



TESTIMONY

Teacher and Principal Quality and District leadership

Governor's Education Reform Commission

July 10, 2012

The New York State Council of School Superintendents appreciates the invitation to offer testimony this week on issues pertaining to teacher and principal quality and district leadership.

In future exchanges we will provide analysis and recommendations on other aspects of the Commission's charge. We also expect to refine and expand on some of the thoughts offered here. Later we will present our own comprehensive vision for education reform.

We will do our best to accommodate any specific information requests the Commission may have. We regularly conduct surveys of superintendents and would be willing to do so for the Commission.

Before responding to the statements and questions in the hearing notice, we need to offer some general observations about the state of our schools.

I. Financial challenges

First, the financial outlook for most districts suggests annual budget decision-making will be grim exercises for the foreseeable future.

The State Education Department has projected statewide school district revenues and expenditures for the next five years. Based on historical spending patterns and the revenue limits imposed by new property tax and School Aid growth caps, the Department projects that districts will face double digit budget deficits reaching the equivalent of 28 percent of expenditures in 2016-17.

This full gap will never occur, because it cannot. School districts cannot run huge deficits year after year.

But the SED projection does suggest the magnitude of change school districts face and it is consistent with the concerns we have received in anecdotal exchanges with superintendents.

Part of the structural gap is already being closed through lower negotiated compensation agreements – for superintendents, bargaining units, and other employees. The average superintendent salary in New York State has been roughly flat for the past three years.

Measured by the commodities purchased, roughly three-quarters of spending in a typical district goes for personnel – salaries and benefits. Measured by the purpose of the spending, roughly the same percentage supports instruction, according to figures developed by the State Education Department.

Obviously, schools are not going to close budget deficits reaching 28 percent of expenditures just by squeezing the 25 percent of their spending devoted to non-personnel or non-instructional costs.

The implication of these figures is that roughly 75 percent of the cuts districts need to make to lower spending to match their now limited revenues will come out personnel and instruction. This is true partly because schools have already endured three difficult years and may have exhausted saving possibilities in the other areas.

These facts obviously bear upon the ability of schools to “hire and retain our best teachers and principals,” one of the topics the Commission hearing notice asks us to address.

There are only two ways for districts to reduce personnel costs: employ fewer people or spend less per employee. Our ability to do the latter is especially constrained by laws, regulations and collective bargaining agreements. Mandates sometimes also dictate which positions may be discontinued, sometimes forcing actions not in the best interests of students.

We cannot overstate the prominence of surging pension and health insurance costs in recent school budgeting challenges. Our estimates are that in each of the last two years, pension and health insurance costs alone rose by more than the overall increase in school spending (at least in districts outside the Big 5 cities). The implication is that districts must have cut their other spending to absorb those two costs. Last year, the poorest 20 percent of districts held overall spending flat, suggesting they had to make especially steep reductions in other spending to absorb benefit costs similar to those of other districts.

There is only one way districts acting on their own can significantly reduce pension costs – they can eliminate the obligation to make pension contributions by eliminating positions. Our entire economy is threatened by surging health care costs, and schools are not exempt from those pressures.

The bottom-line is that various constraints are pushing districts to eliminate positions. Schools are not doing much hiring, and just retaining our best teachers and principals is a challenge.

The ongoing fiscal tribulations in many districts also add to a climate of uncertainty which cannot be conducive to teaching and learning.

II. School costs and performance

We asked a group of superintendents how they would answer questions posed in the Commission’s hearing notice. One responded,

“Incentives? Stop vilifying people. I am proud of our teachers and principals. Some need more work than others to improve. Some need tighter supervision. Some need more rich professional development. But testing kids, scoring teachers, and vilifying them all is not much incentive for anything.”

Summing up the state of public education in New York State as “first in spending, 39th in results (measured by high school graduation rates)” obscures more than it reveals. It overlooks simple facts and oversimplifies complicated facts.

