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September 6, 2012

Dear Members of the New York Education Reform Commission:

The Lower Hudson Council of School Superintendents applauds the Governor and his team and members of the Education Reform Commission for their efforts to gather input from stakeholders on ways to meet the needs of students in a manner that is both fiscally and educationally responsible.

We also commend the Governor for establishing a commission to study mandate relief reform. His administration has shown a willingness to understand the complexity and potentiality of issues and react in accordance with what is best for New Yorkers, not for special interest groups. His recent veto of a law that would have added to the burden of unfunded mandates is an example.

We now hope to see both reason and relief in other areas. There is a strong desire to reform New York's education system but efforts must be firmly grounded in substantive research, occur within a manageable timeframe, and consider the fiscal challenges of the times. They must also include the flexibility to address the unique needs of school systems in our very large and diverse state.

We represent 226,000 students from 77 school districts with annual education expenditures of over \$5 billion. We have recently collaborated with Nassau and Suffolk County superintendents to develop recommendations for mandate relief. These were presented to the Governor's Mandate Relief Commission. Our three organizations include leaders from 200 districts, representing 700,000 students. Many of our schools are nationally recognized for their academic excellence. We offer our experience, expertise, and willing partnership.

The LHCSS is strongly in favor of responsible teacher and principal evaluation and professional growth tied to ambitious teaching and leadership standards. The new APPR and the interest of the Governor, SED, and others have ensured that all districts attend to this critical endeavor.

We also bring recommendations and perspectives that will reaffirm that which you have already heard or serve as new ideas which may reflect variations on the themes of the current reform agenda:

1. New York needs to make the prevention of costly learning failure a greater priority.

- Reassess current funding priorities to strengthen learning foundations. There is abundant evidence on the economic value and societal benefits that an emphasis on pre-school and early childhood education with wraparound services provides.
- Reassess current funding priorities to enhance training for Response to Intervention services before having to classify students. New York has one of the costliest and most regulated special education systems in the nation. We can reduce costs and raise student achievement if intervention occurs early and comes with adequate instructional support, especially in the elementary years. The greatest expenses related to this work are for staff training and embedded remedial support.
- Reassess current funding priorities to provide summer school for students who will be most affected by a summer learning lag/gap. Many students fail to maintain their skills during summer recess. These are often students who do not benefit from the summer enrichment children in more affluent homes experience.

2. New York needs to provide flexibility within the current framework of reform.

- New York currently has 204 special education mandates that exceed federal guidelines. Over the past 5 years special education costs in the state have grown by 40% from \$7 billion to over \$10 billion per year. Current law limits the number of special education students in a class. While there are situations that require smaller teacher-student ratios, there are times when districts should be allowed to deliver instruction in larger settings without having to seek state approval. In addition, current law requires that every initial evaluation includes specific assessments, even when the educators know that these are not required. The requirement for mandated screening tests should be relieved.
- Certification needs to be streamlined and simplified to allow districts to assign staff based on student needs, not rigid certification rules. Currently there are multiple certificates for overlapping grade levels that have been established at various points in time to achieve goals established by advocates seeking stronger specialization. Such specialized certificates at the elementary level, the secondary sciences, second languages, and special education also affect matters of seniority during layoffs which affect a district's ability to match a teacher with student needs.

- School districts and the schools within them are complex organizations with different needs and diverse socio-economic and cultural dynamics. They come in various sizes. While it is understood that there need to be common expectations and standards, there also needs to be flexibility in how districts meet them, including the kinds of flexibility that has been afforded experimental charter schools.

3. New York needs to place a greater emphasis on future-oriented learning experiences for students.

- We are concerned that an overemphasis on expensive testing will narrow the instructional focus at a time when it is essential that student learning experiences are broadened. Given limited funding, educational priorities should place a greater emphasis on 21st century skills.
- Reassess the extent of the current focus on standardization and teacher accountability via student test results that is diverting resources and limiting educators' efforts to deliver a diverse, flexible, and future-oriented curriculum that teaches such topics as computer sciences, digital graphics, robotics, information technology, digital literacy, global competencies, cyber-safety, etc. The critical and creative thinking skills required for such tasks need to occur via authentic assessments or problem-based learning for which hard quantification is often difficult.

