



Testimony to the New York Education Reform Commission

October 11, 2012

Good morning. On behalf of the Suffolk County School Superintendents Association (SCSSA) and the Nassau County Council of School Superintendents (NCCSS), I wish to thank you for giving me the opportunity to address the New York Education Reform Commission. My name is Gary Bixhorn, and I am the chairperson of the Suffolk County School Superintendents Association’s Legislative Committee.

The members of the organizations I represent appreciate the goal of the Commission to identify “actionable solutions to improve New York’s public education system in order to better meet the needs of its students while also respecting the taxpayer.” SCSSA and NCCSS members have accepted the challenge of managing our region’s schools during these exceptionally difficult times and stand ready to help the Commission meet this goal. Accordingly, the suggestions we make this morning are actionable and realistic.

Although we have many ideas related to the Commission’s interest in “Teacher and Principal Quality and District Leadership,” as well as “Student Achievement and Family Engagement,” this testimony will focus on “The Structure of New York’s Public Education System.” In addition, as representatives of Long Island’s school districts, we believe it is our responsibility to separate the reality from the perception of Long Island, so I will take a few minutes to discuss that as well.

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The Reality of Long Island

Long Island is perceived as being uniformly affluent by many who influence state policy. However, the reality differs significantly from this perception. An examination of the facts indicates that while our schools continue to outperform the rest of the state, economic and demographic conditions do not match perceptions.

- Long Island students outperform their peers from across the rest of the state on every assessment (including the ELA and math assessments as well as Regents examinations) administered by the State Education Department (SED).
- Long Island schools eliminated 1,820 positions between 2010-11 and 2011-12, resulting in 932 staff members being laid off.
- Long Island schools eliminated another 1,233 positions between 2011-12 and 2012-13, resulting in an additional 682 staff members being laid off.
- Over 40% of the students on Long Island are enrolled in school districts that fall below the state wealth average (41.7%). Only 16% are enrolled in the wealthiest school districts (CWR > 2.0).
- Due to higher regional costs, \$1 purchases only \$.65 worth of goods and services on Long Island according to the SED cost index.
- Long Island's income wealth per pupil has dropped dramatically since 1999-2000, from nearly 40% to just 13% above the state average.
- New York State funds only \$.23 of every \$1 spent on Long Island education (23.1%).
- Long Islanders fund educational services across the state. A December 2011 Rockefeller Institute study found that the "downstate suburbs," including Long Island, provide 27.4% of New York State receipts, yet only 17.7% of state expenditures are directed to the region.
- Long Island schools enroll 17% of the state's students yet receive only 12% of school state aid.
- If every penny of aid allocated to the wealthiest Long Island school districts was redistributed to the rest of the state, it would result in just a \$39 per pupil increase. These school districts fund nearly 90% of their budgets with local property taxes.
- Over 20% of students on Long Island qualify for Free/Reduced Price Lunch according to federal guidelines.
- Between 2010-11 and 2012-13, the percentage of low-wealth school districts with an average class size over 25 grew from 15% to 32% at the elementary school level, 48% to 68% at the middle school level, and 40% to 60% at the high school level.
- Between 2010-11 and 2012-13, the percentage of mid-wealth school districts with an average class size over 25 grew from 3% to 13% at the elementary school level, 32% to 47% at the middle school level, and remained unchanged at the high school level (48%).
- Between 2010-11 and 2011-12, one-third of low-wealth school districts significantly (10%+) reduced career and technical education (CTE) opportunities for students, while one-fifth of these school districts made similar cuts to alternative education programs. Another 18% of these districts made significant cuts to CTE programs between 2011-12 and 2012-13.
- Long Island schools eliminated 235 Interscholastic Athletic Teams between 2010-11 and 2011-12.
- Between 2010-11 and 2011-12, 11% of all Long Island school districts made significant (10%+) reductions to middle school athletics. Another 11% of school districts made significant cuts (10%+) to middle school athletics between 2011-12 and 2012-13.