Two simple facts:

- ❑ First, New York is high cost in everything, not just in education. Those basic cost of living differences explain part of New York’s high per pupil school spending. We typically rank first, second, or third among the states in average weekly wages earned by all workers, for example.
- ❑ Second, New York requires more of high school graduates than most other states. New York was an early leader in setting high standards and remains one of only nine states to require graduates to pass exit exams in more than three subjects.

More complicated considerations arise from the fact that New York is a diverse and complicated state in ways both positive and negative.

Year after year, New York ranks among the worst states in spending gaps between high and low poverty districts, according to the Rutgers University Education Law Center.

On the other hand, New York routinely dominates the Intel Science Talent Search, accounting for about one-third of the national semi-finalists year after year. We rank second among the states in the percentage of high school graduates earning a score of three or better on an Advanced Placement exam.

On the cost side, we must zero-in on what else drives our high spending besides basic cost of living differences: are some costs significantly greater than others, and are our differences from other states the result of local choices or state mandates?

Census Bureau data reveals that per pupil spending for New York schools is above the national average in most expense categories, but employee benefits is the one large category where our spending is furthest above the U.S. average. As we established in the preceding section, the ability of schools to unilaterally reduce these costs is limited.

Data for inter-state comparisons of special education spending is limited, but the Thomas B. Fordham Institute found New York to be among the four highest spending states in special education, another area of school operations that is heavily controlled by state mandates.

In contrast to the data presented to the Commission on high school graduation rates, *Education Week’s* recent “Diplomas Count” report ranked New York’s graduation rate 10th among the states. The disparities arise from differences in how the sources handle students held back in 9th grade or before, as well as those transferring in or out during the high schools years.

But one crucial point common to virtually all performance data is the prevalence of alarming gaps in the outcomes between students of varying economic and racial backgrounds.

We can also agree that, whatever the overall performance of schools now or the extent of gaps in achievement, we need to produce more learning for all students.

While we may dispute some of the measures and strategies the State Education Department would apply, we agree with the central aspirations endorsed by the Regents: all students should complete high school and earning a diploma should signify that a graduate is prepared to succeed in college, a career or both.

It is hard to get the right answers if we are asking the wrong questions. Summing up the state of schools in New York today with just two figures does not illuminate the real challenges that must be addressed if we are to produce what we all want: better outcomes for all students. It also portrays the efforts of people working in schools today in just about the worst possible light, creating frustration and anger. That also cannot be good for teaching and learning. Even in the most chronically troubled schools there are individuals making heroic efforts every day to give children and young people opportunities to develop their talents and thrive in life beyond school.

Finally, arguing over inter-state rankings of costs and performance is ultimately an unproductive debate. What we can agree on is much more important – we want to do better, we need to do better. The debate we should have is how to produce the learning our students need with the resources our taxpayers can provide.

To connect the themes of these opening two sections: It would be utter foolishness to think that schools are going to close large structural deficits and dramatically raise achievement with new revenue limits and without significant changes in the rules dictating how they are expected to operate.

III. Incentives to hire and retain our best teachers and principals

The hearing notice inquires about, “Incentives to hire and retain our best teachers and principals to keep them in New York.”

Traditional incentives have included scholarship and loan forgiveness programs, as well as differentiated pay initiatives established at the district level. Whatever their effectiveness, to our knowledge these mechanisms have never been employed long enough or – at least in New York – on a scale big enough to produce a meaningful impact. Also, as we attempted to illustrate in the opening section of this testimony, the impact of any such discrete incentives is likely to be dwarfed by the larger financial forces which threaten many districts.

When the state was contemplating large infusions of aid as a resolution of the Campaign for Fiscal Equity litigation in 2007, we recommended requiring districts to use some of the new state funding to launch innovations in teacher compensation such as career ladders and incentives to encourage teaching in hard to staff schools and subjects. But for the foreseeable future, most districts will need whatever aid increases the state can deliver simply to balance their budgets and cover basic costs.

Rather than contemplating “boutique” incentive programs, we think more fundamental re-thinking is required.

Teacher as a profession

Marc Tucker of the National Center on Education and the Economy and others have noted that higher performing nations in education have focused on raising the quality of their teaching forces. They recruit teachers from the top ranks of college graduates and they put significant time, energy and resources into

pre-service preparation and in-service professional development. Teaching is recognized as a prestige career.

