

ALBANY

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PREVIEW: END OF THE LEGISLATIVE SESSION

WHAT TO WATCH FOR-HOW TO HELP YOUR DISTRICT

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As the legislative session winds down, RSA and other public educational organizations are being forced to focus more on preventing harm than in passing helpful initiatives. Here are some of the bills most likely to see legislative action:

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LOCAL PROPERTY TAX CAP: The tax cap expires next year but is linked to NYC rent control, which expires this year; hence the legislative attention being paid a year early. The cap is truly a double edged sword for our member districts. It has serious flaws and several consequences that were not recognized when passed initially (like the impact of PILOT agreements and loss of Building Aid that can cause a negative cap number). School district costs are unrelated to consumer costs and the cap being linked to the Consumer Price Index (CPI) is an illegitimate yardstick that has caused caps less than the 2% initially promised.

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Particularly when the state retirement systems alone raise costs above the CPI and employer health insurance costs are two to three times the CPI, schools have little hope of staying within the cap absent either the significant use of reserves or (more to the point) substantial state aid. If inflation were to increase dramatically and state aid were flat, it would ruin most rural schools. As a result, making the cap permanent, as has been proposed, would be potentially devastating to our schools.

The other aspect of the cap is that rural schools have comparatively little commercial tax base to tax anyway. Having to rely on increases in local taxes is economically harmful to rural communities and (recognizing this) our schools had stopped taxing above the cap rate years before the actual cap was enacted. The cap puts pressure on the state to provide sufficient aid to at least avoid a public outcry that would lead to political vulnerability for leaders. This year's substantial aid increase is an example of how it is supposed to work.

Of course, none of it works or is fair (or even constitutional) without a new funding formula that recognizes a community's actual ability to contribute to its schools. With the right formula and sufficient aid, the cap would be an incentive to support local budgets and an assurance of tax restraint for prospective business. Fact is, this governor would never willingly remove what he considers his signature legislation, so fixing it is the goal. It provides the opportunity to explain the necessity of reforming the aid funding formula. Essentially we say "If you make the cap permanent, we need: A. A legitimate funding formula. B. Changes to the cap that eliminate perverse consequences you acknowledge were initially unconsidered (like a negative cap number!) C. An assurance of sustained state aid sufficient to uniformly support existing programs, as well as account for new state and federal demands for changed practices. D. Common sense changes, like adjusting for student enrollment, eliminating the possibility of a negative cap, excluding court judgments and putting an increase above the cap on a separate ballot item requiring a simple majority.

PARENTAL CHOICE IN EDUCATION ACT: This is the governor's new name for tuition tax credits for private and parochial education. A rose's thorn by any other name is still a thorn in the side of struggling rural schools. The amount of money diverted from state funds has been pared down in this version and let's face it, the state spends billions in tax incentives that theoretically keep money away from public education. But that doesn't make it right. The sheer arrogance of this effort is appalling.

Let's recap: 1. The state agrees (before the state's highest court) to pay billions to settle a lawsuit proving that it is regularly ignoring its constitutional responsibility to provide all state residents with a sound education. 2. The state reneges on that settlement. 3. Rather than increase payments to schools as ordered, the state actually deducts billions of what it formerly paid in state education aid. 4. The state enacts a law that systematically withdraws aid owed to schools (GEA), not only forcing drastic cuts in school programs and services, but creating a constitutional crisis that forces yet another lawsuit on behalf of the state's students. 5. While this law and the resulting defiance of the court order persist, the state debates whether to divert even more funding away from its court ordered and constitutionally required responsibility to adequately fund public schools; so that it can politically placate supporters of private and parochial schools, as well as politically connected billionaires who seek tax credits.

This is worse than poor public policy; it creates yet another constitutional crisis by supporting religious instruction (yet another violation of the state's constitution.) It removes

funds from the state general fund in the form of tax credits, when school aid is underfunded. Its distribution is uneven; at the discretion of the donor, not school need. Donations would come to wealthy schools from wealthy people, low wealth rural schools would simply lose. The cost to the state would be 150 million per year, with no expiration.

INCREASE IN THE CHARTER SCHOOL CAP: It's hard to imagine why the state would consider increasing the charter school cap when it hasn't yet reached that cap; or why it would think about raising the cap for the entire state when only New York City is anywhere near its limit. Charter schools have not proved to be the incubators of educational innovation they were purported to be. In urban areas, however, they have sometimes proved themselves to be a viable means of educational success in an otherwise disturbing pattern of school failure. In rural areas, there is neither the need nor the ability to combat their adverse financial impact on existing public schools. Raising the cap statewide would encourage charter schools in rural areas, despite high graduation rates and the tremendous negative financial implications on surrounding public school districts. If the cap is to be raised, we must make clear to our representatives that it must be specific to urban areas, not an intrusion on successful but fiscally struggling rural school districts. Want an even better and more novel idea? Use the billions that schools are owed to free up all schools to operate like charter schools. Give us all a longer school day or school year. Free us all from state mandates.

FIX APPR: The governor was so outraged that the system he ordered produced a distasteful result that he ordered it done over. The problem is that he ordered it redone in exactly the same way, with exactly the same unworkable deadlines, with exactly the same threat of state aid loss that produced the original results. Einstein had a comment about that approach...

State leaders are now attempting to enact realistic revisions. Perhaps they'll give districts more time. Maybe they'll figure out how teachers in non-test friendly subjects will be legitimately evaluated. Could be that they'll even figure out how to account for students with special needs in the equation. All I know is that the state has created a disastrous situation by changing the rules and the focus of education every single year. Teachers are more worried about evaluations than actual teaching excellence and so far, they've had good reason. Enough is enough. If you don't know the play, get off the field.

Critiques of New York State's educational shortcomings are often valid. Like it or not, we do spend the most and our results are middle of the road. That problem starts with a distribution system that is politically, rather than performance driven. We need to "own" the fact that we have intractable failure in many schools and that our inattention will likely lead to

economic disaster, if not outright social upheaval. We literally can't afford the status quo, so trying to improve instruction is a valiant effort and should be applauded.

Some states have a law that says no one has a duty to attempt to save someone in an emergency, but if you begin the effort you have a duty to make a reasonable attempt at success, because you've precluded others from helping. That's where New York State is with APPR. State leaders have jumped into the surf to save the drowning students. Now they need to actually save them or let someone else try.

HOW TO HELP

CALL YOUR SENATOR AT 518-455-2800

CALL YOUR MEMBER OF ASSEMBLY AT 518-455-4100

CALL THE GOVERNOR AT 518-474-8390

Be Brief, Be Concise, Use Local Examples

As always, thank you for your efforts on behalf of rural school students!



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