

BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

JOINT LEGISLATIVE HEARING

In the Matter of the
2014-2015 EXECUTIVE BUDGET ON
ELEMENTARY AND SECONDARY EDUCATION

Hearing Room B

Legislative Office Building
Albany, New York

January 28, 2014
10:12 a.m.

PRESIDING:

Senator John A. DeFrancisco
Chair, Senate Finance Committee

Assemblyman Herman D. Farrell, Jr.
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Liz Krueger
Senate Finance Committee (RM)

Assemblyman Bob Oaks
Assembly Ways & Means Committee (RM)

Senator John Flanagan
Chair, Senate Education Committee

Assemblywoman Catherine Nolan
Chair, Assembly Committee on Education

Assemblywoman Earlene Hooper

Senator Malcolm Smith

Assemblyman William Colton

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Elementary & Secondary Education
1-28-14

PRESENT: (Continued)

Assemblywoman Jane L. Corwin

Senator Cecilia Tkaczyk

Assemblyman Edward P. Ra
Assemblyman Michael Cusick
Assemblyman Kenneth Zebrowski
Assemblywoman Barbara Lifton
Senator George S. Latimer
Assemblywoman Joan L. Millman
Assemblyman Al Graf
Senator Diane Savino
Assemblyman James F. Brennan
Senator Simcha Felder
Assemblyman Steven Otis
Assemblyman N. Nick Perry
Senator Michael H. Ranzenhofer
Assemblyman Joseph R. Lentol
Assemblywoman Shelley Mayer
Senator Jack Martins
Assemblyman Clifford Crouch
Senator Carl L. Marcellino
Assemblyman Raymond Walter

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PRESENT: (Continued)

Senator Terry Gipson
Assemblywoman Ellen Jaffee
Senator Gustavo Rivera
Assemblyman Phillip Goldfeder
Senator Velmanette Montgomery
Assemblyman Steve Englebright
Assemblywoman Deborah J. Glick
Assemblyman Jeffrion L. Aubry

Assemblywoman Patricia Fahy
 Assemblywoman Sandy Galef
 Assemblyman Thomas J. Abinanti
 Assemblyman Francisco P. Moya
 Assemblyman Steven F. McLaughlin
 Assemblywoman Amy Paulin
 Assemblyman Joseph S. Saladino

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1 CHAIRMAN FARRELL: Good morning.
2 Today we begin the second in a series of
3 hearings conducted by the joint fiscal
4 committees of the Legislature regarding the
5 Governor's proposed budget for 2014-2015. The
6 hearings are conducted pursuant to Article 7,
7 Section 3 of the Constitution, and Article 2,
8 Section 31 and 32A, of the Legislative Law.

9 Today the Assembly Ways and Means
10 Committee and the Senate Finance Committee

11 will hear testimony concerning the budget
12 proposals for elementary and secondary
13 education.

14 I will now introduce members of the
15 Assembly, and then Senator DeFrancisco,
16 chairman of the Senate Finance Committee, will
17 introduce members from his conference.

18 We are joined by Assemblywoman Cathy
19 Nolan, Assemblywoman Earlene Hooper,
20 Assemblyman William Colton, Assemblyman
21 Michael Cusick, Assemblyman Ken Zebrowski,
22 Assemblywoman Barbara Lifton, Assemblyman
23 Brennan, Assemblywoman Joan Millman,
24 Assemblyman Steve Otis, and Mr. Oaks.

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1 ASSEMBLYMAN OAKS: Thank you,
2 Chairman.

3 We are also joined by Assemblyman Ra,
4 Assemblywoman Corwin, and Assemblyman Graf.

5 CHAIRMAN DeFRANCISCO: And from the
6 Senate Majority we have Senators Felder,
7 Martins, and Marcellino.

8 SENATOR KRUEGER: Hi, I'm ranker Liz
9 Krueger. And from the Democratic Senate we
10 have Senators George Latimer, the ranker on
11 Education; Cecilia Tkaczyk; Terry Gipson;
12 Gustavo Rivera; and Malcolm Smith.

13 CHAIRMAN FARRELL: But before
14 introducing the first witness, I would like to
15 remind all of the witnesses testifying today
16 to keep your statements within your allotted

17 time limits so that everyone can be afforded
18 the opportunity to speak. Yesterday we went
19 until 6 o'clock when we were supposed to end
20 at 3:00. So we'll try very hard not to do
21 that, and the senator will tell you about the
22 timing.

23 CHAIRMAN DeFRANCISCO: Well, the
24 timing, do you see clocks? We've got clocks

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1 here, we've got clocks as far as the
2 witnesses. And your time is allotted, it's on
3 the clock. And then once you're done
4 speaking, each senator and assemblyperson will
5 be given seven minutes to ask questions.

6 Now, if you want more questions, we're
7 not precluding it, you just have to go to the
8 end of the line and let everyone else have an
9 opportunity to ask some questions as well.

10 So that's the way we'll proceed, and
11 hopefully we can stick by the time limits and
12 it will help especially all the later
13 witnesses that have to wait here for the
14 longest time. Thank you.

15 CHAIRMAN FARRELL: Thank you.

16 First to testify is Dr. John B. King,
17 Jr., Commissioner of the New York State
18 Education Department.

19 Good morning.

20 COMMISSIONER KING: Good morning.

21 Thank you, Chairman Farrell and

22 Chairman DeFrancisco, Chairwoman Nolan, for
Page 8

23 the opportunity to testify before the
24 committee, and thank you to the members of the

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1 Senate and Assembly for gathering for this
2 conversation this morning.

3 I'm joined at the table by our
4 executive deputy commissioner, Beth Berlin;
5 our deputy commissioner for curriculum
6 assessment and educational technology,
7 Ken Wagner, to my right; and our deputy
8 commissioner for P-12 education, Ken Slentz,
9 to my left.

10 I'm pleased to have this opportunity
11 to talk with you today about the work that the
12 Board of Regents and the department are
13 engaged in to ensure the college and career
14 readiness of all students in New York and the
15 budget proposals put forward by the Board of
16 Regents.

17 As you all know, the work of raising
18 student achievement in New York State is
19 critical to the state's long-term economic
20 success and critical to the health of our
21 communities and ultimately our democracy.
22 More than that, it's critical to the future of
23 every individual student. Last year in New
24 York State, after a decade of progress, we

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1 graduated 74 percent of our students. And we
2 all understand the life prospects for those

3 who after four years of high school do not
4 even have a high school diploma. But among
5 that 74 percent who graduated, less than half
6 of those students graduated with the skills
7 necessary to enroll in and succeed in
8 credit-bearing college courses.

9 And we all know how that plays out on
10 college campuses throughout the state. In our
11 community colleges across the state, a
12 majority of entering students are required to
13 take remedial courses, high school classes for
14 which they and their families pay college
15 prices. We know in our highest-needs
16 communities those numbers can be as high as 80
17 percent of entering students required to take
18 remedial courses. And across our campuses,
19 our two-year and our four-year, too many
20 students who start college don't finish
21 because they don't have the skills that they
22 need to succeed while they are there, or they
23 graduate without the skills they need to
24 succeed in the 21st century economy.

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1 Those numbers are particularly stark
2 for our highest-needs communities. In
3 New York City, one in four students after four
4 years of high school is prepared for college
5 and career success. In Rochester, that number
6 last year was just about one in 20. And in
7 Wyandanch, on Long Island, that number is
8 lower than one in 30.

9 So despite having some of the
10 highest-performing schools and districts in
11 the country, we can all agree that we have
12 work to do to ensure that all of our students
13 have access to the full range of opportunity.

14 I know personally the difference that
15 quality education can make. If not for the
16 educational experience I had at P.S. 276 in
17 Canarsie, Brooklyn, I wouldn't be sitting here
18 today. When I was in fourth grade, when I was
19 8 years old, my mom passed away. And I was in
20 Mr. Osterweil's class at P.S. 276, my father
21 was very sick, and Mr. Osterweil was my
22 teacher in fourth, fifth, sixth grade. And
23 because of Mr. Osterweil, I'm here today.

24 He could have given up on me. He

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1 could have said: Here's an African-American/
2 Latino young man in Brooklyn with a difficult
3 home situation; what chance could he have?
4 But he didn't. Instead, he invested in me,
5 invested in my education. He created a
6 classroom environment that was at once
7 rigorous and engaging, at once demanding and
8 nurturing. We read the New York Times every
9 day in his class, we did a production of
10 "Midsummer Night's Dream," a production of
11 "Alice in Wonderland." He made class a place
12 where I wanted to be, where I felt safe and I
13 felt the opportunity to learn.

14 We owe that to all of our students.

15 And the reason I became a teacher and a
16 principal, why I do this job today, is in
17 order to create for all students those kinds
18 of opportunities that were given to me.

19 I have no doubt that today we will
20 talk about the challenges that come with
21 raising standards for teaching and learning.
22 But it's worth remembering why the Board of
23 Regents acted to adopt higher standards for
24 teaching and learning in 2010, why the State

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1 Legislature and Governor joined with the Board
2 of Regents in seeking Race to the Top funding
3 to support an ambitious reform agenda. We
4 looked out at the state and saw two
5 significant challenges. One, tragic
6 achievement gaps, the reality that 50 years
7 after the March on Washington we have a
8 graduation rate for white students in the
9 state that's 85 percent and for black and
10 Latino students that is 58 percent.

11 And so we saw the challenge of the
12 achievement gap, but alongside that we saw the
13 challenge of ensuring that all students in all
14 communities across the state are prepared to
15 succeed in the 21st-century economy. All of
16 you, like me, talk with business leaders from
17 across the state and hear about the struggles
18 finding employees who are ready to succeed in
19 today's economy.

20 And so those twin challenges, closing

21 the achievement gap and ensuring that all of
22 our students are ready for 21st-century
23 success, led us to join with 45 other states
24 in adopting the Common Core Standards

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1 developed by K-12 educators, higher education
2 faculty, business leaders, education
3 researchers from across the country, with the
4 clear mission of mapping back from college and
5 career success to the knowledge and skills
6 that students need at each grade level.

7 It's because of those twin challenges
8 that we joined with you, the Governor, with
9 NYSUT to adopt a new teacher and principal
10 evaluation system that tries to ensure that we
11 consider student learning as we evaluate
12 educator performance, and ensures that we can
13 provide strong professional development based
14 on good feedback on teacher practice.

15 And it's because of those twin
16 challenges that we have invested millions of
17 dollars in federal funds as well as state
18 resources in trying to identify innovative
19 solutions to the struggles of our most needy
20 and most challenged schools in the state. And
21 we've invested in innovative models like the
22 P-TECH school in Brooklyn, an early- college
23 high school, through a partnership between
24 CUNY and New York City DOE and IBM. We've

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1 invested in community school models around the
Page 13

2 state. But the operating principle has been
3 how do we create a community of schools across
4 our 700 districts that serve all students
5 well, regardless of zip code or race or the
6 language that they speak at home.

7 This reform agenda is translating into
8 positive change in classrooms. I visited over
9 50 schools since the start of the school year.
10 I've been in classrooms -- I was in a
11 classroom in Harlem where students were
12 talking about the common themes between The
13 Watsons Go to Birmingham and Roll of Thunder,
14 Hear My Cry, and the evidence for those themes
15 drawn from text. That richer conversation is
16 because of the work on the Common Core.

17 I was in two third-grade classrooms in
18 the William Floyd District doing math problem
19 solving, where the teachers had very different
20 classroom styles but students were engaged and
21 thinking about how do they see math not nearly
22 as a set of rules to be memorized but a set of
23 tools to solve real-world problems. And they
24 were excited about their learning, and that

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1 was because of the work on the Common Core.

2 Our EngageNY.org website has countless
3 stories from educators across the state --
4 superintendents, principals, teachers -- who
5 are leading in this work, who are trying to do
6 the work each day of raising standards because
7 they want to serve their students as well as

8 possible. We have videos from classrooms
9 across the state where students engage in
10 powerful learning opportunities thanks to the
11 work on the Common Core.

12 But of course there are districts and
13 schools that are struggling. There are always
14 challenges inherent in any effort to raised
15 standards across 700 districts and more than
16 4500 schools. But now is not the moment to
17 abandon our commitment to college and career
18 readiness. Now is not the moment to abandon
19 our commitment to higher standards and go back
20 to standards that we have all seen are not
21 adequate to meet our students' needs. Now is
22 not the moment to retreat from a new
23 evaluation system that provides better
24 feedback and professional development to our

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1 educators.

2 Instead, the Regents offer a state aid
3 proposal and a set of budget recommendations
4 that try to point a path forward to continuous
5 improvement. The Regents propose \$1.3 billion
6 in state aid, including \$300 million focused
7 on targeted investments in professional
8 development, curriculum and technology for
9 schools, and expansion of pre-K, particularly
10 for our highest-needs students, full-day pre-K
11 for our highest-needs students.

12 The Regents' legislative and budget
13 priorities include other recommendations for

14 how we advance the college and career
15 readiness of all of our students, increasing
16 our investment in career and technical
17 education, making TAP funding available to
18 support our early-college high schools, making
19 state financial aid available to our
20 undocumented students through the New York
21 State DREAM Act, increasing the state's
22 investment in the Higher Education Opportunity
23 Program, which has demonstrated time and time
24 again great results for high-needs students,

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1 and supporting the transition to a more
2 rigorous high school equivalency diploma by
3 investing in adult education and education
4 programs for out-of-school youth.

5 Finally, I want to close by sharing an
6 experience I had at one of the Common Core
7 forums that we did across the state in the
8 fall. It was an experience that was
9 reflective of the experiences I've had all
10 across the state talking with parents. In
11 Brooklyn I talked with a group of parents who
12 described their experience graduating from
13 high school thinking they were prepared, but
14 then arriving on a college campus only to find
15 that they were required to take remedial
16 courses and were unprepared for the work that
17 they faced.

18 And what was most powerful about the
19 message from those parents was that they want

20 something better for their children, they want
21 something more for their children, they want
22 to know that the state is committed to a set
23 of standards of higher expectations that will
24 ensure that their children are ready for

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1 college and career success. Their children,
2 all of our children, deserve nothing less.

3 with that, I'd be happy to take your
4 questions.

5 ASSEMBLYWOMAN NOLAN: Thank you,
6 Commissioner, very much.

7 There are a lot of members here who
8 want to ask questions. And I know we have to
9 keep to the time, so I will just be brief as I
10 can. And always enjoy the opportunity to
11 speak with you and your staff and want to
12 thank Chancellor Tisch for being here today,
13 and the support of the Regents as well. And
14 we appreciate, as always, your very
15 comprehensive testimony.