There is an obvious point that is easily overlooked: in America, no one can be forced to go into teaching or school leadership. Therefore, we must be mindful of the potential impact of state policy actions to make education a grim, undesirable career choice.

In that vein, we commend the Governor's leadership in crafting legislation which avoided broadcast release of individual teacher evaluations. In what other profession are individual performance evaluations released for the world to see?

Implementation of the new evaluation procedures is already a source of uncertainty and stress; universal disclosure would have needlessly compounded both, especially in this first year run-through. Some of the tension may be transitional and dissipate once new practices take root. But we do see the time and paperwork demands of the new evaluation requirements imposing great strains on school building leaders, with little relief in sight. Due to budget cuts in recent years, administrators in many districts were already spread very thin.

In contemplating how to get the best teaching workforce possible, we see two sources of paradox.

First, at the same time we say we want to get and keep the most capable people as teachers, we are forced to consider how to reduce what is spent on teacher compensation, or to employ fewer teachers.

Second, we acknowledge the need to recognize teachers as professionals but there is a corollary: some teachers need to act more like professionals, rather than blue collar trade workers. Professionals don't work to rule or insist on being paid for every minute of time beyond the end of the regular work day needed for professional development or meetings. By no means are these attitudes universal. But schools will not be able to produce the results students need without more flexibility in how teachers work, for example to allow different staffing and scheduling configurations and new uses of technology.

At this stage, given its own financial limitations, we are still considering what policy levers the state has to bring about the changes we see as necessary.

We have supported Triborough reform – eliminating guaranteed salary increments after a collective bargaining agreement has expired – as a way to restrain personnel costs. A longer term, collateral benefit of its strengthening of management leverage might be to facilitate innovations in compensation such as replacing guaranteed step increases with performance-based raises, initiating career ladders, and expanding flexibility in work arrangements.

“Last in, first out” and “3020-a” reform

Part of enabling schools to keep the best people involves adjusting the rules governing who is not kept. Superintendents will support change in “last-in, first-out” rules requiring strict seniority as the basis of for layoff decisions, to allow some consideration of effectiveness. But some superintendents have also cautioned that a change should not open the possibility that senior teachers will be threatened with job loss simply because they are the most expensive.

We supported the reforms in section 3020-a (tenured teacher) hearings proposed by the Governor and State Education Department, as well as the more limited changes enacted into law this year. But further changes are needed.

Currently, the 3020-a process is unique insofar as it the only form of litigation, to our knowledge, which has different rules for the plaintiff and the defendant. Defendants have the right to pre-hearing discovery where plaintiffs do not. This uneven playing field approach not only tilts the advantage toward the defendant, but lengthens the time it takes to resolve 3020-a hearings. Both sides should be put on a level playing field, and the fact that they are not is costly to districts.

Often during testimony, elements of the defense will become at issue which then permits the plaintiffs' to exercise discovery rights. Because the discovery now takes place during the hearing, the process is slowed down significantly. Since discovery is simply the accumulation of relevant facts to be considered, all relevant information must be amassed prior to beginning the hearing to expedite the process.

It is also essential to allow termination without a 3020-a hearing for lack of appropriate certification. Without proper certification, a teacher is illegally in his or her position. Districts should not have to spend scarce resources to remove a teacher who lacks or has lost the required certification for his or her position.

IV. Teacher preparation, certification and education programs to ensure that teachers are properly trained to best educate our students.

Teacher preparation

We will devote more consideration to what changes should be made to teacher preparation and certification programs. However, one consistent theme we hear from superintendents is that classroom experiences is that should begin earlier and go on longer. The best programs begin with some exposure in the sophomore year of college and involve multiple student teaching experiences during the junior and senior years.

Prospective teachers should also have experiences with varied types of students – those requiring remediation, English language learners, and students with disabilities.

Teacher preparation programs need to provide some exposure to current state initiatives, especially the Common Core Standards and data-driven analysis of student needs and instructional impact. But teachers must also be equipped with a broader perspective including the history of education, content knowledge, pedagogical practice, child development and other topics.