Recommendations to Promote Fair Distribution of State Aid

A Foundation Formula that truly works and provides all regions with an appropriate allocation of state support will provide a solid financial base from which we can move forward. Therefore, it is recommended that state funding of education be overhauled as follows:

- Modify the Foundation Formula to utilize a regional cost index that recognizes the true costs of “doing business” across the state.
- Modify the Foundation Formula to utilize wealth and poverty measures that are regionally sensitive.
- Modify the Foundation Formula to utilize a sharing ratio that generates a reasonable, as well as a minimum and maximum, level of expected local effort.
- Reinststate true expense-driven transportation aid to offset growing dependence on local property taxes to fund state-mandated transportation services.
- Increase Reorganization Incentive Aid to provide a 100% increase in Foundation Aid for the newly formed school district. Decrease the allocation by 10% annually for each of the next five years after reorganization. After the five-year decrease, the new base is set.
- Support the introduction of a “CTE Pathway” to high school graduation by promoting the coordination of school-based career academies with regional BOCES career and technical education (CTE) programs through enhanced BOCES Aid.
- Undertake a comprehensive review of all state mandates established pursuant to federal law to determine the extent to which state mandates exceed federal requirements. In those instances where state mandates exceed federal requirements, the state should fully fund the cost of services provided in accordance with those mandates.

Recommendations to Reduce Property Tax Dependence

New York State should become a full partner with local property taxpayers and provide a level of aid equivalent to 50% of the statewide cost of education.

Additional aid generated by the increased share should be distributed to school districts through the enhancement of existing and the introduction of new expense-driven formulas that partially reimburse school districts for the following mandated/state-set expenses:

- Special education services
- New York State Health Insurance Plan (NYSHIP) premiums
- New York State pension system (ERS and TRS) contributions

Recommendations to Promote Sustainability

Structural change must occur in order to assure that our schools are sustainable. In order to preserve the excellence that our students deserve and our communities expect, laws and regulations must be modified to promote the following:

- Authorize an expanded role for teacher assistants, or a team of teacher assistants, to provide instructional services under the direction of a master teacher. Schools can be staffed differently today than in the past.
- Establish a regionally sensitive statewide collective bargaining agreement for teachers. Teaching personnel across the state should have common working conditions and patterns of compensation.
- Change staffing requirements to maximize cost savings resulting from the expanded use of technology to provide instructional services.
- Establish a separate funding mechanism for charter schools. Public schools should not be the source of funds for charter school businesses.
- Provide SED with improved capacity to support school districts interested in functional consolidation.

Mandate Relief Recommendations

State mandates drive local school costs. Opportunities to relieve school districts of mandates have been identified but not yet acted upon. The SCSSA and NCCSS join the Lower Hudson Council of School Superintendents (LHCSS) in supporting the following mandate relief proposals:

- Require a “review” of new mandates that includes a comprehensive cost analysis and the definitive funding source.
- Freeze and review all currently proposed and pending mandates.
- Fund or reduce mileage limits (15 to 5 miles) for private school out-of-district transportation.
- Allow consolidation of services under established contracts.
- Limit special education out-of-district transportation when Free Appropriate Public Education is provided.
- Allow districts to establish a TRS reserve fund.
- Legislate pension reform/TRS contribution restoration (pre-1998).
- Establish a 55/25 “exit clause” for Tier 3/4 members who are 55 and older (in 2011) to create “entry” opportunities for new Tier 5 and “6” TRS contributors.
- Cap/control health care premium costs with a statewide plan and limited employer contributions.
- Utilize federal class size standards for students with disabilities and resource rooms while maintaining a continuum of services and supports for students.
- Amend Education Law 3602 that creates entitlement to special education for students parentally placed in private schools and cap school district contributions to out-of-district placements while ensuring that comparable programs are offered by the school district of residence.
- Eliminate the requirement that an individual evaluation includes specific assessments as prescribed by Education Law 4402(1)9b(3)(a).
- Amend the law (A.5396-A/S.5972-A; Chapter 583) that shifted the burden of proof from parents to schools and that is counter to the 2007 Supreme Court decision.

Thank you for your time and attention to our ideas. Long Island superintendents are proud to be an integral part of the public education system in our region. The data indicates that the finest public schools in the nation are in our region. If Long Island were a state, we would be ranked at or near the top of every outcome measure. While we acknowledge that there is a wealth and resource gap on Long Island, and there are many children who need access to improved services, we believe that every child in New York State deserves a Long Island-quality education. The state should seek to assure that all students have access to the same programs provided in the region’s highest performing schools. The state should support educational reforms that “level up” all schools to match Long Island’s best. The Commission has the opportunity to move the state in the right direction and Long Island’s superintendents are prepared to help.