16 CHAIRMAN DeFRANCISCO: Excuse me.
17 Before you start, I just wanted to mention
18 that the chairman of the Senate Education
19 Committee, John Flanagan, is here, as well as
20 Senator Savino. And Senator Ranzenhofer, from
21 the far western netherlands.

22 ASSEMBLYWOMAN NOLAN: There are a lot
23 of members of the Assembly here. Someone's
24 going to help get me a list so I can

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1 acknowledge them all, and we'll do the best I
2 can to do that.

3 Let me just start off this way. The
4 department has proposed and, you know,
5 disclosed at this hearing but in your meetings
6 earlier this year a \$1.3 billion increase in
7 school aid. The Governor's budget, as you
8 know, contains about \$100 million, a little
9 over \$100 million. And over 82 members of the
10 Legislature, Assemblymembers and Senators,
11 signed a letter asking for a \$1.9 billion
12 addition to make up for the now quite a few
13 years since the 2008 crash, where we really
14 walked back from CFE and other important
15 benchmarks, to make sure that we have equity
16 and adequate funding in our schools.

17 I guess we'd like to know how the
18 department would be affected in the coming
19 year if -- I hate to say only 800 million, I
20 think that's the crazy thing about government.
21 But if, for example, the Legislature adopts
22 the Governor's recommendation, it's several
23 hundred million less than you adjusted and
24 very much less than many of us would like to

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1 see. So perhaps you can share with us the
2 department's plans.

3 COMMISSIONER KING: Thank you for the
4 question, Assemblywoman.

5 We are very concerned about the risk

6 of educational insolvency for some of our
7 districts around the state. We know that if
8 they do not have the aid that they need, they
9 will end up cutting the very things that we
10 know are most critical for students' long-term
11 success. We know that many of our districts
12 around the state over the last few years have
13 had to cut back on advanced placement classes,
14 career and technical education, art, music,
15 many of the enriching opportunities that we
16 know are part of a well-rounded education.
17 Many districts have had to reduce staff in
18 response to the difficult fiscal environment.

19 As the state comes out of the
20 difficult fiscal environment from the last few
21 years, we think it's critically important to
22 put at least the \$1.3 billion into aid to
23 schools to ensure that we do everything we can
24 to keep schools on a path to providing a

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1 well-rounded education. We also think it's an
2 opportunity, this year's budget is an
3 opportunity to try and get at some of the
4 issues of school finance equity that you are
5 raising, and ensuring that the resources that
6 we invest can help those districts that are
7 most in need -- some of our small cities, the
8 Big Five, some of our struggling economically
9 disadvantaged rural districts that really need
10 the resources. So we are very concerned about
11 ensuring that we have the resources for

12 districts that need them.

13 ASSEMBLYWOMAN NOLAN: And then I would
14 like to just, because there will be so many
15 other questions, talk a little bit about
16 student privacy. I see in the package that
17 you've distributed you have a lot of material
18 about it.

19 And I appreciate in your spoken
20 testimony, you know, really what you said in
21 your own personal life. We appreciate that
22 dedication and the acknowledgement how
23 important education is to produce the happy
24 person, the well-rounded person. But I do

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1 want to talk a little bit about student
2 privacy.

3 I think I would like to say, first of
4 all, Assembly Bill 11309 talked about -- which
5 I know has a Senate companion, but it talked
6 that no expenditures may be made from an
7 appropriation in this act until a certificate
8 has been issued by the Director of the Budget,
9 a copy filed with the State Comptroller.

10 We've asked about that. We can't seem to
11 figure out if you've actually, in the \$20
12 million that was allocated to the department
13 to set up a longitudinal data system, whether
14 you've filed the appropriate information with
15 the Comptroller so we can have the Comptroller
16 perform his function and review it. Do we
17 know if that's happened yet, maybe Beth or

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someone else on the team?

COMMISSIONER KING: We'll follow up with you on that. I know that we've worked with the Comptroller's office on various aspects of the state data system work, but we'll follow up with you on that.

ASSEMBLYWOMAN NOLAN: We've reached

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out to them and they've indicated it has not been filed. And I think this is one of the many aspects of this privacy issue that continues to sort of bedevil the Legislature. Like the simplest things that are supposed to be done have not happened in this instance. And it makes then a red flag for everyone: well, why not? why not?

You know, we supported a longitudinal data study. But I think you know that we're really concerned about what we read and hear about inBloom. Our hearing will be reconvened where we will ask them to testify and explain to us some more about what they are doing and why they are doing it.

But I guess my question for you is, 49 other states have said, you know, they're not going to do this. And you've indicated I think at times that this is the only way to do our Race to the Top or -- you know, I'd like to hear you talk about that a little bit more. It seems to me that you could fulfill Race to the Top. If 49 other states are fulfilling

24 Race to the Top without inBloom, you could

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1 fulfill Race to the Top without something
2 that's troubling so many members of the
3 Legislature. And I understand you were going
4 to have an independent evaluation at Harvard.

5 So there's a lot of questions that we
6 have, and maybe you could just -- you have a
7 lot of pages in your booklet about it, but
8 maybe you could address some of our real
9 serious, serious concerns about privacy and
10 one other thing, steering of children. I
11 cannot tell you how I resent the suggestion,
12 because I've read a lot about these companies,
13 that you're Student X, you live in Region Y,
14 this is your score on Test A, therefore you
15 can be this. I don't want that. In New York,
16 you can be anything you want. You cannot be
17 limited by a test score that a provider of
18 data services is suggesting. You know, we
19 can't even get Physics AP in the Bronx
20 anymore, right? So I don't want my kids in
21 the city or any region of the state limited by
22 a data provider that is going to use the data
23 to steer them to a limited life.

24 So it's not just the privacy, it's the

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1 use of the data to steer, not just, you know,
2 enlighten. So if you could just address the
3 whole piece, I would appreciate it.

4 COMMISSIONER KING: Sure. Let me
Page 22

5 first say that in all of our work on the P-20
6 longitudinal data system and on other data
7 tools for schools and districts, we share your
8 commitment to data privacy and data security.
9 That is a top priority for us.

10 The goal of the project that we've
11 been working on with inBloom, as you know, is
12 to try to make available in our highest-needs
13 districts the same kinds of tools for parents
14 and teachers that are available in our most
15 affluent districts today, typically through
16 contracts with third-party providers. That
17 is, in many of our affluent districts around
18 the state teachers are able to log in through
19 a secure portal to see information about their
20 students, to collaborate with their
21 colleagues. And similarly, parents are able
22 to log in through a secure --

23 ASSEMBLYWOMAN NOLAN: We have that in
24 the city, John, and I've had it in every

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1 school my son's attended. But that data is
2 not sent someplace else so that someone could
3 say, Mrs. Nolan, your son scored X on Y,
4 therefore he cannot be A. You know, I'm
5 trying to say it in as abstract a way as I
6 can.

7 But I'm well aware of that. And the
8 city is not a wealthy district, and they've
9 had it for 10 years. I can log on any time I
10 want, and the teacher -- not every teacher

11 participates at the high school level, I'm not
12 sure why. But in the lower grades, everyone
13 participated. You can even track the little
14 ones' homework. Believe me, they hate it,
15 because you can ask them. You know, you see
16 it right there. The city is not a wealthy
17 district; they've had it for 10 years.

18 That's not what we're talking about
19 here, and you know that. We're talking about
20 using data -- you know, I've read the
21 materials -- selling products back to schools.
22 You know, we're talking about real legitimate
23 concerns on the behalf of the Legislature
24 about privacy and, in my case, about steering

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1 kids in a negative way.

2 So I appreciate the federal reference
3 and I appreciate that yes, there's some
4 discrepancies in who has the most data.
5 That's not really what I'm asking, though.
6 And I hate to interrupt you; I apologize.

7 COMMISSIONER KING: That's okay.

8 ASSEMBLYWOMAN NOLAN: But I'm asking
9 for the -- the Legislature wants to know why
10 are we doing this, it's not what we thought it
11 was, and what are you doing to address the
12 legitimate concerns about privacy and
13 steering? And then I'm out of my time.

14 COMMISSIONER KING: I'm going to ask
15 our deputy commissioner to comment on this,
16 who's overseeing this project specifically.

17 But this project is about the kind of
18 teacher portal and parent portal that is
19 available. There is no sale of student data
20 to private providers. The only use of the
21 data is through an agreement with the district
22 to provide a service that the district needs,
23 whether that's scheduling or report cards or
24 these data portals. That's the only use of

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1 the data, for the things that the district has
2 contracted for as services, and for parents
3 and teachers to have access to their students'
4 information.

5 Ken, do you want to add to that?

6 DEPUTY COMMISSIONER WAGNER: Sure.

7 And just to the steering question,
8 because it's a very important question, this
9 system is intended only to serve as a
10 supplement to professional educator judgment.
11 There is no notion in this project of steering
12 students to any preordained outcome or any
13 kind of goal that they should or should not
14 pursue. The only purpose of this project is
15 to put actionable information in front of
16 teachers and also to put high-quality
17 instructional resources in front of teachers,
18 so teachers can use their professional
19 judgments to make the best decisions about
20 their students and teachers can collaborate
21 with parents and other educators within
22 schools to make the best decisions and

23 recommendations about their students, in
24 collaboration with parents and with the

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1 students themselves.

2 The particular piece that you may be
3 referring to is the notion of an early warning
4 indicator, which was part of the department's
5 Race to the Top application when it was
6 submitted back in 2010. And the only purpose
7 of the early warning indicator is to help
8 synthesize information that is currently
9 located in disparate portions of school
10 district files, to synthesize that information
11 and just to provide an indicator to a teacher
12 that this student might be at risk of dropping
13 out of high school and might be in need of
14 additional support and might be in need of
15 additional attention.

16 But again, that just becomes one of
17 the tools in the repertoire of a teacher to
18 make the best decisions about their students.

19 CHAIRMAN DeFRANCISCO: Thank you.

20 The next questioner is Senator
21 Flanagan, chair of the Education Committee in
22 the Senate.

23 SENATOR FLANAGAN: Good morning,
24 Commissioner.

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1 COMMISSIONER KING: Good morning.

2 SENATOR FLANAGAN: And thank you for

3 the time and for everyone who's with you.

4 I want to start off with a comment and
5 a question on the same subject. Yesterday a
6 number of 853s and Special Act schools got
7 notification that they were actually getting
8 money that was promised to them in the past.
9 So kudos to everyone there for having gotten
10 that done. And I am very hopeful that we will
11 have an opportunity to work on those issues a
12 lot faster than in the past. So I want to
13 thank the department and the staff for getting
14 that done. Those schools have waited for a
15 very long period of time, and I'm just hopeful
16 that we can expedite whatever we're going to
17 be doing this year. They certainly can
18 continue to use the help.

19 There are a number of different
20 things; I want to just chat with you on
21 professional development first. A number of
22 my colleagues have been outspoken on that
23 subject. The Governor doesn't really have
24 money in the budget for that. I know that the

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1 department advanced that. How would you be
2 able to suggest that we make sure that we have
3 appropriate parental involvement? I had a
4 brief conversation with the new chancellor
5 from the City of New York; she seems very
6 pleased with the approach they're going to be
7 taking.

8 One of the great frustrations that my

9 colleagues have is parents coming to them
10 saying "I want to help, I want to have
11 involvement in my kid's life." What would you
12 suggest that we do in relation to funding to
13 make sure that there's clear parental
14 involvement?

15 COMMISSIONER KING: Thanks, I
16 appreciate the question. Thanks for your
17 partnership on the aid increase for the
18 Special Acts and 853s.

19 On the issue of parent engagement,
20 what we've proposed in our professional
21 development fund, our core instructional
22 development fund, is that one of the priority
23 areas of investment would be parent
24 engagement. We propose \$125 million for this

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1 coming year, \$200 million in each of the two
2 following years.

3 We think parent engagement needs to
4 involve not just telling parents about what
5 the Common Core is and isn't, which is
6 important, but actually working with families
7 to talk about the instructional experiences
8 students are having in the classroom, and how
9 school and parents can partner together to
10 support their students' success.

11 One quick example of what this could
12 look like, I was in the Mineola School
13 District this fall and one of the frustrations
14 of parents was with the new math curriculum,

15 not knowing how to be most helpful to their
16 kids in mathematics. And so one of the
17 teachers decided to do short videos,
18 two-minute videos, on the first math problem
19 of each homework assignment that she gave, on
20 how that problem worked a model problem. And
21 so she started posting that on the school's
22 website for parents.

23 The parents liked it, and they saw it
24 as a way to help their kids with their math

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1 homework. The parents liked it so much that
2 other teachers started to replicate this. So
3 now teachers in that school all take turns
4 recording the first homework assignment;
5 they've done parent nights to talk about the
6 math curriculum, how it works, what the goals
7 are, how it relates to college and career
8 readiness. And there's really a culture now
9 in the district where parents and teachers are
10 collaborating around students' math learning,
11 so much so that students, when I was there,
12 were very eager to show me that they too had
13 created videos explaining how they reached
14 their answer to various math problems, because
15 they like that way of communicating with their
16 teachers.

17 So I think there's an opportunity with
18 this professional development investment to
19 focus districts on partnerships with parents.
20 And what I see across the state is that those

21 districts that made those investments, since
22 the adoption of the standards in 2010, are at
23 a very different place in the implementation
24 of the standards as a result.

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1 SENATOR FLANAGAN: If you would
2 forward to us for our consideration districts
3 that you think are doing it well, that would
4 be helpful as we deliberate through the
5 process.

6 In the Regents' funding proposal you
7 obviously recommend a significant amount of
8 money, and I believe the bulk of it is
9 directed towards the reduction and potential
10 elimination of the GEA. And we have obviously
11 taken different tacks, the Assembly versus the
12 Senate. I think the Senate has been more
13 focused on the GEA as opposed to Foundation
14 Aid. And it's my contention that the single
15 most effective thing we can do for districts
16 across the state, frankly, is focus almost
17 exclusively on the GEA.

18 Do you agree with that? Because what
19 we're hearing from the field and what we hear
20 from districts in every corner of the state is
21 all this other stuff -- teacher performance,
22 pre-K, after-school stuff -- laudable and
23 whatnot, but if you're not going to help us on
24 that, then we're going to be in deep trouble.

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1 COMMISSIONER KING: The Regents'
Page 30

2 approach is to create a transitional operating
3 aid formula that tries to balance reduction of
4 the GEA and then also trying to restore some
5 of the original vision around the Foundation
6 Formula to direct resources to the
7 highest-needs districts. In some cases there
8 are high-needs districts that over the last
9 few years have gotten some relief through the
10 aid formulas that have been adopted by the
11 Governor and Legislature but yet are still
12 very far from where they need to be in order
13 to provide a well-rounded education.

14 So the Regents are trying to balance
15 GEA reduction and directing resources to the
16 highest-needs districts. I can provide you
17 more detail on how they devise that formula to
18 strike that balance.