(The United States leads the world in utility patents (patents for innovation). According to the U.S. Patent and Trademark Office, in 2010, the U.S. was granted 95,037 patents. All other countries combined for 96,896 innovative patents. The U.S. is responsible for almost 30% of all patents. Much of this comes from an innovative and entrepreneurial population that was educated in public schools that have never been competitive on international test rankings but have produced an intellectual workforce that has contributed to an economy that has been ranked either first or second out of 139 nations on the World Economic Forum's Global Competitiveness Index.

The U.S. ranking has been the most consistent of all countries, in spite of its less than stellar public school test scores. Researchers have found no statistically significant relationships between the top performing economies in the world and student performance on international tests. The LHCSS's concern is that the overemphasis on testing and narrowed curriculum will constrict the kinds of innovative learning experiences that will continue to produce the creative minds and entrepreneurial spirit that have fueled our economy.)

- Allow curricular flexibility for innovative and creative learning experiences. New York has led the nation in Intel semi-finalists. The roots of this success come from learning

experiences that inspire curiosity and spark imagination and from teachers who encourage initiative and independence.

While we are in an age of data, we are also going through a digital revolution and will need students who not only have strong skills in reading, writing, and math but have been taught to think critically and creatively through problem-based learning that infuses technology tools and experiential learning.

- Reallocate current funding priorities to promote career and technical education experiences. Due to fiscal restrictions, districts have had to limit the number of seats that they can fund in this area. If we continue on this path, we will have a critical shortage of technicians and those in related trades. With the concern about the decrease in students entering STEM-related post-secondary programs, experiential learning needs to be expanded.
4. **New York needs to ensure that the current schedule for the implementation of reforms is both practical and affordable. The LHCSS is concerned about the rapid rate and complexity of the current model, as well as the evidence that supports certain components.**
- Conduct an analysis of the cost impact that the current mode of change is having on organizations throughout the state. Can this reform be sustained over time? Can it be done with a more meaningful and collaborative engagement with the leaders of school districts and those in the field within the structure of a reasonable timeline that accounts for funding availability, the labor and responsibilities of those being asked to make the changes, and research on effective change?
 - Conduct an independent study of the research that will unequivocally demonstrate the educational benefits of the new reforms, specifically the use of student test scores to assess teachers and the use of Common Core Standards to raise student achievement.
 - Conduct an independent study of the research that supports the relationship between test scores and economic prosperity.
 - Conduct an analysis of the cost-benefits of these reforms. How much has been expended? How did the State Education Department's strategic plan for implementation project the costs versus the return on investment following the receipt of Race to the Top funds?

5. New York needs to ensure that the current reforms will provide a return on investment. LHCSS is concerned that the increased amount of testing will not be worth the educational return on the multi-million dollar investment.

- Establish with conclusive documentation that school districts throughout the state are positioned to fund the mandated costs of New York's commitment to Race to the Top. In a survey of eighteen LHCSS districts with varying needs and diverse socioeconomic groups, it was determined that while these districts received an aggregate of **\$520,415** in Race to the Top funding for 2011-12, it has cost these districts **\$6,472,166** to implement the mandates associated with the Common Core Standards, new testing, supportive technologies, and professional development over the past two years. Local taxpayers are obligated to fund **\$5,951,751** for these controversial and untested reforms.
- Develop a clear and objective understanding of the initiatives that will be sacrificed to accommodate New York's current set of reforms. LHCSS superintendents have shared that in order to fund these mandates, they have had to sacrifice local priorities and cut programs and staff. The new mandates have derailed strategic plans, in some cases, forcing districts to divert funding for programs geared to prepare students for a 21st century workplace. One superintendent in a high-performing district in southern Westchester listed several initiatives that will now take a backseat to APPR driven costs:
 - "The APPR initiative takes us backward -- has us spending time and money implementing flawed evaluation methods from the 1950's and '60's – and diverts resources (time, money and energy) from our efforts to meet high global standards for the new century.

