

STATE REACHES AGREEMENT ON BUDGET

LACK OF TIME HEALS ALL WOUNDS

WHAT'S IN AND WHAT'S OUT FOR RURAL SCHOOLS?

State leaders have agreed to a “framework” for the state budget, with important issues (like state aid runs) being finalized today. For all of the theater and threats, the agreement has the potential to be helpful to our rural schools.

WHAT'S IN

- 1. A state aid increase** that will approach record levels, in total. Pronouncements have ranged from \$1.4-\$1.6 billion. The latter figure would be a record amount of state aid. Both figures are above the state’s share in preserving existing programs and services in schools from this year to next. Neither figure would fully eliminate the GEA or pay down long overdue amounts under the Campaign for Fiscal Equity lawsuit, but would provide a substantial one year increase, if distributed favorably. The concern for rural school districts (despite the hefty aid increase) is that the Assembly could well seek to funnel amounts under Foundation Aid to urban areas in need, while the Senate will seek to structure GEA restoration toward suburban districts that have not yet seen significant elimination of the aid cuts. The potential exists for our rural schools to be squeezed in the middle of the two approaches, receiving an insufficient amount.

CALL NOW!

Your legislators need to hear that a high total means little if it never reaches your district. Sure, we want GEA restoration and yes, we need Foundation Aid, but both formulas have been twisted to meet political needs in the past. It shouldn’t happen again this year. **Make sure rural representatives are speaking up for your kids!**

Ask for your Senator at 518-455-2800

Ask for your Member of Assembly at 518-455-4100

- 2. Takeover of Chronically Underperforming Schools:** Schools that have underperformed for three consecutive years would be provided a two window in which to show

improvement prior to being placed in “receivership”. Schools underperforming for 10 years would have only one year to show “demonstrable improvement.” Targeted schools would need to provide SED with an improvement plan. Lack of progress would lead to the appointment of a receiver that would have some degree of authority to abrogate local bargaining agreements and the decisions of local school leaders. Logistical details won’t be known until the budget language itself is released, but they are said to include greater local control than initially proposed by the governor.

3. **Hybrid Teacher Evaluation Changes:** Details of new teacher evaluation reforms will be delegated to the State Education Department, who will have until June to arrive at a system too politically hot for legislators themselves to touch. These changes were originally the governor’s line in the sand, having declared that the price for both an on time state budget and an additional \$800 million in aid was contingent on changes to existing APPR agreements. To get the first APPRs in place, the governor had held up state aid increases. This year, he called his own system “baloney” and again threatened to withhold aid if it wasn’t changed. Specifics were hard to come by in the final agreement, with much of the reforms being left to SED. Districts will still be required to use state tests as one element, with the option of also using an additional state authored test. The system might also use a “matrix” of evaluative tools. One notable component is that teachers who were rated ineffective on the testing portion of the evaluation system would be precluded from receiving an overall rating of “effective” or higher. Following SED’s roll out of the new evaluation system in June, local districts would have until November to “negotiate” and submit new agreements.
4. **Tenure Reform:** Under the new budget law, two ratings of “ineffective” would no longer be grounds for immediate termination, but would still be grounds for disciplinary action leading to dismissal. Two ineffective ratings would allow districts to bring charges leading to termination within 90 days unless the teacher could show why not, through “clear and convincing” evidence. After three consecutive ineffective ratings, teachers would be fired within 30 days, absent fraud on the part of the district. Candidates for tenure would have a four year probationary period, with at least three consecutive ratings of “effective”.

WHAT’S OUT

1. **More Charter Schools:** Despite intense lobbying and hundreds of thousands of dollars in campaign contributions to the governor and legislators, the state will not include an increase of 100 charter schools in the state budget. This is significant in that the governor’s plan was to merely raise the allowable number of schools without restricting their location. This would have threatened the vitality of rural school districts, as they are typically high performing but struggling with issues of enrollment decline and state funding; both of which would be exacerbated by locating a charter school in the community. The increase in charter schools allowed, like other issues, may return later in the legislative session, where they might be linked to expiring laws like New York City

rent control and the property tax cap. Restraining the number of charter schools in rural communities is an RSA legislative priority.