19 SENATOR FLANAGAN: That would be
20 helpful.

21 The Comptroller came out with a
22 report, I think approximately 90 school
23 districts that are considered to be under
24 financial stress. And I believe the New York

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1 State School Business Officials are coming out
2 with a report today that brings that number up
3 somewhere around 200 districts.

4 In listening again to people in the
5 field, educators and business officials and
6 school districts, there's been a heck of a lot
7 of talk about pre-K, on the merits and in a

8 lot of other different ways. But I find in
9 listening to my colleagues, who are also
10 talking to people in the field, again, that
11 they're saying, Pre-K is nice, but you're
12 killing us. This is another huge mandate
13 that's coming our way, and we are having
14 trouble figuring out whether or not we can
15 maintain kindergarten and other core programs.

16 One of the things we've advocated, and
17 I'd like your opinion on this, is to say that
18 if there is going to be money for pre-K, then
19 it's got to come with some commensurate
20 flexibility. Not to play a game, but rather
21 to avoid a situation where a district may come
22 to the department and say, Okay, we can do
23 pre-K, but if we do pre-K we're now going to
24 literally have to drop kindergarten to

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1 half-day or eliminate it completely.

2 Do you believe that whatever funding
3 may come should have some type of flexibility
4 to avoid that type of situation?

5 COMMISSIONER KING: We certainly, in
6 our approach, we suggest \$125 million directed
7 specifically to support pre-K in the
8 highest-needs communities, expanding pre-K to
9 full-day for the highest-needs students. We
10 know that our highest-needs students arrive at
11 school with a significant learning gap
12 already, and we think pre-K is a way to
13 address that, so we prioritize the

14 highest-needs communities.

15 I think the Legislature and Governor
16 will need to strike a balance over the next
17 few weeks between trying to make sure that we
18 pay down the GEA, address the goals of the
19 Foundation Formula, and make a prudent
20 investment in pre-K, which will scale up over
21 time. And I think one thing I'm encouraged by
22 in the discussion over the last few weeks on
23 pre-K is I think there is a recognition that
24 all of the slots won't be able to be available

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1 in September, that there's got to be a
2 thoughtful phase-in across districts.

3 I think it is possible to strike a
4 balance while protecting a clear investment in
5 pre-K and addressing the needs of districts,
6 but obviously those decisions rest with you.

7 SENATOR FLANAGAN: I appreciate what
8 you said, but I'm not sure I got the answer I
9 was looking for on flexibility. And I'm just
10 hopeful that as this debate progresses that
11 the department will lend its voice to the idea
12 that school districts are going to need that
13 kind of flexibility.

14 The last thing I'll say, very
15 quickly -- there's going to be plenty of
16 comments on this -- we had a meeting last
17 week, and I want to thank you for coming and
18 spending two hours with the Senate Education
19 Committee. I'm going to strongly,

20 diplomatically, recommend that when the
21 Regents meet in February, whatever your,
22 quote, unquote, action plan is, we all want to
23 see it, we'd better see it, and it better have
24 some cogent items in there that we can take

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1 and embrace and hopefully work together to get
2 things done. Because the pressure, as you
3 well know -- really from parents as much as
4 anybody else, and by extension our colleagues
5 as representatives -- is growing
6 exponentially.

7 Thank you.

8 COMMISSIONER KING: Thank you.

9 ASSEMBLYWOMAN NOLAN: Let me just, by
10 way of our next list of questions, I just want
11 to acknowledge all the members who are here.
12 Deputy Speaker Earlene Hooper, Bill Colton,
13 Steve Englebright, Jim Brennan, Assemblyman
14 Otis, Assemblyman Cusick, Assemblyman Moya,
15 Assemblyman Aubry, Assemblywoman Amy Paulin,
16 Assemblywoman Fahy, Assemblywoman Mayer, and I
17 know if I've missed anybody they'll let me
18 know. But we always have a great turnout from
19 the committee -- Assemblywoman Lifton is here,
20 our newest member of the Education Committee.
21 So we always have a great turnout, and we
22 appreciate that.

23 What we do here, just for the newer
24 members, if you want to ask a question, just

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1 signal me or Michael in the back and we'll
2 make sure that you get included.

3 Our first questioner is going to be
4 Assemblywoman Millman, and then we alternate
5 with the Senate, but then it's Assemblyman
6 Brennan, Assemblyman Otis, and Assemblywoman
7 Hooper. So you're all in the on-deck
8 circle -- and Assemblyman Ra. Where is Ed Ra?
9 All right, so at least my team knows. And now
10 we'll go to Joan Millman and then we'll go to
11 the Senate, okay? And Assemblyman Graf, I
12 know you have questions.

13 ASSEMBLYWOMAN MILLMAN: Thank you very
14 much. And thank you for appearing before our
15 committee, our joint committee.

16 As a former teacher, the one thing
17 that as you can see here I'd like you to
18 address is -- and I know it's a problem in the
19 New York City school system, and I'm sure it's
20 throughout the state. We talk a lot about
21 teacher development, staff development. What
22 are we doing about teacher retention?

23 We spend a lot of time and money on
24 training of teachers in whatever it is, the

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1 flavor of the month, if you will, and then we
2 lose them, they go off and we don't keep them.
3 And I didn't see anything in your packet that
4 addressed that issue, and I'd like you to
5 address it, please.

6 COMMISSIONER KING: Sure. Thank you.

7 We are very concerned about the issue of
8 teacher retention. Particularly in our
9 highest-needs districts we see significant
10 teacher turnover, as you know.

11 Two things that we're working on that
12 we committed to as part of our Race to the Top
13 were, one, is ensuring that teacher
14 preparation programs do as strong a job as
15 possible for parents, teachers and principals
16 for the real-world experiences they will
17 confront in the classroom when they arrive.

18 As you know, historically one of the
19 critiques of teacher preparation has been that
20 at times the preparation programs have focused
21 more on the academic and theoretical and not
22 enough on the practical, real-world skills
23 that teachers need. And so as part of our
24 Race to the Top work, we have invested in

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1 professional development for teacher
2 preparation faculty.

3 We are changing our certification
4 assessments to be more practical, including a
5 focus on meeting the needs of students with
6 disabilities and English language learners, a
7 focus on teachers submitting video of their
8 instruction and their strategies, similar to
9 national board certification, where teachers
10 are focused on, again, classroom practice so
11 that they are better prepared when they

12 arrive.

13 On the support side, once teachers are
14 in schools, we have some model induction
15 programs that we are funding that we hope will
16 be models for how teachers might get
17 additional support during their first years of
18 teaching.

19 And we have a program called
20 Strengthening Teacher and Leader Effectiveness
21 grants. It's about \$70 million and, all
22 total, ultimately will involve over 100
23 districts and programs that allow teachers to
24 really be leaders for their colleagues and to

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1 have roles where they are mentoring their
2 colleagues, their new colleagues, where they
3 are providing professional development for
4 their new colleagues. We think the answers to
5 teacher induction and support often rest with
6 getting the right supports and mentoring from
7 their strongest colleagues.

8 ASSEMBLYWOMAN MILLMAN: Thank you.

9 CHAIRMAN DeFRANCISCO: Thank you.

10 Senator Latimer.

11 SENATOR LATIMER: Thank you,
12 Mr. Chairman. And Commissioner, good to be
13 with you again.

14 Commissioner, a couple of questions on
15 the Teacher Excellence Fund and one on
16 libraries. The Governor has proposed in this
17 budget up to \$20,000 in supplemental

18 compensation through a Teachers Excellence
19 Fund. Do you in the department support or
20 oppose the development of that fund?

21 COMMISSIONER KING: We support the
22 Governor's proposal and are interested in
23 working with the Governor and with you to
24 define the right parameters for districts.

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1 what we see is that if you can create
2 a structure where excellent teachers are
3 providing support to their colleagues, as I
4 was just describing to the Assemblywoman,
5 where excellent teachers are perhaps
6 incentivized to go in teams to struggling
7 schools and try to turn those schools around,
8 that could be a very useful investment. And
9 so I think the design matters a lot and look
10 forward to working with you and the Governor
11 on that.

12 SENATOR LATIMER: There's been a
13 philosophical argument that balances -- and I
14 don't know how to evaluate it, so I'm
15 interested in your thoughts -- that teacher
16 teamwork and shared solutions is important,
17 and at the same time that compensation to an
18 individual teacher motivates that teacher in
19 an individual way, which may or may not lead
20 to team solutions.

21 Do you have an assessment of the
22 merits of both of those two realities?

23 COMMISSIONER KING: We think the best

24 way to reconcile that is through career ladder

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1 models, where essentially the way that you're
2 using an incentive is not merely to reward the
3 higher performance but to reward the higher
4 performance and then incentivize leadership
5 roles for those highly effective teachers.

6 That's the approach we've taken with
7 our Strengthening Teacher and Leader
8 Effectiveness grants, and that's the approach
9 we would encourage around this Teacher
10 Excellence Fund, trying to figure out who the
11 strongest teacher is in the school so they can
12 open their classrooms to their colleagues so
13 their colleagues can observe their teaching.
14 They can be the leaders of the teacher teams
15 that you're describing, they can lead
16 professional development sessions that can
17 support their colleagues.

18 SENATOR LATIMER: And I have one
19 question, if I may, on libraries. What is
20 SED's philosophy in terms of libraries toward
21 the creation or not incentivizing creation of
22 library districts, separate stand-alone taxing
23 authorities? We have much discussion about
24 consolidation and multiple taxing units; at

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1 the same time, I've heard anecdotally from the
2 grassroots that SED prefers to see library
3 districts created rather than the existing
4 four or five different models for library

5 governance.

6 what is your philosophy on library
7 governance?

8 COMMISSIONER KING: I don't think
9 we've had a strict rule in our philosophy
10 around that question. I think we've tried to
11 be responsive to the local needs and what
12 makes sense locally.

13 We certainly support the Governor's
14 approach to trying to figure out ways to
15 encourage regionalization of services, if not
16 consolidation of government entities. So
17 we've tried to help libraries identify ways
18 where they might share services with BOCES or
19 with municipal government in ways that make
20 sense -- things like Internet access and so
21 forth.

22 SENATOR LATIMER: Okay, thank you very
23 much. Thank you, Mr. Chairman.

24 ASSEMBLYWOMAN NOLAN: Thank you.

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1 Mr. Brennan.

2 ASSEMBLYMAN BRENNAN: Thank you. Good
3 morning, Dr. King, and staff of the State
4 Education Department. Good to see you.

5 A couple of questions on a variety of
6 subjects. First of all, you mentioned in your
7 testimony that there had been significant
8 cutbacks in school districts related to the
9 recession and obviously difficulties in
10 dealing with the property tax cap and other

11 things like this. Do you have any figures on
12 the total reduction in local school district
13 employment since the beginning of the
14 recession or since about 2008?

15 COMMISSIONER KING: I don't have the
16 number now, but we can get you our estimate.
17 We often rely on NYSUT for their tabulation of
18 that number, but we can get you that.

19 ASSEMBLYMAN BRENNAN: Would you
20 consider it to be in excess of 10,000?

21 COMMISSIONER KING: It's certainly in
22 the thousands since 2007.

23 ASSEMBLYMAN BRENNAN: Because I know
24 New York City alone, I can recall some large

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1 layoffs and then a policy of attrition of
2 several thousand people a year. So New York
3 City alone may be many, many thousands, and
4 I'm sure there was similar -- and, also
5 related, class size.

6 Do you know, are we spending less per
7 pupil now than we were three, four, five years
8 ago?

9 COMMISSIONER KING: We still have not
10 gotten to the point where we have recovered
11 fully to the 2007 intended spending levels.
12 And so I think one of the challenges is at the
13 same time we've seen costs go up in a variety
14 of areas that districts can't control, whether
15 it's health insurance or other things that
16 have gone up without districts being able to

17 do very much about those costs.

18 We do think there are opportunities,
19 as I mentioned, around libraries for
20 regionalization that could save money. But
21 this challenge of trying to make sure that our
22 aid to schools keeps pace with the challenges
23 they face locally is critical.

24 ASSEMBLYMAN BRENNAN: I think it would

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1 be helpful if we had some figures on school
2 district employment loss and things like that.

3 I wanted to ask you a little about
4 pre-K. Do you have figures on how much our
5 statewide half-day pre-K program, how much we
6 spend and what the enrollment is?

7 COMMISSIONER KING: Yes. Right now
8 we're spending just under \$380 million for the
9 half-day pre-K program.

10 The challenges, as we've been asked to
11 project what the costs will be of full-day
12 pre-K for all -- there are two challenges.
13 One is we have to project what the enrollment
14 would be. If you use the kindergarten
15 enrollment, we think about half the students
16 are currently served by the current program,
17 of the students who might be eligible. And
18 then if you assume that the cost would be
19 double -- which it may not be, but if you
20 assume the cost would be double the half-day
21 program, you get to a very large number.

22 ASSEMBLYMAN BRENNAN: What is that
Page 42

23 number?

24 COMMISSIONER KING: Well, so if we're

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1 spending 380 or roughly 400 million, if you
2 were to say that full-day would cost double,
3 that would take us to 800. And then if you
4 said --

5 ASSEMBLYMAN BRENNAN: But the 380, the
6 enrollment is not the total number of
7 4-year-olds.

8 COMMISSIONER KING: Exactly. Exactly.
9 So if you were to, say, go to the total number
10 of 4-year-olds, that would take you to 1.6
11 billion.

12 The challenge is, and the Governor has
13 spoken to this issue, the capacity isn't there
14 to deliver all of those seats and all of those
15 full-day programs in September. So the
16 challenge over the next few weeks, I think,
17 for you and the Governor to grapple with is
18 how do you figure out what a reasonable
19 trajectory is to increase spending over the
20 next few years to get to a place where you
21 could have universal full-day access.

22 ASSEMBLYMAN BRENNAN: The Governor's
23 Year 5 number that he proposed, which would be
24 \$500 million a year in Year 5 that school

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1 districts could draw down, that is not a
2 realistic expenditure number in relation to

3 where we would go if we actually had universal
4 full-day pre-K, correct?

5 COMMISSIONER KING: It's hard to
6 estimate, because I was talking with a
7 superintendent yesterday who was describing a
8 district where they need to add 25 classrooms
9 to accommodate full-day pre-K for all of the
10 eligible students. So would they have the
11 ability to add that many classrooms that
12 quickly? That's unclear.

13 So I think the Governor's projection
14 is based on some assumptions about how quickly
15 some districts will ramp up their capacity.

16 ASSEMBLYMAN BRENNAN: It could be a
17 nice down payment. But since you just
18 mentioned a figure of 1.6 billion, 500 million
19 is not the same as 1.6 billion.