Generally, there is a sense that the requirements to enter the teaching profession in New York State should become more rigorous.

Certification areas

The current configuration of teacher certification areas is unwieldy and obstructs sound staffing decisions. We have proposed these changes to the Board of Regents:

- Revise and simplify elementary certification areas to a single preschool through grade 5 designation.
- Revise and simplify special education certification areas, specifically one certification for preschool through grade 5 and one for grades 6 through 12.

- ❑ Make grades 7 through 12 science a single certification area as currently is the case in mathematics or at minimum, permit more teaching outside of current certification areas.
- ❑ Amend the action taken by the Regents in the spring of 2010 which allows a teacher to move up or down two grade levels for a two-year period without requiring additional coursework. The two-year limit should be eliminated and if a teacher is evaluated to be effective or highly effective at the new grade level, the additional coursework should be waived.

Professional development for superintendents

The Council provides extensive professional development opportunities for superintendents and potential superintendents. We conduct a formal year-long Future Superintendents Academy, as well as a year-long New Superintendents Institute and programs for second and third-year superintendents. Over time, the average starting age for superintendents has increased, compressing the typical career span. As a consequence a greater proportion of a newer superintendent's career would be spent learning the job. Accordingly, we expanded and refined our early career programs.

One trend we are seeing now is that an increasing proportion of new superintendents are coming directly from principal positions, with no central office experience and thus less preparation for some of the more political aspects of district leadership – working with an elected board and engaging with the community. These are especially challenging roles today, with schools attempting to manage new mandates, rising educational expectations and resource constraints.

V. Expectations and accountability systems for teachers and principals, including the implementation of APPR, as well as superintendents, administrators, and school boards.

Implementation of new teacher and principal evaluation requirements

We have always supported the central thrust of the new teacher and principal evaluation requirements: to assure that actual impact on student learning becomes a key factor in evaluation in every school and district. Our members, as well as others in schools, have been doing their best to implement the new requirements. That work has been complicated and delayed by litigation and legislative changes, by prescriptive requirements and sometimes haphazard guidance coming from the State Education Department, and by unprecedented collective bargaining mandates.

Although roughly one-quarter of districts have submitted plans for both teachers and principals, the effects of the new requirements are already more widespread.

On the positive side, we believe worthwhile discussions about how student achievement should be factored into evaluations have become commonplace and classroom observations of teachers are being conducted with more intention and rigor.

On the negative side, implementing the new requirements is provoking anxiety among educators. Some of that is to be expected with any change that has the potential to affect employment, advancement, and compensation. But it has been compounded by the pace and complexity of what SED is requiring. In other states, it has been common to employ a “test-run” – to go through the new evaluation procedures in the first year without attaching consequences to the results.

One aspect of implementation is especially vexing for district leaders and educators right now – the development of Student Learning Objectives. SLOs are required for teachers and principals working in grades not covered by state assessments – about 80 percent of all teachers. They require setting goals for a teacher’s students at the beginning of a course and then measuring attainment of the goals near the end, measured through either a state assessment, a state-approved third party assessment, or a locally developed assessment of verified rigor and comparability.

SLOs are being used in other states but to our knowledge, no other state has attempted to require SLOs for so many teachers so fast.

The new evaluation requirements are sometimes characterized as “the mother of unfunded mandates.” In a survey we conducted last summer, 91 percent of superintendents agreed with the statement that implementing activities called for under the state’s Race to the Top reform agenda will significantly exceed the funding their district expects to receive from the RTTT grant (outside the Big 5 cities, the average district grant is about \$100,000 paid over four years). In another question, 81 percent of superintendents said they were concerned that cost considerations will prevent their districts from implementing the new evaluation requirements in a manner that would best serve students. We expect both percentages would be higher if we asked superintendents the same questions today.