- 2. The Education Investment Tax Credit:** Private, parochial and charter schools will need to wait at least a little longer to have the state incentivize donations. Governor Cuomo initially tied these tax credits to the DREAM Act (providing college tuition for undocumented residents) in the hope of forcing each house of the legislature to support a bill they opposed, in order to secure one they supported. The bill was supported by political contributors in favor of charter schools and religious school operators. However, following public education rallies and advocacy by the public education community (including RSA) this too was withdrawn from the final budget agreement. Opposition to tuition tax credits is also an RSA priority item.
- 3. 3020-a Reform:** There is no indication at this point that common sense reforms to the 3020-a teacher disciplinary process are included in the budget. While the budget included significant successes for public school districts, the failure to make sense of this outdated and fiscally damaging process would be a dramatic failure on the part of the governor and legislature. The reform called for was merely to appoint state hearing officers that would be immediately available to hear cases, rather than waiting up to a year for both sides to agree on a private arbitrator. Nowhere else in American jurisprudence do the parties to a public action get to prick their judge, let alone one who has split enough babies to be recognized as acceptable to both sides. The practice costs our schools hundreds of thousands of dollars and incredible classroom disruption.
- 4. A Legitimate Aid Formula:** Not since the CFE case has our state had a working state school aid formula. It has been frozen, cut and bastardized beyond recognition. School districts no longer have any degree of predictability, despite the governor's claim that the state does two years of aid budgeting at a time. Districts merely receive an amount that is greater or lesser than the prior year, based on state finances and political considerations. Thankfully, the state has ignored the law limiting state aid to the level of personal income growth. However, it has also ignored the need to create a workable, equitable formula that accurately reflects the ability of a community to contribute to its schools and provides an amount sufficient to uphold its constitutional obligation of providing a sound, basic education to all of its resident children. The result, notwithstanding what could amount to a significant one year aid increase, is a state approach that once again merely adds to or detracts from whatever a districts received years ago, when we had a working formula. This approach ignores the fact that some districts have many, many more students than they used to and all of that cost has been borne by local taxpayers. It ignores the loss of local property value resulting from storms and the Great Recession. It ignores the disparate impact on communities without their own resources; school districts that cannot raise their own revenue under the state's tax cap (don't have it even if they could) and the increased demands of new mandated reforms and increased academic expectations for student success. Each year that the state kicks this issue down the road is an embarrassment and a travesty in a state that expends the most per child in

the nation, without a legitimate method of equitably deploying those tremendous resources. For public education, this is the equivalent of simultaneously fighting both obesity and starvation for political reasons, rather than upholding the public interest.

- 5. Mayoral Control of Schools:** New York City is seeking to make mayoral control of its schools permanent. The governor has publicly stated that it is a model that should be expanded elsewhere. While it may increase efficiency, mayoral control dramatically decreases a community's democratic right to gain access to locally elected school officials. Expanding mayoral control beyond the City would set a dangerous precedent for the rural school district model of electing local community representatives to govern the school district. Removing the issue from the budget makes it much more likely that once again New York City will be dealt with individually, with no movement toward authorizing it elsewhere.

RSA ANALYSIS

The 2015-2016 New York State Budget is a profound, yet disappointing accomplishment. Early indications of a record state aid increase for schools are offset by the significant dereliction of duty involved in ignoring the need for an adequate, predictable and equitable state aid funding formula. Yet, significant threats to sound educational policy were rejected, (like increasing the number of charter schools, expanding mayoral control and imposing tuition tax credits) while helpful new policies are being enacted, like a (hopefully) better system of evaluating educators and a more realistic and workable means of tenuring faculty. The process was ugly, even for Albany (with schools being dragged through the need to plan their own budgets without any solid state aid figures.) Threats of "all or nothing" negotiations were initially strident, then ignored in favor of a claim that they were merely a means of identifying legislative priorities. In the end, the real political threat was in not passing a state budget on time; something the governor has touted as a governmental imperative. Neither he nor the legislature could afford the public's wrath for returning to an appearance of governmental dysfunction. As negotiations intensified and the reality of pushing for "all" turned into the prospect of "nothing", the lack of time healed all wounds.

Perhaps the most dramatic result of the budget negotiations was the re-emergence of the state's teachers unions as a viable political influence. NYSUT and UFT organized rally after rally, pressing home the importance of public education to local communities and their legislators. Local teachers often worked side by side with administrators and school board members, as well as students and community members in focusing public attention on the need for additional resources and sound public policies. RSA was pleased to have sponsored, organized and participated in many of these rallies, as well as engaging in a statewide media campaign. Coming off a disastrous campaign season (in which the unions did not back the governor or the Senate Majority and in which private and charter school campaign contributors filled the void), the fact that public education's unions and associations were able to have onerous proposals rejected and a record aid increase approved is significant.

Public education fought back against inflammatory rhetoric denigrating our schools. Eventually, state leaders learned what local residents have always known: People may hate the cost of public education, but they love their schools. Legitimate criticism is fine, when offered in a sincere spirit of improvement, but mean spirited proposals intended to simply break the back of political foes is something voters have no stomach for, particularly when balanced on the backs of schoolchildren.

Additional budget details will be forthcoming, but for now, state leaders have worked through a very onerous process, to arrive at what could well be a better place for our rural schools.