20 COMMISSIONER KING: Right. Yes.

21 ASSEMBLYMAN BRENNAN: Okay. You
22 mentioned in your prepared materials that you
23 would like to get some money appropriated to
24 reduce the amount the kids have to spend

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1 taking the tests, which is a source of
2 grievances of parents. And especially in
3 relation to the number of field-test questions
4 that are on the tests.

5 Under your proposal, how much of the
6 field-test questions would get eliminated?
7 And how much time would be reduced on the
8 tests if you were able to implement this?

9 COMMISSIONER KING: So this is
10 described on page 13 of the booklet we
11 provided.

12 what we would like to be able to do is
13 eliminate stand-alone multiple-choice field
14 tests. All states ultimately, for questions
15 that require students to give written answers,
16 have to field-test those separately. But we
17 are unique in New York in our approach to
18 printing the exams. We're the only state that
19 I know of that prints our own exams. The way
20 that we print the exams, the limited resources
21 we have for that, causes us to be able to
22 print only a limited number of forms.

23 ASSEMBLYMAN BRENNAN: We have a
24 technology problem with that or a cost

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1 problem?

2 COMMISSIONER KING: We have a printing
3 press and a printing staff, and in order to
4 have the capacity to print more forms we would
5 need to make a larger investment in printing
6 costs.

7 If we printed more forms -- other
8 states print 20, 25 forms of the test. It
9 allows them to do the field testing through a
10 small number of questions that are embedded in
11 the test, and then they don't have to do
12 stand-alone field testing. So we could save
13 all of that stand-alone multiple-choice field
14 testing, that time that students spend, if we

15 were to make this small investment.
16 More importantly, this investment
17 would also allow us to release more of the
18 test questions after the test is given. Last
19 year we released 25 percent of the questions.
20 We'd like to be able to release more. And
21 this approach to improving our printing
22 process would allow us to release more.
23 ASSEMBLYWOMAN NOLAN: Thank you.
24 ASSEMBLYMAN BRENNAN: Just one more.

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1 Oh, I'll come back, okay. Thank you.
2 ASSEMBLYWOMAN NOLAN: We'll put you
3 for a second, Jim. Thank you.
4 CHAIRMAN DeFRANCISCO: Thank you.
5 Senator Marcellino.
6 SENATOR MARCELLINO: Thank you,
7 Mr. Chairman. Commissioner, thank you for
8 coming here, appreciate your time. So I'm
9 going to limit it to basically one issue.
10 At the hearing with the State Ed
11 Committee, I raised the concern about kids
12 taking the Regents exams that may have Common
13 Core or may be using Common Core standards and
14 techniques in questions. My concern is that
15 they would be ill-equipped, they would not
16 have had enough time with the system, the
17 teachers who are teaching them would not have
18 had enough time to prepare their youngsters
19 properly or even themselves, to prepare
20 themselves properly to handle this situation.

21 It's still a relatively new program.

22 My question was, at the time, why not
23 put it back to the third-grade cohort coming
24 through? The current third-grade cohort would

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1 be the first group to take any Regents exam
2 with Common Core questions, Common Core
3 standards in the Regents questions. You said
4 at that time that no one would be taking a
5 Regents exam that didn't have -- before 2017,
6 I believe, the graduating class for 2017.
7 That would be ample time for those kids to
8 have been prepared.

9 I received a copy of a schedule that
10 has been distributed to school districts.
11 That schedule says that on June 3 and
12 June 4 -- on June 3rd the Common Core English
13 language arts and at 1:15 the Common Core
14 geometry exam would be given. On June 4th,
15 which is wednesday, Common Core in algebra
16 would be given. That's three tests that were
17 supposedly not there.

18 Now, I know this has been revised,
19 there was a revised. So apparently there was
20 a group meeting, because there was some
21 feedback coming from the districts at the
22 time, and it has been revised so that on
23 June 3rd, algebra Common Core would be given,
24 and English language arts at 1:15, the same

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1 schedule. There would be no exam on June 4th
Page 47

2 at all. The geometry test was apparently
3 moved back to June 20th, but not Common Core.
4 It's listed as non-Common Core.

5 That change had to be in the works
6 when we spoke. You can't do this sort of
7 thing by just snapping your fingers. As you
8 know, I taught in the city school system for
9 20 years, so we don't do anything by snapping
10 our fingers too quickly over there. As a
11 matter of fact, Assemblywoman Nolan was in
12 Grover Cleveland, where I taught, as a
13 student. Hopefully I didn't hurt you.

14 ASSEMBLYWOMAN NOLAN: Senator
15 Marcellino was a feared figure at our high
16 school because he was the dean of boys. But
17 he was -- and we had 6,000 students at
18 Cleveland when we were there. Complete triple
19 session. But he was a wonderful --

20 SENATOR MARCELLINO: That high school
21 was bigger than most school districts.

22 ASSEMBLYWOMAN NOLAN: He was a
23 wonderful teacher. He was a wonderful
24 teacher.

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1 CHAIRMAN DeFRANCISCO: Except he
2 obviously had no influence on her political
3 philosophy.

4 (Laughter.)

5 ASSEMBLYWOMAN NOLAN: It's true. We
6 used to fight even then. I was the president
7 of student government. I don't want to say we

8 picketed Carl, but we were tough.

9 (Laughter.)

10 SENATOR MARCELLINO: It was a very
11 friendly picketing.

12 ASSEMBLYWOMAN NOLAN: Yes, it was.

13 SENATOR MARCELLINO: The name of the
14 game is I just don't understand the changing
15 here with the exams. I do think -- and we'll
16 be putting in a bill, my people are working on
17 it now, we'll be putting in a bill to require
18 that no one prior to that third-grade cohort
19 moving through would take Common Core-standard
20 Regentses.

21 My reasoning is these exams that we're
22 taking now with Common Core standards and so
23 forth, these are diagnostic tests used for
24 informational purposes and would not have

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1 impact on a student's graduation, diploma or
2 whatever. Regents exams become a whole
3 different ball of wax. Johnnie or Jane fails
4 the Regents exam, possible loss of a diploma,
5 possible not graduation, not getting into the
6 college of their choice, could be impacted
7 because of a failure on a Regents exam. These
8 have major, major impacts.

9 My point being that if you think this
10 pushback from the parents now is tough, wait
11 till somebody starts failing Regents exams
12 based on this exam, based on Common Core
13 standards and teachers being ill-equipped or

14 not properly allowed to prepare themselves to
15 do this.

16 It takes time to prepare and learn and
17 do it correctly. I think we need to give the
18 teachers and I think we need to give the
19 districts and I think we need to give the
20 students a chance to handle the Common Core,
21 get used to the Common Core, and get away from
22 all of this hooahaw that's out there. Your
23 thoughts, please.

24 COMMISSIONER KING: Thanks. I

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1 appreciate the opportunity to clarify.

2 Let me say first that the balance that
3 the department has to strike is that last year
4 we had 140,000 students who after four years
5 of high school did not have the skills that
6 would allow them to enroll and succeed in
7 credit-bearing college courses. And so the
8 challenge is we want to as quickly as possible
9 try to address that. I know last year in the
10 budget hearing there was a lot of discussion
11 about the \$70 million that SUNY spends on
12 remediation.

13 So we've got the challenge of trying
14 to make sure that the students we have today
15 are as prepared as possible when they
16 graduate, balanced against the need for a
17 reasonable transition pace.

18 If you look at page 38 of the booklet
19 we've provided, let me just explain how the

20 Regents exam rollout is working. The class of
21 2017, the current freshmen, would be the first
22 students who would take Common Core Regents
23 exams as a graduation requirement. So when I
24 referenced 2017 last week, it was in terms of

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1 the class of 2017, the current freshmen.

2 Those students this year generally
3 have been taking algebra -- not all. Some, as
4 you know, are already taking geometry. But
5 many, the vast majority are taking Algebra I.
6 This June those students will have the option
7 of using the higher score of their Common Core
8 algebra Regents exam or an algebra exam based
9 on the old standards, the 2005 standards.

10 We also will offer a Common Core
11 English language arts exam optionally for
12 students and districts, with that test not
13 required. Typically the English language arts
14 exam is taken by students in the 11th grade --

15 SENATOR MARCELLINO: Let me just cut
16 you off, because of limited time. This is the
17 only thing I'm going to ask and I won't follow
18 up with anything else.

19 Why not just let it happen in the
20 third -- why not use this time frame to learn
21 the basics and give the teachers and give the
22 administrators and give the districts a chance
23 to get used to the system and handle the
24 material, work with the program so that they

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1 can impart the knowledge and the skill set to
2 the students and the kids can get comfortable
3 with it?

4 I'm not saying eliminate the Common
5 Core -- no one is. Well, I shouldn't say
6 that. The districts are not, the district
7 superintendents that I represent are not, the
8 teachers that I've talked to, most are not.
9 They're not afraid of the Common Core. It's
10 like the New Math; it was different back in
11 the day. This is the same thing, it's
12 different now -- but, rather, put it in when
13 it counts, where it's going to do something
14 and with kids going to have it on a record
15 someplace. Even if it's a practice test, it's
16 still on the record.

17 why not let it go until that
18 third-grade group, which has had three, four,
19 five years in the Common Core, in the
20 curriculum, and the teachers have had the time
21 to prepare themselves appropriately, and you
22 have the time to put out the materials --
23 which they're telling me still hasn't been
24 done, in many cases. They're still missing

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1 modules that they were supposed to have
2 gotten, and they're not all getting them. So
3 why not get it until we get it right? I'm not
4 saying eliminate the Common Core. Keep it
5 going. But do it right.

6 COMMISSIONER KING: Yeah. No, look, I
7 appreciate the challenge. As I said to you
8 last week on this, I think there are ways that
9 we can increase flexibility for districts
10 around this. The challenge, as you know, for
11 classroom teachers is if they are teaching to
12 the Common Core standards, then it makes sense
13 for their students to take an assessment that
14 reflects those standards.

15 SENATOR MARCELLINO: But not a Regents
16 exam.

17 CHAIRMAN DeFRANCISCO: Thank you.
18 Thank you.

19 COMMISSIONER KING: So this is
20 something we can work with you on.

21 CHAIRMAN DeFRANCISCO: Thank you.
22 We've got to keep this thing orderly and
23 moving.

24 Now we have Assemblyman Otis.

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1 ASSEMBLYMAN OTIS: Thank you,
2 Commissioner. Appreciate your answers to the
3 questions.

4 One of the issues that has come up
5 from a lot of the districts that I'm talking
6 to is concern about technology. And we really
7 applaud the Governor for his proposal for a
8 technology bond issue. But there's a concern
9 about how much all of this is going to cost
10 and whether districts are really going to get
11 the assistance they need.

12 Has the State Education Department
13 done any survey about what the big dollar cost
14 is statewide to get computers and other kinds
15 of software and hardware in place? Is there a
16 number?

17 COMMISSIONER KING: We have done some
18 surveying of what technology capacity
19 districts currently have, but not in the form
20 of a number and what they project to need over
21 the next few years.

22 As we work with you and the Governor
23 over the next few weeks on this proposal, I
24 think there are ways that we could gather

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1 additional information from districts on their
2 needs.

3 ASSEMBLYMAN OTIS: The proposal that
4 we have now from the Governor of a couple of
5 million dollars, that's also going to be --
6 some of that money is supposed to go towards
7 pre-K infrastructure. So any sense of the
8 scope of its ability to tackle the problem?
9 And what is the game plan for how that money
10 is going to get distributed? Is that going to
11 go through the formula, through what
12 methodology? What districts are going to get
13 funding from the technology part of that pot
14 of money?

15 COMMISSIONER KING: My understanding
16 is that there are many details still to be
17 resolved on how those funds would be

18 distributed and how the different needs would
19 be prioritized. We certainly are supportive
20 of additional resources for districts that
21 would support technology. But I think the
22 questions you're raising are exactly the ones
23 we should all work together on. And we are
24 certainly happy to provide technical

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1 assistance to the Legislature on that.

2 ASSEMBLYMAN OTIS: As the last
3 comment, one of the things that I'm hearing
4 from my districts as they're considering
5 technology purchases now is they're basically
6 choosing between teachers and technology. And
7 so some of my districts are not buying
8 technology because they think having the
9 teachers is more important. So we obviously
10 need both, but we need a better methodology
11 for providing assistance within the current
12 environment. So thank you.

13 And thank you, Madam Chairman,
14 Mr. Chairman.

15 ASSEMBLYWOMAN NOLAN: Thank you.

16 CHAIRMAN DeFRANCISCO: Thank you.

17 Senator Tkaczyk.

18 SENATOR TKACZYK: Thank you, Chairman.

19 And thank you, Commissioner, for being here.

20 I want to mention the report that was
21 already mentioned today from the New York
22 State Association of School Business
23 officials, called "The Road Ahead: School

24 District Insolvency." And I mention it

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1 because I want to bring out some facts and
2 talk about the budget, and then I have a
3 Common Core issue.

4 This study examined recent data to
5 determine whether school districts are on the
6 road to either educational or financial
7 insolvency or both. It looked at 671 school
8 districts. It did not look at the Big 5 city
9 school districts. Two hundred sixty-one
10 school districts showed signs of fiscal
11 insolvency through a reduction in unassigned
12 fund balance from school year 2010-2011 to
13 2012-2013, 544 school districts showed signs
14 of educational insolvency as a result of
15 reduced professional staff, and 206 school
16 districts showed signs of both fiscal and
17 educational insolvency.

18 It goes on to report that school
19 districts are balancing their budgets at the
20 cost of educational programs, as evidenced by
21 cuts in professional staff. School districts
22 have reduced staff 10 percent over the past
23 five years, while pupil enrollment has
24 declined only 3 percent. Of the approximately

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1 40 percent of school districts that lost fund
2 balance, high-need urban and suburban school
3 districts and average-need school districts
4 lost the most, and low-need school districts

5 lost the least.

6 I mentioned this because you said we
7 don't want schools to cut programs that are
8 preparing kids for colleges and careers. My
9 response to that is we already are. We
10 already have cut programs that prepare our
11 kids for colleges and careers.

12 I have a school district in Kingston
13 that I visited recently, a wonderful school in
14 a very poor area, and they had a preschool
15 program. They had a 4-year-old program. It
16 was wonderful, it was bringing in kids that
17 needed to be in that school. They had to cut
18 it because of the budget.

19 I have kids coming to my office
20 telling me they can't take a book home. I
21 want resources in the classroom, today, to
22 help the kids in our school system today. I
23 don't think we have the ability to get our
24 kids ready for colleges and careers based on

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1 the budget we were presented. And I need you
2 to help me figure out how to get books in the
3 hands of these kids.