Some of the costs districts encounter are for training in the new requirements and paying teachers for time outside the regular school schedule. Another cost is for purchasing additional standardized assessments. Partly to enhance the likelihood that evaluations can survive appeals by teachers, districts feel pressured to buy vendor developed assessments for use in SLOs and/or in the 15 to 20 percent of the evaluation to be based on locally assessed measures of student growth. Beyond the cost, this also raises concerns about the volume of time consumed by standardized testing.

One possibility to simplify implementation which we are exploring is to allow districts to use a school-wide measure of student growth in literacy as either the SLO for teachers in non-state-tested subjects, or the locally selected student achievement measure for teachers who work in state-tested subjects.

Superintendent and school board evaluations

We have heard it noted that the new law requires student achievement to be a factor in evaluations of teachers and principals, but not for school boards or superintendents. Our response is that school boards are evaluated by voters in all but two districts (by mayors in New York City and Yonkers) and superintendents are evaluated by those lay boards. Neither board members nor superintendents enjoy tenure; superintendents work under contracts of three to five years. Student performance is almost universally a factor in local superintendent evaluations and is in the model evaluation we offer.

We might wish that outcomes for students were a more explicit issue in more school board elections, but are unsure how state could act to make that happen. Already, it is hard to think of any institution that publishes more performance and fiscal data than public education in New York State. One suggestion would be to require an annual district presentation and public hearing on school report card findings.

School and district accountability

We welcome the changes in school and district accountability which will come from the waiver of federal Elementary and Secondary Education Act (ESEA) requirements recently approved by the U.S. Education

Department. We do favor expanding measures of college and career readiness beyond performance on Regents Exams, but strongly support the introduction of a growth measure into school accountability determinations. The “Reward School” component holds promise to address a long-standing goal of the Council – to move toward performance-based regulation, allowing more flexibility to high performing schools or districts. We also believe that district schools should be enabled to obtain some of the flexibility currently accorded to charter schools.

Intervention in chronically failing districts or schools

The State Education Department has proposed legislation to empower more forceful state intervention in the worst performing schools and districts. We oppose the proposal, chiefly because it does not go far enough. It focuses on boards and superintendents. This is like attempting to turn-around a losing sports team by replacing the general manager and coaching staff, but none of the players.

In our 2007 Education is a Right reform agenda, we recommended that in chronically failing schools or districts, the Education Commissioner should be authorized to approve leadership appointments and reappointments, require boards to face special elections, and waive tenure protections to facilitate replacement of school staff, as warranted. We must be careful not to make struggling schools into places where no one will choose to work. But one of the goals should be to create consequences sufficient to force all the local adults to come together on a real plan to benefit students so that those consequences are averted.

VI. Role of superintendents

We will conclude with a few words about the role of school superintendents.

Superintendents play the pivotal role in translating state policies into effective local practices. Teachers and other frontline professionals may conduct whatever activities become mandated, but superintendents are at the front of the line in being held accountable for assuring those mandates are faithfully executed. More than assuring strict, “by-the-book” compliance, however, is our duty to ensure that state policies are executed in a way that best advances the communities and students we serve.

We know that the unit of change is the school and that the most essential factor in a child’s education is the teacher. We are responsible for the recruitment, selection, induction, tenuring, development, evaluation, and compensation models of those teachers and principals – and connecting them all to student achievement.

We set the goals, create the models, see the bigger picture set by history and context, and most importantly, bring the people together.

The superintendent is the steward of those schools and sets the standards for those teachers. S/he connects the people; connects the learning, operations, and community; aligns the work from preschool through high school; sets the bar; and determines what will get done (and not). If it’s important to a superintendent, it gets done.

We are CEOs and we are in classrooms, at school events, and developing leaders. On any given day you will find us observing a teacher, participating in instructional rounds with principals, holding a discipline

hearing, meeting with worried parents, planning an agenda with our board president, working on a budget presentation with an assistant superintendent for business, reviewing achievement data with principals, conferring with an attorney one of many issues, and on and on – curriculum, finance, character development, education law, special education, teacher evaluation, and much more – in one day.

The motto on the first page of this testimony is intended as both a plea and pledge – a request that you and other policymakers put “kids first – in every decision,” and a promise that we will do so as well.