For example, we are having to postpone the extension of Mandarin instruction down to grade 6 and the addition of Arabic. Our professional development aimed at local needs, especially Lesson Study, and our new Center for Innovation (aimed at school and teaching re-design for 21st century and linked to enhanced uses of technology) will be unfunded or underfunded.

The initiative is also draining resources from efforts to develop local performance assessments of critical and creative thinking and non-standard problem-solving. Likewise, it is compromising our efforts to implement an international standards initiative in collaboration with Columbia University and high performance schools in Singapore, Shanghai, Finland, Australia, and Canada.

In addition, the time, energy and money devoted to APPR compliance are draining resources that could otherwise support real and virtual global interactions with

students and schools overseas, as well as the development of interdisciplinary studies in a non-traditional school day."

- LHCSS districts have shared that plans to expand such ventures as a robotics programs, career-tech tuitions for students, and iPad pilots have been postponed because of diverted resources and the expenditure of time that is now devoted to APPR mandates.
- LHCSS districts, especially those having the greatest difficulty managing their budgets under the tax cap, have had to reduce staffing in instructional and non-instructional roles, driving up class sizes and eliminating non-mandated programs and services. In Haverstraw-Stony Point, between 20 and 30 teachers were reduced over a two year period to fund close to \$2 million dollars obligated for the APPR requirements. These cuts have caused class sizes to increase, which is counterproductive in a district that is already challenged by a need to close the achievement gap for many of its students.
- LHCSS districts have also reported reductions in staffing, including curriculum leaders who would have helped to facilitate the transition to the Common Core and the new assessments. State education officials will cite the support of regional network teams working out of the BOCES throughout New York as resources. These teams are adequate for some training, such as providing overviews and follow-ups, but are no substitute for the support that is needed on a day-to-day basis within each district. Given the rapid, radical, and complex rate of transformation, internal professional development support, such as literacy coaches, is being diminished to fund the new mandates.

There is a cost that may be greater than the outlay in dollars. Teachers and administrators stressed by the rapid change, the demand for accountability via the new testing and observation requirements, and the everyday challenges that they already face, are likely to abandon initiatives that may be innovative and beneficial for preparing the next generation of critical and creative thinkers that this nation needs to prosper.

In 2011, the Committee on Incentives and Test-based Accountability in Education of the National Research Council, in its report, "Incentives and Test-Based Accountability in Education" raised concerns about a narrowing of the curriculum. The report warned that an overly aggressive focus on testing may have a chilling effect on the creative and innovative spirit of teachers and principals. In an effort to raise scores, schools and districts are already reducing instruction in the arts, music, and other non-tested resources, such as social workers or counselors.

It is imperative that New York, along with the rest of nation, resist what appear to be simplistic solutions to complex problems. While seductive, such silver bullet measures that come in the form of unaffordable, untested, and experimental evaluation systems, have the potential of causing irreparable damage to both New York's public schools and the economy and perhaps truly put the nation at risk.

Bill Gates, a leader in school reform, recently warned, "If states and school districts feel pressured to rush out new systems, those systems could evaluate teachers unfairly and fail to help teachers improve. That would be a disaster. A flawed execution of a good idea could convince people it is a bad idea – and that could kill this push for reform."

We ask that the state's leadership – political and education – use this commission as an opportunity to more closely examine the cost benefits related to the ongoing initiatives. We are not alone among the many state and national organizations that have strong reservations about the design, expense, and eventual effectiveness of the current plan. This may be the last opportunity for the state to adjust course before an even more costly and wasteful mistake is made.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Mitchell". The signature is fluid and cursive, with a large initial "K" and "M".

Ken Mitchell, Ed.D.

Executive Committee Lower Hudson Council of School Superintendents