4 And I appreciate your experience as a
5 young man and how reliant you were on your
6 teacher in that classroom. I've got the same
7 kids, and they don't have books and there
8 aren't enough teachers. And they're saying to
9 me: "We need your help."

10 And this budget has to go up. Also in
Page 57

11 this report was recommendations. First,
12 school districts need adequate, equitable,
13 stable and flexible funding in order to
14 educate students without interruptions or
15 unduly burdening the taxpayer. There's a need
16 for more state aid and mandate relief to
17 minimally satisfy the constitutional
18 requirement that all schools provide a sound,
19 basic education. They mention the funds that
20 were already mentioned: the Regents recommend
21 1.3, the Education Conference Board 1.5,
22 another group 2.6. Everyone is saying 1.3 is
23 the bare minimum. And that's what I want to
24 see in the final budget.

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1 I'd be happy to hear you comment on
2 that.

3 COMMISSIONER KING: As you know, I
4 share your concern about the issue of
5 resources. The Regents put forward
6 \$1.3 billion because they think that begins to
7 address the challenges that you're describing.

8 But I don't want to overstate the
9 impact of one year's budget. I think we have
10 some significant structural challenges that we
11 have to tackle together. You know, there are
12 opportunities for I think smart
13 regionalization to help address some of the
14 fiscal challenges that our districts face.
15 There are ways that we can leverage technology
16 to share courses between schools, those kinds

17 of things, to protect educational programs for
18 students. There are regions of the state
19 where regional high schools may be a part of
20 the solution; we've had a proposal around
21 that.

22 But your fundamental point that
23 \$1.3 billion makes sense, yes, that is our
24 view and we strongly will advocate for that

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1 over the next few weeks.

2 SENATOR TKACZYK: I'm glad to hear
3 that you concur with that.

4 I just want to stress, regional high
5 school is a concept. It's not an option for
6 the kids in these classrooms. And they are
7 getting ready to graduate, and they don't have
8 books that they can take home to learn the new
9 Common Core math standards. They don't have
10 books that their parents can help them learn
11 this math.

12 You talk about the data portals. I
13 represent 28 school districts. Not one of
14 them has said "we need help with data
15 portals." We have them. What we need help
16 with is getting books that kids can take home
17 and their parents can help them with. And to
18 have a data portal where you're trying to get
19 data to a parent or a teacher that their kid
20 is failing -- when they know why the kid is
21 failing. It's because they don't have the
22 books. So I think there seems to be a

23 disconnect on what's really needed to get some
24 of these schools the resources they need, and

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1 that's what's troubling to me.

2 I'm out of time, but if we can come
3 back later, I have a Common Core question.

4 COMMISSIONER KING: Thanks.

5 ASSEMBLYWOMAN NOLAN: Thank you.

6 CHAIRMAN DeFRANCISCO: Excuse me --

7 ASSEMBLYWOMAN NOLAN: We just want
8 to -- we're going to get that, we want to get
9 that for Senator Tkaczyk, we have it in the
10 back, how much is spent on textbook aid.
11 Right, John?

12 CHAIRMAN DeFRANCISCO: Yes, excuse me.
13 The timekeeper, could you leave it at zero
14 until we call out another witness, so someone
15 is not confused? You see what it's on now?
16 Would someone explain to them?

17 ASSEMBLYWOMAN NOLAN: Thank you. Just
18 so we know in terms of our Assembly
19 colleagues, now we'll have Deputy Speaker
20 Earlene Hooper, and then our ranking minority
21 member, Ed Ra, after the Senate, and then
22 Assemblyman Graf. Then we'll go back to the
23 majority with Bill Colton and Amy Paulin, and
24 then Jane Corwin. That's our list of people

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1 who have questions on the Assembly side. If
2 there are other members, please see me. And

3 obviously we're alternating with the Senate.

4 And now we'll have Deputy Speaker
5 Hooper.

6 ASSEMBLYWOMAN HOOPER: Thank you.

7 First I want to acknowledge and to
8 welcome Chancellor Tisch and thank you for
9 your dedication and your outstanding
10 leadership. Because education really is the
11 foundation for a future.

12 And to Dr. King, the commissioner, I
13 want to first of all thank you for sharing
14 your personal challenges, which you are so
15 willing to share, and giving credit to
16 teachers. But more than that, there is a
17 student somewhere in today's education system
18 who can look at your accomplishments, draw
19 from it, and feel a sense of purpose in
20 establishing a goal which they can reach and
21 which is realistic in their hoping to reach
22 that goal, knowing indeed it is possible
23 because of what you have been able to achieve.
24 And I want to thank you for being so open to

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1 share that with us.

2 I just have many one salient question
3 to ask as I am perusing the presentation that
4 you gave to us, "College and Career
5 Readiness." On page 15, the English language
6 learners. The last paragraph, and certainly
7 very, very necessary, the Spanish-speaking
8 English language learners who have been in the

9 United States for three consecutive years, in
10 reference to Spanish speaking.

11 Have you given any consideration also
12 to those persons who are from the Haitian
13 community, Russians, and other Asian or other
14 nonspecific, non-Spanish-speaking-specific
15 students who have been here less than three
16 consecutive years? Could you elaborate on
17 that, please?

18 COMMISSIONER KING: Yes. Appreciate
19 the question.

20 The challenge we're trying to get at
21 with page 15 is that currently, after students
22 have been in the United States for over a
23 year, English language learners are required
24 to take the state English language arts exam.

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1 That's a federal requirement. But the federal
2 government allows states to
3 administer assessments of language skills in
4 other languages, if the state can provide
5 those assessments. Historically we haven't
6 had the resources to do that.

7 So the request here for \$10 million is
8 to do that first for Spanish, so that students
9 who are Spanish-speaking could take an
10 assessment that would be in Spanish and would
11 get a sense of their literacy skills in
12 Spanish, and that would be a first step
13 towards ultimately developing similar
14 assessments in other languages, like Haitian

15 Creole, like the Chinese language, which is
16 spoken by a very large number of New York
17 State students.

18 But the idea here would be rather than
19 to have students take an English language arts
20 assessment after they've only been here just
21 over a year, to allow those students to take
22 exams in their native language, as a
23 transition. But in order to do that, we would
24 need the resources to be able to create those

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1 assessments.

2 ASSEMBLYWOMAN HOOPER: All right, just
3 a follow-up. You indicate that those students
4 who have been here, the Spanish-speaking
5 students, certainly they definitely need an
6 opportunity to be tested in their original
7 language. But how would you achieve, say,
8 students who are from African nations? Where
9 and how, and how would it be funded to achieve
10 the necessary professionals for those who
11 would help those students who are from African
12 nations, from Caribbean nations such as Haiti,
13 which do not speak English, or Asians or
14 Russians? How would that be achieved?

15 COMMISSIONER KING: So we'd like to
16 start with Spanish, then we would plan to grow
17 the number of offerings to probably the top
18 five most frequently spoken languages.

19 But we've got well over 140 languages
20 spoken in New York State, so we wouldn't be

21 able to have an exam in every language. So
22 for students where we didn't have a native
23 language arts assessment, we would want to use
24 our English proficiency assessment for

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1 accountability purposes -- again, so that
2 those students aren't taking an English
3 language arts exam when they've only been in
4 the country just over a year.

5 We will ask the federal government for
6 a waiver from the provisions of No Child Left
7 Behind to allow us to use our English
8 proficiency assessment in that way, and they
9 will need to determine whether or not they
10 will allow us to do that.

11 ASSEMBLYWOMAN HOOPER: All right. In
12 conclusion, do you have a time frame, pursuant
13 to those other languages, to gradually include
14 them? Is there a time frame?

15 COMMISSIONER KING: We don't have one
16 yet. We would start with Spanish and, if we
17 were able to get these resources, that would
18 allow us to build towards probably 2016 for
19 the assessment in Spanish. And then we would
20 look beyond that for the other languages.

21 One of the goals here would also be to
22 explore the possibility of sharing costs with
23 other states. There are other states that
24 have significant populations of English

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1 language learners, certainly Spanish speakers
Page 64

2 who may be interested now that we have common
3 standards across states, in sharing the costs
4 of development of those exams.

5 ASSEMBLYWOMAN HOOPER: Thank you. And
6 thank you for being so aware of what is going
7 on in the Nassau County community, both you
8 and the chancellor. I appreciate it. And we
9 appreciate you too. Thank you so very much
10 for being here today.

11 COMMISSIONER KING: Thank you.

12 CHAIRMAN DeFRANCISCO: Senator Smith.

13 SENATOR SMITH: Thank you,
14 Mr. Chairman.

15 Good morning, Commissioner King.

16 COMMISSIONER KING: Good morning.

17 SENATOR SMITH: Good morning,
18 Regent Tisch. To your colleagues on the dais
19 with you as well, good morning.

20 I want to just direct your attention
21 to the Smart Schools portion of the budget.
22 As you know, I sent you a letter back in
23 October regarding classroom technology, and
24 I'm glad to see that there is some

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1 acknowledgment of that and that we do now have
2 some attempt to put technology in the
3 classrooms and bring up young people up to a
4 competitive status to compete around the world
5 with others.

6 In the interests of time, I have three
7 or four questions, so I'm just going to read

8 them all to you and you can answer them in
9 whatever order you choose.

10 One, I'm assuming, even though we know
11 we have to have a ballot referendum for this,
12 I would assume at this point you have begun to
13 determine a formula by which this Smart School
14 money will be allocated, or at least a method
15 of determining what districts get what.

16 Two, could you provide me, if you have
17 begun that already, a list of the schools or
18 at least an idea of the schools in the
19 district that I represent, which is the 14th
20 District in New York City, what they would be
21 entitled to? As you know, this is one of the
22 districts that have extreme challenge when it
23 comes to technology in the classroom. Some
24 kids don't even have books, some of them are

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1 sitting on broken chairs, some are in
2 lavatories in classrooms.

3 Third, I note in the Governor's budget
4 that the Smart School funds will be used
5 towards building pre-K classrooms as well as
6 technology in the classroom. Do you have an
7 idea of what percentage would be used towards
8 the classroom buildout for pre-K versus the
9 technology?

10 And the fourth is with regard to the
11 bond act, the technology in the classroom and
12 as well as the construction of the classroom,
13 will that be subject to the minority-and-

14 women-owned business participation which the
15 Governor has been very proud of in terms of
16 his success with that requirement?

17 Thank you.

18 COMMISSIONER KING: Thank you. I
19 think those are exactly the right questions.
20 Unfortunately, I can't answer them directly.
21 We have begun conversations with the
22 Governor's office about the design of the
23 initiative, and certainly they are interested
24 in input from the Legislature, but I don't

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1 believe any of those questions have been
2 resolved as of yet.

3 Beth, do you want to comment on that?

4 EX. DEP. CMR. BERLIN: Thank you,
5 Commissioner.

6 That is correct. Certainly we
7 recognize that the technology could be used
8 for a variety of needs that schools are
9 facing, whether it's to support --

10 ASSEMBLYWOMAN NOLAN: I apologize.
11 Would you just be kind enough to introduce
12 yourself? And we know who you are, but the
13 screen doesn't reflect it. And actually I
14 don't know if you introduced the whole team,
15 so it might be good to do that.

16 And thank you, Beth. I'm sorry.

17 EX. DEP. CMR. BERLIN: No, thank you,
18 Chairwoman. I'm Beth Berlin. I'm the
19 executive deputy commissioner at the State

20 Education Department.

21 So as the commissioner had said, we
22 have started conversations with the Governor's
23 office --

24 CHAIRMAN DeFRANCISCO: Move the

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1 microphone closer.

2 EX. DEP. CMR. BERLIN: There we go.

3 So we have had conversations,
4 preliminary discussions with the Governor's
5 office, but most certainly they are interested
6 in the negotiations that are before them with
7 members of the Legislature. They did identify
8 that there would be a panel that would also be
9 looking at the opportunities and the grant
10 applications, and that would include the
11 director of the Division of Budget, the
12 commissioner for the State Education
13 Department, as well as the chancellor from
14 SUNY.

15 So some of the details are known, but
16 I think certainly the percentage of funds and
17 what would go to support the technology versus
18 the pre-K infrastructure, those components are
19 yet to be worked out.

20 SENATOR SMITH: Okay. Commissioner,
21 can you -- you know, this area is very
22 important to me; obviously it's important to
23 the Governor and many others. I just think
24 that given where we are going in society and

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1 the world today, the absence of technology in
2 the classroom and our youngsters being able to
3 manage it is going to put them at a tremendous
4 disadvantage going forward.

5 So I see that though you have taken
6 down those questions, as you move through your
7 process would you be so kind as to make sure
8 that you keep me informed of answers to those
9 questions as you receive them? And you may do
10 it in the broader context of the entire
11 Legislature, that's fine. But I just want, on
12 the record, you to know that that's an area of
13 extreme interest. As I said, I communicated
14 with your office back in October even prior to
15 any budget negotiations, discussions, or plans
16 being drawn up. So I would appreciate that.

17 COMMISSIONER KING: Absolutely.

18 SENATOR SMITH: Thanks so much.

19 ASSEMBLYWOMAN NOLAN: Ed Ra.

20 ASSEMBLYMAN RA: Thank you,

21 Chairwoman.

22 Commissioner, I just want to go into
23 the special education aspect a little bit with
24 the Common Core. Like yourself, I did quite a

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1 bit of traveling around the state last fall
2 doing forums on Common Core, and one of the
3 things that came up everywhere we went was
4 with regard to special education and, in
5 particular, both teachers and parents, that

6 they felt that they were lacking in some
7 resources and direction, really, as to how to
8 align the child's IEP with the Common Core.
9 And, you know, we heard some stories like of a
10 parent who got all the homework home with
11 their child and called the school and said,
12 "Listen, his IEP says he's only supposed to
13 have so much homework," or whatever. And the
14 response the parent got was, "well, then only
15 make him do half of it."

16 You know, I think that (a) is really
17 not an acceptable result for something that's
18 supposed to guide the education of a special
19 needs child who, you know, how to get them
20 from Point A to Point B and what constitutes
21 progress for them may be different than what
22 does for other students.

23 So I'm just wondering what SED is
24 doing to ensure that (a) the resources are

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1 there for the special education teachers to
2 make sure they know how to properly align with
3 Common Core. I know it's touched on in this
4 handout in the "Professional Development"
5 section. But (b) how do we make sure that the
6 teachers are aware of what's there so that
7 they know that the IEP is still the document
8 that should be controlling the direction of
9 that child's education?

10 COMMISSIONER KING: Yes, actually,
11 thank you for the question. I very much share

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your concern about this issue.

And I want to emphasize that we have made significant investments in professional development in this area through our regional special education technical assistance centers and our special education parent centers. But I think there is more to be done, both at the state level and at the district level.

