoring bands and eliminating the need to bargain performance evaluations. However, we have serious concerns with linking 50 percent of the evaluations to state test scores given the inequitable application of state test scores. Additionally, the Governor's plan to have outside, independent evaluators is unworkable, not to mention unfunded.

There are many educational experts who are ready and willing to help craft a workable, effective system of educator evaluation. Tying that work to a deadline in the next several months is most likely to result in a system that continues to be plagued with problems.

### 3020-a Reform

We support 3020-a reform. The financial burdens of the 3020-a proceedings and the poor outcomes associated with the process are discouraging. Reducing the burden on school districts, and requiring a hearing officer to honor the wishes of an employing board are welcome changes.

### Pension Reform

We encourage pension reform as the costs of pensions have a large impact on school budgets with no local control of those costs.

We support a 55/25 incentive paid by the state to increase Tier 5 and 6 and decrease Tier 3 and 4 employees.

### Teacher Certification and Preparation

We support efforts to increase teacher certification standards and programs that hold teacher preparation programs accountable for the performance of their candidates. We would also encourage incentivizing teacher preparation programs that focus on preparing teachers for high need areas.

### Education Investment Tax Credits

We oppose providing education investment tax credits as it takes funds that should be focused on properly supporting public education and diverts them away to providing tax breaks. If we are going to allow people to invest in education and get tax credits for it, the way those funds are distributed needs to be fair and equitable across the state.

Failing Schools

We support looking at different models for assisting schools with long histories of underperformance. However, the problems in these schools are complex and the solutions will be as well.

In closing, we look forward to collaborating with you to formulate the important details of each of these proposals. We have responded directly to the Governor regarding APPR reform following his State of the State address. We have attached that correspondence for your information. We are confident that you, along with us, recognize the many issues faced by public education at this time. The conversation goes way beyond funding into issues that are both complex and vitally important. We believe that there is no greater calling than to educate the children who will one day be our future and therefore, we stand ready to have the difficult conversations that need to be had. We are here ready to advocate for a fair budget by April 1 and will be there on April 2 to make sure that the needed reforms are put into place for students. We look forward to continuing the dialogue as we work together.

JDL/WFS/mp

Attachment

c: SCSSA Members  
Board of Regents