One of the priorities in the Professional Development Fund that we've proposed, the \$125 million for next year and \$200 million in each of the years after that, one of the priorities would be to support

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districts around professional development for teachers and parents on helping students with disabilities reach these new higher expectations while honoring their IEPs and the specific program that's been developed by the Committee on Special Education.

ASSEMBLYMAN RA: Like you said, it's a very important area, and we want to make sure -- those are children that we want to make sure don't get left behind in all of this. I know there's been talk over the last few months and the Regents and yourself were pursuing the waivers in terms of their testing level, being tested at their developmental level as opposed to grade level and all of that, which is important.

But we heard, you know, really just

18 heart-wrenching stories about special
19 education students and how they were dealing
20 with both the anxiety in the classroom of the
21 instruction and also the testing. So I'm glad
22 to see that in here, and I hope we can make
23 sure teachers around the state who are so
24 dedicated to teaching those most vulnerable

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1 learners know that there is resources there
2 and make sure that they can properly align the
3 IEPs to their instruction. Because, you know,
4 I don't really blame the teacher in any way
5 for that story that we heard; it really speaks
6 to I think something new coming in and them
7 not knowing exactly how to balance the two.
8 And I think the IEP is there for a reason, to
9 make sure that that is the document that's
10 directing the child's education.

11 COMMISSIONER KING: I think that's
12 exactly right. And I'm glad you raised the
13 issue of the waiver. We can use support from
14 legislators around our waiver request to the
15 U.S. Department of Education. We expect that
16 the Regents will discuss this at their
17 February meeting, but we have proposed a
18 waiver that would allow students who are not
19 taking the alternate assessment but who have
20 very significant disabilities to take
21 assessments at their instructional level
22 rather than at their chronological age. And
23 we will need the permission of the U.S.

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Department of Education to do that, and

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1 support from legislators for that proposal
2 will be very helpful.

3 ASSEMBLYMAN RA: I would be happy, and
4 I'm sure many of my colleagues would, to help
5 support your department's request and the
6 Regents' request any way we can.

7 Thank you.

8 COMMISSIONER KING: Thank you.

9 CHAIRMAN DeFRANCISCO: Senator
10 Montgomery.

11 SENATOR MONTGOMERY: Good morning,
12 Commissioner.

13 COMMISSIONER KING: Good morning.

14 SENATOR MONTGOMERY: Thank you,
15 Mr. Chairman.

16 I have a couple of areas that I wanted
17 to just ask you about. And of course I think
18 one of them you can probably anticipate. We
19 have what I consider to be, at least up till
20 now, a successful program that you and the
21 Regents put into place, and I'm just wondering
22 where we are with that. I'm referring to page
23 12 on your presentation. It's how do we
24 actually expand access to higher education for

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1 all young people, especially those young
2 people who would be considered to be in a
3 disadvantaged area.

4 And I know that Senator Flanagan has
Page 73

5 introduced legislation to try and figure out
6 how are we able to pay for that and whether or
7 not we can actually look for an expansion, and
8 to make it a permanent part of what we do with
9 young people in high schools, where they will
10 graduate with possibly even a two-year degree,
11 but certainly college credits that they can
12 transfer. Is there any reason that you have
13 or that you know of that we cannot consider
14 Senator Flanagan's proposal to funding this
15 partially through the TAP program or some
16 other way of doing it?

17 COMMISSIONER KING: We strongly
18 support Senator Flanagan's proposal and think
19 it's exactly the right direction.

20 As we've talked about, early-college
21 high schools have an outstanding track record
22 nationally of helping students who are
23 high-needs get on a path to college success.
24 There was a very large-scale study that was

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1 done in Texas that showed students who
2 participated in early-college high school
3 programs were more likely to graduate from
4 high school, enroll in college, stay in
5 college and graduate from college. So the
6 results are there.

7 We think TAP funding would allow a
8 sustainable, permanent funding source. We
9 were pleased that there was funding for
10 early-college high schools in last year's

11 budget. We were pleased that the Governor has
12 talked about an investment in more schools
13 like the P-TECH program in his budget
14 proposal. But we think a long-term funding
15 source is critical so that schools and
16 districts know these programs will be in place
17 long-term, and we think that TAP funding for
18 early-college high school is the way to get
19 there.

20 SENATOR MONTGOMERY: So there should
21 not be, in fact, a provision that does not
22 allow us to utilize TAP for that?

23 COMMISSIONER KING: We would like to
24 see the law changed so that students can

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1 access TAP, and I think the higher education
2 institutions would share that priority.

3 SENATOR MONTGOMERY: So I certainly
4 support that, and I hope we can move forward
5 on that this year.

6 Just another area as it relates to the
7 issue of Common Core, and I'm looking under
8 "Professional Development." However, I don't
9 see the connection specifically with the
10 higher ed institutions, but I'll wait till the
11 Higher Ed session for that question.

12 But I do want to point out I was
13 recently visiting one of the cultural
14 institutions in my district, the Brooklyn
15 Children's Museum, which is an outstanding
16 museum and one of the first for children in

17 the nation. And they work with schools as
18 best that they can with the limited resources.
19 And one of the mission statements is that
20 school visits are designed to encourage
21 inquiry-based learning and motivate all types
22 of learners. Brooklyn Children's Museum's
23 program content reflects national, New York
24 State and New York City standards and is

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1 aligned with the Common Core.

2 So there is something that we don't
3 have to invent. They have already figured out
4 how to make the connection between children's
5 learning and the Common Core and the fact that
6 so many children learn so much better when
7 they have a hands-on experience that connects
8 their lives and their world.

9 The museum is looking for and
10 proposing that we do museum/school partnership
11 programs. I'm just wondering where in your
12 budget, with you and the Regents, where you're
13 talking about actually using the cultural
14 institutions as a partner and where you're
15 making it possible for them to do that
16 budgetarily between the museums, the cultural
17 institutions generally speaking, and schools.

18 COMMISSIONER KING: We very much
19 support those kind of partnerships. And we
20 would envision that \$125 million Professional
21 Development Fund that would then grow to
22 \$200 million in the following two years, we

23 envision partnerships with both higher
24 education and cultural institutions as a part

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1 of the strategy that districts might use to
2 support professional development and
3 opportunities for kids.

4 I should mention last summer we hosted
5 a conference called "Uncommon Approaches to
6 the Common Core" where we brought together
7 cultural institutions and libraries as well as
8 educators from across the state to talk about
9 the role of cultural institutions and
10 libraries in supporting students' success with
11 skills that are required in the Common Core.
12 We think that is a natural partnership. We
13 had great participation in that conference.
14 We've had a number of follow-up regional
15 discussions building on that and plan to do
16 that conference again next summer, and would
17 certainly want to see partnerships with
18 cultural institutions prioritized in the
19 professional development funding.

20 SENATOR MONTGOMERY: That will be very
21 helpful. And I certainly hope that we can
22 have you in the city working with people who
23 want to do this kind of thing.

24 The last thing that I want to say in

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1 my last couple of minutes is I certainly
2 appreciate your leadership and the Regents'.

3 I think that you have done probably more than
4 most commissioners in getting right down to
5 the place where parents can hear you and
6 understand what you're trying to do. But I
7 want to see more of that. We have a problem
8 in the city that people don't make the
9 connection between your role and the Regents
10 and our educational system. We need to be
11 able to bring you to the city, because that's
12 where half of the children in the state are in
13 school, and so that they understand what
14 exactly you expect of them as well as the
15 educators that are in charge of our system.

16 So thank you again, and I'm looking
17 forward to seeing you in the city much more,
18 you and the Regents.

19 COMMISSIONER KING: Thank you.

20 ASSEMBLYWOMAN NOLAN: Thank you.

21 Assemblyman Al Graf is next, and then Bill
22 Colton, Amy Paulin, and Jane Corwin is going
23 to come back.

24 We've also been joined by

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1 Assemblywoman Deborah Glick, who really is our
2 partner in all education things, chairing
3 Higher Education. I know I couldn't do the
4 committee without her help. And Assemblywoman
5 Sandy Galef is in the house. If there are
6 other members, I would certainly want to make
7 sure you kind of wave out so I see you.

8 And I love the Brooklyn Children's

9 Museum, Velmanette. I took my son there many,
10 many, many times. But like many places in the
11 city, I know our school never went there. So
12 I took him, because I was an involved mom. So
13 we have to change that. Just an editorial
14 comment. But I do love that place. It's one
15 of my favorite places in all of New York.

16 And Assemblyman Al Graf, who was a
17 teacher, like many of the members who speak
18 today, so we appreciate having him on our
19 committee.

20 ASSEMBLYMAN GRAF: Is this on now?
21 Okay.

22 As you know, I've traveled all over
23 the state. I've done 11 forums on this topic,
24 okay? I went to Plattsburgh to get my degree

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1 in elementary education. To say that I'm
2 disappointed with this curriculum, right,
3 would be an understatement.

4 Let me ask a question. Have you had
5 conversations with the Governor's office about
6 the need to push forward Common Core?

7 COMMISSIONER KING: I'm sorry, I don't
8 understand what you mean by "push forward."

9 ASSEMBLYMAN GRAF: Have you had
10 conversations with the Governor's office
11 pertaining about the need to push forward this
12 Common Core curriculum?

13 COMMISSIONER KING: The Governor
14 expressed in his budget addressed his strong

15 commitment to the Common Core standards, which
16 I appreciate, and we've said we will work
17 productively, we think, with the panel that he
18 is creating to think about ways that we can
19 continue to improve implementation of the
20 Common Core.

21 ASSEMBLYMAN GRAF: Have you had
22 meetings with the Governor's office?

23 COMMISSIONER KING: We meet regularly
24 with the Governor's office on a variety of

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1 issues.

2 ASSEMBLYMAN GRAF: Okay. Now, the
3 modules, you're getting them from Pearson,
4 correct?

5 COMMISSIONER KING: No.

6 ASSEMBLYMAN GRAF: Who are you getting
7 them from?

8 COMMISSIONER KING: There are a
9 variety of partners in the development of the
10 modules. In K-2 English language arts the
11 partner is Core Knowledge, which has decades
12 of research supporting their work on early
13 literacy. In Grades 3-8 the partner is
14 Expeditionary Learning, which has been
15 involved in professional development and
16 support for teachers not just in New York but
17 all across the country. At the high school
18 level, the partner is PCG.

19 And all of those partners working with
20 us in English language arts are convening

21 teams of teachers to work on the development
22 of the materials, and the materials are
23 reviewed by New York State educators as the
24 materials are prepared, and we continue to

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1 improve them as we get feedback.

2 In mathematics, our partner is an
3 organization called Common Core that has
4 worked in this area of improving standards
5 across the country for a long time. Again,
6 they convene master teachers and education
7 researchers to develop the materials and then
8 get feedback on those materials from New York
9 State educators.

10 ASSEMBLYMAN GRAF: Can you tell me how
11 much you've paid for the -- how much is this
12 costing you to get these materials?

13 COMMISSIONER KING: I think it's just
14 over \$20 million, but I can get you the
15 specific number on the cost of the various
16 curriculum materials.

17 ASSEMBLYMAN GRAF: Now, in my forums
18 that we did, we've taken a look at some of the
19 material that has been presented or taken off
20 of the state site, and some of it's
21 grammatically incorrect, some of it was
22 incomplete, some of it was -- it's not
23 developmentally appropriate, okay. There are
24 no rubrics here for kids with disabilities,

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1 there are no rubrics here for kids that are
Page 81

2 advanced learners, okay. who's reviewing this
3 material before you put it out?

4 COMMISSIONER KING: New York State
5 educators as well as the department staff
6 review the materials. And again, we will
7 continuously improve them. The materials have
8 gotten tremendous positive feedback not only
9 from across the state but across the country.

10 Expeditionary Learning, for example,
11 just was awarded a U.S. Department of
12 Education Innovation Grant because of the
13 promise that their work holds for improving
14 student outcomes.

15 But it's important to say that
16 curriculum materials are not required, they
17 are optional for districts. Districts can
18 choose whether or not to use them, and they
19 can choose how they will adapt them.

20 ASSEMBLYMAN GRAF: You know, I keep
21 hearing that. And here's the problem. What
22 we're supposed to be doing is all of our
23 students are supposed to be learning the same
24 thing at the same level; they're supposed to

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1 fill all of this in. But what's happening
2 is -- what I've found is I have some school
3 districts that are coming out and saying this
4 is the greatest thing since apple pie.
5 They're not using it, okay? They wrote their
6 own curriculum. I have teachers -- I have
7 school districts where they brought the

8 teachers in during the summer and they paid
9 them to write curriculum, home-grown
10 curriculum.

11 We've got some of the best educators
12 in the country. Why weren't they brought in
13 to help write the curriculum? I have other
14 school districts that are only doing it
15 partially, they're using half the ELAS. I
16 have other school districts that don't have
17 the money for this. That's all they're using,
18 is the ELAS.

19 And, I mean, this should be the
20 Uncommon Core, because we're all over the map
21 here. The implementation of this has been a
22 nightmare. Nothing's consistent. That's what
23 I have a problem with, part of the problem
24 that I have with Common Core as we know it.

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1 And I understand, look, Common Core supposedly
2 is an outline, all right. But what happens is
3 New York State fills in the outline. And what
4 they've filled in the outline with, from what
5 I've seen, is horrible. And I'm trying to
6 figure out why we're not reaching out to our
7 school districts and reimbursing them for the
8 curriculum that they already turned around and
9 wrote, and make that available to some of our
10 other school districts.

11 The other thing is I'm looking at your
12 graphs here, your bar graphs and stuff with
13 the graduation rates. This hasn't changed in

14 three years. It's the same thing.

15 Now, with this, what happened is my
16 children, if there was something I couldn't
17 help them with in school, I would hire a
18 tutor. Okay? I could use that resource.
19 Long Island, we have school districts that are
20 now going out there and holding classes for
21 parents so that the parents can help their
22 kids with their homework.

23 what happens when we go into
24 economically distressed areas? What happens

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1 when we have a single-parent household where
2 they're working three jobs to keep the roof
3 over their head, the lights on, and food on
4 the table? They're not going to have those
5 outside resources. We're constantly talking
6 about the haves and have-nots. You're sitting
7 here focusing on high-needs schools, okay?
8 That gap is going to grow even further the way
9 we're doing this.

10 So, I mean, this is not common at all.
11 So, I mean, what are you doing for these
12 disparities?

13 COMMISSIONER KING: Two things. One
14 is, Common Core is a set of standards and
15 districts choose their curriculum. That has
16 always been the case, that curriculum is a
17 local responsibility. And although the state
18 is preparing materials together with educators
19 from across the state that are optional,

20 districts still have the choice of curriculum.
21 The Common Core was never intended to result
22 in the same curriculum being taught in every
23 classroom. We want educators to adapt
24 whatever curriculum they're using to meet the

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*1 needs of their students.

2 On the issue of equity, the Common
3 Core, from my perspective, is critical to
4 improving equity of outcomes. What we know,
5 for example, from the NAEP assessment -- which
6 is the National Assessment of Educational
7 Progress -- that's the gold standard for
8 comparing performance across states, Tennessee
9 and the District of Columbia, two places where
10 there are very high-needs students, saw the
11 largest gains on the last administration of
12 the NAEP because they are focused on two
13 things, raising standards for teaching through
14 teacher evaluation and principal evaluation
15 systems that support good professional
16 development, and the implementation of the
17 Common Core standards. And they saw some of
18 the largest gains for their highest-needs
19 students.

20 For our highest-needs students, what
21 happens in school is critical to their
22 prospects for success. I share your concern
23 about the ways in which those students are
24 disadvantaged because they may not have the

1 same access to support outside of school.
2 That's why what happens in the classroom is so
3 critical. That's why we need to make these
4 investments in improving teaching and
5 learning.

6 And should there be more professional
7 development in our highest-needs districts?
8 Absolutely. Should we encourage teachers to
9 work together to develop curriculum materials
10 and adapt curriculum materials? Absolutely.

11 I was in the Southern Tier visiting
12 with districts where they had committed --
13 Windsor, Maine-Endwell -- committed to bring
14 their teachers together. They invested
15 resources in that that they were lucky to
16 have, and they invested those resources in
17 bringing their teachers together to review
18 materials, adapt them, talk about student
19 work. That kind of teacher collaboration is
20 critical, and that's why we've put forward the
21 investment we have in professional
22 development.

23 ASSEMBLYMAN GRAF: Yeah, but so many
24 school districts can't afford this.

1 CHAIRMAN DeFRANCISCO: Excuse me.
2 Excuse me. We're trying to keep to the seven
3 minutes, and we're almost to the end. If you
4 want to ask more questions after everybody's
5 had a chance, we'd be more than happy to

6 accommodate you.

7 ASSEMBLYMAN GRAF: Am I past the seven
8 minutes already?

9 CHAIRMAN DeFRANCISCO: Yeah. I guess
10 we're clockless down there. I'm not quite
11 sure what happened. But yeah, you're
12 considerably past it.

13 ASSEMBLYMAN GRAF: Okay. I'll come
14 back.

15 CHAIRMAN DeFRANCISCO: Thank you.
16 The next questioner is Senator Gipson.

17 SENATOR GIPSON: Thank you,
18 Commissioner, for you and your colleagues
19 coming here today. You certainly play a
20 valuable role in partnering with us to try to
21 make sure we provide an environment for our
22 kids to succeed and reach their maximum
23 potential.

24 You know, I've always thought the

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1 Common Core was kind of misnamed. I'm sure
2 that we all agree that we don't want our
3 students to be common, we want our students to
4 be superior. We want them to be individual
5 creative abstract thinkers, to reach their
6 maximum individual creativity.

7 And I think it's just important to
8 note that as we sit here debating this issue
9 today that at least in my office, and I'm
10 fairly sure that in my colleagues' offices as
11 well, our phones continue to ring, we continue

12 to get emails, we continue to get letters, we
13 continue to get visits from parents and
14 teachers and even students, administrators,
15 that are all extremely concerned and I think
16 it's fair to say upset about the
17 implementation of the Common Core. And these
18 are people from all income levels, rich, poor,
19 white, black, Republicans, Democrats,
20 liberals, progressives. The only thing common
21 about Common Core is that it seems to be
22 commonly being objected to across the state
23 right now.

24 And I just wonder what would be the

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1 difficulty, why not step back from this, allow
2 the teachers and the students and the parents
3 and the administrators, all the people that
4 actually have to deal with implementing this,
5 allow them to have some input, allow them to
6 take ownership, allow them to be a part of the
7 process. why not step back, put this on hold
8 until we can do that and figure out a way to
9 do it properly so that we're not cornering our
10 students at such an early age?

11 COMMISSIONER KING: Two observations.
12 One is that the Common Core was developed with
13 input from educators not only from New York
14 State but from all across the country. The
15 work that's happening around professional
16 development for the Common Core has been
17 designed with input from educators all across

18 the state. Every other month we have over 500
19 educators from across the state here in Albany
20 working on professional development to support
21 their colleagues around implementation of the
22 Common Core. Certainly implementation looks
23 different in different districts, and we have
24 always acknowledged that the implementation

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1 has been uneven. And that is inevitable when
2 you try and change standards across 700
3 districts.

4 But I don't think it makes sense to go
5 backwards and to retreat from the idea that
6 students should be writing more, that students
7 should be reading more challenging texts, that
8 students should be doing more problem-solving
9 in math. Educators across the country
10 strongly support the Common Core standards.

11 Now, are there disagreements around
12 implementation, in particular disagreements
13 around the relationship between the teacher
14 and principal evaluation system in the work on
15 the Common Core? Sure. And those
16 disagreements, I would argue, are also
17 inevitable when you try to raise standards
18 across 45 states simultaneously.

19 But I don't think it makes sense to
20 say to the students today "we're going to ask
21 you to do less writing, we're going to go back
22 to a set of standards that we all agree
23 weren't getting us where we need to be in

24 terms of college and career readiness." The

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1 question really should be how do we best go
2 forward knowing that this kind of change
3 effort is always going to come with challenges
4 and require adjustments.

5 SENATOR GIPSON: You know, it just
6 doesn't feel like, from the comments that I'm
7 getting from the teachers and the supervisors,
8 administrators, the students and parents, it
9 doesn't feel like there was any effort to
10 include these important people in deciding how
11 this would be implemented and rolled out.
12 That seems to be the really core issue here
13 that we're all debating over, is that why
14 can't we step back from this, look at a better
15 way to bring all of those people on board that
16 play a vital role in making sure this is
17 successful, and incorporate their ideas and
18 thoughts.

19 The teachers right now are really not
20 being allowed to teach, and our students are
21 the worse off for that, because our teachers
22 have individual talents that we want our
23 students to be able to take advantage of.

24 The students, as individuals, are

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1 being put into a corner. We are trying to
2 standardize them in a way that just really
3 rebels against everything our country was
4 founded on. It seems that while you say you

5 don't want us to move backwards, the failure
6 of the implementation is actually moving
7 backwards.

8 And so I would argue that by stepping
9 back from this and really starting over and
10 finding a better way to implement it, we would
11 have a better chance at moving forward and
12 doing it in a much more efficient and
13 effective way.

14 COMMISSIONER KING: I think we have
15 very different perspectives.

16 As I mentioned earlier, I've visited
17 over 50 schools since the start of the school
18 year, and I've talked with thousands of
19 teachers over the last five years as we have
20 moved this work forward. And what's happening
21 in classrooms is a lot of good work, and some
22 of that I tried to describe in my opening
23 comments. There are countless examples. If
24 you go on EngageNY.org, our professional

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1 development website, you will see countless
2 accounts from teachers, principals,
3 superintendents around the state who are
4 engaged in this work and seeing a difference
5 in their students who will say "My students
6 now are able to read a level of text I didn't
7 realize they could, they're having
8 conversations about the evidence from those
9 texts I didn't think they would be able to
10 have." Teachers who describe that they didn't

11 realize how much their students could do in
12 math and how excited their students are about
13 the math work that they're doing.

14 Now, there are many educators involved
15 in the development of our curriculum
16 materials, our professional development
17 materials, the development of our assessments.
18 And we'll continue to involve educators from
19 across the state, and we'll continue to make
20 adjustments. I don't want anyone to
21 misunderstand that I'm saying that
22 implementation has been perfect. There's work
23 to do to ensure that we support districts,
24 that we support our educators, we support our

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1 parents, and that we get to a place where all
2 of our students ultimately are prepared for
3 college and career success.

4 SENATOR GIPSON: Well, I think that
5 those comments, I would encourage you to
6 encourage those teachers that you're referring
7 to, those that responded positively to this,
8 have them contact me. Have them share that
9 with me and with my other colleagues. Because
10 I'm not hearing from those people. I'm not
11 hearing from the teachers and the
12 administrators and the students and the
13 parents that like this. I would love to do
14 that. I think there are people here that
15 would love to hear that. But that's not what
16 we're getting.

17 So there's something to this. People
18 aren't just making this up. It is a diverse
19 array of people that are objecting to the
20 implementation of this. And I think it's
21 worthy, since they are the taxpayers funding
22 this program in the first place, that we step
23 back and really listen to what they're saying
24 to us. And I hope that as we move forward

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1 that you will join me in that effort and pay
2 more attention to those who believe that we
3 are really about to make a really awful
4 mistake. I think we have time now to step
5 back, change direction and make the right
6 choice, and I hope you'll join me in that.

7 Thank you for coming today.

8 ASSEMBLYWOMAN NOLAN: Thank you.

9 Assemblyman Colton and then, on our
10 on-deck side, Assemblywoman Paulin,
11 Assemblywoman Glick, Assemblywoman Lifton,
12 Assemblyman Orr, and then we have two members,
13 Assemblywoman Jaffee and Assemblyman Abinanti,
14 who joined us. And I think I said Sandy
15 Galef.

16 CHAIRMAN DeFRANCISCO: Excuse me one
17 moment. Is the stenographer okay? Do you
18 need a break? Okay, because we almost lost
19 one yesterday.

20 ASSEMBLYWOMAN NOLAN: That's a hint,
21 too, you know, that we do have a lot of
22 questions for the Commissioner. I do say,

23 though, we have nowhere near the -- my first
24 year as chair, Commissioner Mills was here for

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1 five hours. We're nowhere near that yet, so
2 we have to think of it that way.

3 Assemblyman Colton.

4 ASSEMBLYMAN COLTON: Good morning,
5 Commissioner. I may be the last one who has
6 the opportunity to wish you a good morning in
7 this session. Thank you for the opportunity
8 to come and discuss some of these issues with
9 us.

10 In regard to CFE, the original
11 Foundation Aid CFE promise was to fully phase
12 in funding over four years, reaching a
13 completion in 2011-2012. This year's
14 Executive Budget does not allocate any
15 additional funding to meet the Foundation Aid
16 benchmark here in 2014-2015. What impact do
17 you think the failure to reach this benchmark
18 may have in providing a sound, basic education
19 in those high-needs districts which were
20 addressed under the CFE principles?

21 COMMISSIONER KING: You know, as I
22 mentioned earlier around this idea of
23 educational insolvency, I think what we're
24 seeing in places that don't have adequate aid

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1 is that they're cutting back on offerings to
2 students, exactly the offerings we know are

3 most critical to those students' success.

4 So part of the balance the Regents
5 tried to strike in their state aid proposal,
6 the \$1.3 billion and the distribution of that
7 \$1.3 billion, is to balance paying down the
8 GEA with trying to get back to the foundation
9 formula principles that reflected the CFE case
10 and decision.

11 We have a long distance to travel as a
12 state to ensure that we are providing the best
13 possible education to all of our students,
14 regardless of where they live. Some of that
15 is about programmatic changes that we need to
16 make, but some of it is about resources and
17 ensuring that we have an equitable
18 distribution. The Regents' state aid
19 proposal, through their transitional operating
20 aid approach, tries to get us closer towards
21 that, knowing that it will take time as the
22 state recovers from the fiscal crisis.

23 ASSEMBLYMAN COLTON: One of the
24 problems, of course, is that with education,

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1 children are in school for a certain period of
2 time. And, you know, eight years later, 12
3 years later, they're out of school, hopefully
4 successfully having graduated. But where they
5 haven't, those children have not been able to
6 be served with the sound, basic education that
7 they are entitled to. And I think that's one
8 of the principles of CFE.

9 And I understand, you know, the
10 difficulties with budget, but parents are
11 concerned about whether their child gets a
12 specific, sound, basic education. And I
13 think, you know, the state has an obligation
14 in doing all it can to make sure that happens.
15 So I think that's the concern that constantly
16 is raised about that.

17 COMMISSIONER KING: Yes, I share your
18 sense of urgency around that. And there's a
19 fourth-grader in 4th grade today, this is that
20 child's only shot at 4th grade.

21 ASSEMBLYMAN COLTON: Now, secondly,
22 regarding the Common Core, there's been a lot
23 of concerns raised by parents, and confusion.
24 And both community education councils in my

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1 district unanimously passed resolutions
2 questioning whether or not parents and input
3 from parents and the needs of students is
4 being taken into consideration in terms of the
5 going forward, pushing forward on the Common
6 Core.

7 Now, you know, there may have been
8 problems -- clearly I think there have been
9 problems with the rollout of it. And I don't
10 think anybody disputes the basic need and
11 excellence of the principles in the
12 Common Core. You know, providing children
13 critical thinking is certainly something
14 everyone agrees with. But the rollout of it

15 has been problematical. So I really, you
16 know, think that the problem that is being
17 seen is the train is leaving the station, but
18 many children and their parents are not aboard
19 the train. And that's a serious concern that
20 has to be looked at.

21 Has the State Education Department --
22 you know, what extra help have you sought to
23 provide districts in terms of the
24 implementation? I know curriculum is the

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1 primary responsibility of the school
2 districts. But in light of the actual data
3 that's out there, and the concerns -- you
4 know, where there's smoke, there's fire. And
5 there's real smoke out there. So, you know,
6 what can the State Education Department do in
7 terms of providing extra help or a complete
8 model curriculum as a guideline to the
9 districts in addressing this problem?

10 COMMISSIONER KING: So it's important
11 to note that in the Race to the Top money, the
12 \$700 million that the state got through Race
13 to the Top, the majority of those funds go
14 directly to districts to support professional
15 development activities and implementation of
16 the new teacher and principal evaluation
17 system in the Common Core. We also have
18 invested as a state, in state and federal
19 funds over the time period since the standards
20 were adopted in 2010, billions of dollars in

21 professional development.
22 But districts make those decisions
23 about how those resources are allocated, and
24 there's no question that there are districts

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1 that because of fiscal constraints and other
2 challenges have not been able to do as much
3 professional development as they would like.
4 That's one of the reasons we've put forward a
5 recommendation for additional professional
6 development funding. I think you'll hear from
7 Chancellor Fariña later today her commitment
8 to professional development and parent
9 engagement as a way to move the work forward
10 on the Common Core and work towards college
11 and career readiness for all students. So I
12 think we have an opportunity going forward to
13 continue to improve our implementation.

14 That said, there's always a first
15 year; the first year is always the hardest. I
16 think last year's 3rd through 8th grade
17 assessments, in the first assessments that
18 reflected the Common Core, that was certainly
19 the hardest moment in this process. And I
20 think going forward we'll have an opportunity
21 to continue to refine our work at the
22 department and also to support districts as
23 they think about the next phase of their work.

24 ASSEMBLYMAN COLTON: I know that, for

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1 example, SED provides a recommendation of \$125

2 million to reimburse districts for
3 professional development. I think the
4 Legislature has a duty to get that into the
5 State Budget. Teacher Centers were again cut
6 in the budget. So, you know, there's a
7 concern that this is going to have an impact
8 at a very time when the rollout has been
9 problematical. We have to be able to support
10 monies for Teacher Centers, for professional
11 development, especially now when, you know,
12 we're at a critical moment in terms of this
13 Common Core implementation.

14 COMMISSIONER KING: And I should say
15 that Teacher Centers have been very strong
16 partners around Common Core professional
17 development, not just in the last year but
18 over the last several years. And they are
19 very focused on supporting the success of the
20 Common Core in classrooms across the state.

21 ASSEMBLYMAN COLTON: Thank you.

22 ASSEMBLYWOMAN NOLAN: Thank you.

23 Senator Krueger?

24 SENATOR KRUEGER: Good afternoon,

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1 Commissioner.

2 Just double-checking, because so many
3 people have asked questions relating to Common
4 Core. Did you somewhere in your testimony or
5 in your answers say that the state was going
6 to provide an actual standardized curriculum
7 that the school districts can use?

8 COMMISSIONER KING: So we do. We
9 provide, if you turn to page 44 and page 45,
10 we are building -- although curriculum is a
11 local responsibility, we are building
12 curriculum materials that will ultimately
13 cover the entirety of K-12 as an optional
14 resource for districts.

15 Those curriculum materials are
16 developed with New York State educators,
17 include supports for students with
18 disabilities and English-language learners,
19 and we'll continue to add to that collection
20 of materials over time. It's one of the
21 commitments we made in Race to the Top. To my
22 knowledge, we're the only state that is making
23 that significant an investment in curricular
24 materials. And the pace of the provision of

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1 those materials is described on pages 44 and
2 45.

3 SENATOR KRUEGER: And you said over
4 time. So how much time before there is a full
5 -- again, districts don't have to use it, but
6 how much time before there's a full curriculum
7 available from State SED for K-12 that any
8 district could use?

9 COMMISSIONER KING: So K-8 English
10 language arts is available now on our
11 EngageNY.org website. Almost the entirety of
12 K-9; there are a couple of materials that will
13 be added even in the next week or so on K-9

14 math. All of those materials are available.

15 The high school transition, as we
16 talked about earlier, phases in over the next
17 three years. And so the high school materials
18 will come later. There are already 9th-grade
19 math materials; those have been there since
20 the summer/fall. But we will grow that
21 collection of materials to include math 10-12
22 and English language arts 9-12 as well.

23 SENATOR KRUEGER: Just a little
24 editorially, a year ago I suggested that we

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1 shouldn't start the exams until we had a
2 curriculum that students could learn from.
3 But that's behind us.

4 We have much discussion around the
5 state -- parents, teachers, students -- the
6 dilemma of too many standardized tests, the
7 difficulties, the dangers of just teaching to
8 tests, national requirements. Your testimony
9 shows that there's only two Regents that
10 aren't overlappingly some kind of mandate.
11 When does New York State say "we don't need
12 the Regents exams anymore"?

13 COMMISSIONER KING: You know, the
14 Regents exam tradition dates back to the
15 1860s, and I think has served the state well.

16 The federal government requires a high
17 school exam in English, math and science, and
18 so we use the Regents exams for those English,
19 math and science exams. We also require exams

20 in social studies, global and U.S. Those are
21 the only exams that we require as a state that
22 aren't part of the federal No Child Left
23 Behind requirements. I was a high school
24 history teacher. I think those exams play an

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1 important role in our high school curriculum.

2 That said, we have over the last
3 decade added flexibility where students can
4 substitute Advanced Placement exams, for
5 example, for Regents exams. They can
6 substitute the SAT II exams for Regents exams.
7 Some schools offer International Baccalaureate
8 programs in place or as a supplement to the
9 Regents exams.

10 So there are options or alternatives,
11 and the Board of Regents has been talking
12 about a role that career and technical
13 education assessments might play in the
14 graduation requirements as well, as a
15 potential substitute for Regents requirements.

16 SENATOR KRUEGER: But is there a way
17 going forward to -- as you just described,
18 there are alternatives to merge so that you
19 are not saying, Oh, you have to take this set
20 of exams, then you also have to take this set
21 of exams, even though three out of five things
22 in theory overlap.

23 And I think that's one of the great
24 frustrations we hear from educators and

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1 parents, that you spend your life teaching to
2 tests and there are multiples of variations on
3 the same tests.

4 COMMISSIONER KING: Just to be clear,
5 our Regents exams satisfy the federal
6 requirements. There aren't double high school
7 requirements. But students do sometimes take
8 the Regents exam and an AP exam in the same
9 subject. Often that's because the AP exam is
10 viewed as more challenging, and students want
11 to make sure they scored a level that
12 satisfies the Regents graduation requirement
13 and don't want to take that risk with the AP
14 exam, although we do allow a 3 or better on
15 the AP exam to substitute for the Regents
16 exam.

17 Similarly with SAT II and the IB, you
18 can substitute them for the Regents exams.
19 But students typically take the Regents exam
20 anyway. It's also sometimes about the
21 calendar. You get your Regents exam score
22 back right away, you have to wait some time to
23 get the Advanced Placement score back, and so
24 forth.

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1 SENATOR KRUEGER: Thank you. Thank
2 you.

3 ASSEMBLYWOMAN NOLAN: Assemblywoman
4 Paulin.

5 ASSEMBLYWOMAN PAULIN: Officially,

6 good afternoon. And thank you for coming and
7 for being so forthright with your answers.

8 I want to get back to a line of
9 questioning that my colleague Assemblyman
10 Brennan had started, which is on the testing.
11 My districts have been pretty much unanimous
12 in their support for the concept of Common
13 Core, and one of my districts, in fact, is
14 very impressed with the specific curriculum
15 that they've been presented with. So their
16 beef isn't necessarily with the idea or the
17 establishment of the standards and/or the
18 commonality of the standards and the
19 curriculum. Their concerns regard the
20 rollout, the rollout and specifically the
21 assessments.

22 And so I appreciate the response that
23 you had given to the letter that a couple of
24 us, three of us had written to you in October,

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1 and it reflects somewhat of what you have in
2 your prepared materials.

3 So I want to ask a specific question
4 about on page 49 you indicate that essentially
5 the standardized tests -- which is the
6 criticism, you know -- are very much mandated
7 by the federal government. So what I wonder
8 about is did the federal government also
9 dictate when they needed to start -- because
10 of course the criticism is that they've
11 started too soon, because the curriculum was

12 just available so teachers didn't know what to
13 teach to best prepare their students for the
14 tests, leading to frustration -- and the type
15 of test? Did the federal government dictate
16 how long the test -- one of the criticisms is
17 that third-graders have to sit for an extended
18 period of time. And I respect the field-test
19 issue, but the test itself is very long, and
20 the type of tests frustrate the younger ages
21 in particular.

22 Does the federal government dictate
23 that it has to be a statewide test, or can it
24 be local tests so that the local districts

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1 would have a better ability to gear the test
2 toward their own students but yet still test
3 to the Common Core? Does the federal
4 government dictate that teachers cannot get
5 individual tests back, as we have in prior
6 years, for them to best be able to help
7 individual students? And similar to that, you
8 know, does the federal government dictate that
9 teachers can't get the tests generally back so
10 that they could better prepare future
11 students?

12 So, you know, while I understand the
13 federal government may say that grades 3-8
14 need to be tested in English and math, do they
15 in addition lay out all of those other
16 dictates in their requirements?

17 COMMISSIONER KING: Thanks, I

18 appreciate that question.

19 So there is a requirement that you
20 have a common statewide assessment system as
21 part of No Child Left Behind. So the common
22 test across the state so that you can compare
23 performance across districts and across
24 schools, that is part of the federal

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1 requirements.

2 The question of timing and when do you
3 switch the assessments to the Common Core is a
4 question of tradeoffs. You want the
5 assessment to reflect the standards that
6 you're teaching. The Board of Regents adopted
7 the standards in 2010. The first 3rd through
8 8th grade assessments that reflect the Common
9 Core were given in spring 2013.

10 Some would argue we should have taken
11 longer. On the other hand, as you look across
12 the country, you see educators complaining in
13 other states that the tests that are being
14 given are based on the old standards, and yet
15 teachers are being asked to teach to the
16 Common Core standards. And so there's a
17 tension between those two things, and every
18 state has had to struggle with this question
19 of when to begin the 3rd through 8th grade
20 assessments and how quickly to phase in high
21 school assessments that reflect the Common
22 Core.

23 We chose a seven-year phase-in. We

24 felt it was important to change the

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1 assessments to match what we're asking
2 teachers to do in the classroom in terms of
3 the Common Core standards.

4 The question of time, we have in our
5 assessment system an estimated or expected
6 time on task, and then we allow students time
7 beyond that to complete their work. Some
8 states have a similar approach -- there's a
9 New England Consortium of states that has a
10 similar approach -- giving an expected time
11 and then additional time if students need it
12 to complete the exam. Other states, like
13 Massachusetts, for example, have untimed
14 tests, and students can take as long as they
15 need to finish.

16 There's a balance to strike. We've
17 tried to strike a balance by setting an
18 expected time and then allowing students
19 additional time to complete their work. We've
20 actually shortened the tests each year over
21 the last couple of years, and continue to look
22 at this question and continue to try to strike
23 the right balance.

24 In terms of the release of test

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1 questions, teachers can get all of the student
2 performance information and they can get
3 item-level analysis, question-level analysis
4 for their students on the questions that we've

5 released. We release about 25 percent of the
6 items. We would like to be able to release
7 more of the questions, and our budget request
8 would allow us to do that, the \$8.4 million
9 that I mentioned earlier.

10 Some states release no items, some
11 states release 25 percent, 50 percent. Some
12 states release test questions every other year
13 or every couple of years. There are a variety
14 of approaches across the country. We'd like
15 to be able to release a higher percentage of
16 questions than just the 25 that we did last
17 year, and the budget request here would allow
18 us to do that.

19 ASSEMBLYWOMAN PAULIN: Thank you.

20 Two other questions. One is in regard
21 to QUALITYstars. You mentioned that you
22 invested \$4 million and you also then in your
23 last paragraph say the state should provide
24 sustainable resources to support the

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1 implementation of QUALITYstars. I'm a big fan
2 of QUALITYstars, and I wondered what it is you
3 think would be adequate funding.

4 COMMISSIONER KING: Well, it depends
5 on the sort of pace of expansion of the
6 program. Our \$4 million Race to the Top
7 investment, as you know, is focused on early
8 childhood programs in the highest-needs
9 communities, communities that have struggling
10 schools. If we were to broaden that, one, we

11 need funding to continue that \$4 million when
12 that grant ends in 2015, we need funding to
13 continue that focus on high-needs districts.
14 If the pre-K program grows, we would need
15 additional funding to expand to other
16 high-needs districts.

17 Certainly our view is that as the
18 Governor and Legislature work on a plan for
19 pre-K expansion, QUALITYstars and a program to
20 ensure quality, not just access, has to be a
21 part of the discussion. So I hope that as we
22 move forward we can continue to talk about
23 what portion of the pre-K funding will go to
24 something like QUALITYstars to monitor

♀ 135
1 performance.

2 ASSEMBLYWOMAN NOLAN: Thank you,
3 Commissioner. I apologize, we have to keep
4 moving; we still have a lengthy list. I know
5 there are senators, but they've been kind
6 enough, since there's a second go-round for
7 them. Assemblywoman Glick, Assemblywoman
8 Lifton, Assemblyman Orr, and then we'll go
9 back to second rounds.

10 CHAIRMAN DeFRANCISCO: Excuse me just
11 one second.

12 ASSEMBLYWOMAN NOLAN: Sure.

13 CHAIRMAN DeFRANCISCO: Commissioner, I
14 know you want to be as thorough as an educator
15 should be. And you are. Believe me, you are.
16 But you can be a little more succinct, or else

17 we'll be having the second witness at
18 midnight. Okay? Thank you.

19 ASSEMBLYWOMAN GLICK: Mindful of the
20 time, I will try to be under the seven
21 minutes.

22 The NAEP, national assessment, in one
23 of the slides it indicates that in 2009,
24 nationally, it shows some percentages for

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1 12th-graders in reading. That is on slide 22.
2 But I see that New York only has listings for
3 4th and 8th grade. Is that all we do, or do
4 we have 12th-grade scores that are just not
5 here?

6 COMMISSIONER KING: My recollection is
7 that that 12th-grade NAEP is optional. I
8 don't know if they reported, state by state,
9 12th-grade results. I'll check on that.

10 ASSEMBLYWOMAN GLICK: Because what's
11 interesting is that it reflects that it does
12 reflect college preparedness. And it would be
13 interesting for us to know in New York State,
14 since we are so addicted to testing, it would
15 be interesting to know if we have a clue,
16 since the gap between all of the testing and
17 all of the money we spend on education and the
18 ability to have students move into college
19 fully prepared, there is a dramatic gap. And
20 I don't know that with the Regents exams, et
21 cetera, I don't see that we've closed that
22 gap. So somewhere along the line our

23 measurements are not matching up with -- and
24 allegedly Common Core is supposed to help us

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1 reduce that.

2 But the implementation, I think
3 everybody has heard locally and I'm sure
4 you've heard, I know you've heard the distress
5 out there. People feel as if you went for
6 your driver's test for a car but the test is
7 based on an 18-wheeler. And somehow, no
8 matter what, you're not going to pass the test
9 because you don't have a clue.

10 So I'm trying to understand what
11 measurements we have in the State of New York
12 that we feel adequately measure progress
13 towards college readiness. Because at the
14 moment, certainly in the City of New York --
15 and I suspect in many parts of the state,
16 since it's not just CUNY, but SUNY and private
17 colleges still have to do substantial
18 remediation.

19 COMMISSIONER KING: Unfortunately the
20 numbers are pretty consistent between if you
21 look at our proficiency rates on NAEP
22 assessment in 4th and 8th grades, if you look
23 at our proficiency rates on the Common Core.
24 3rd through 8th grade assessments that we gave

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1 last year, if you look at the percentage of
2 students who scored on the Regents exams at a

3 level that would be required to enroll in
4 credit-bearing coursework -- CUNY actually has
5 a policy on what score you would need that
6 lines up with our state analysis of what score
7 predicts success in credit-bearing
8 coursework -- all of those numbers point to
9 about a 35 percent proficiency rate, depending
10 on the grade and subject, in terms of college
11 and career readiness.

12 And we think that number needs to be
13 higher for the long-term success of the state.
14 And that is the promise of the Common Core,
15 though, as you say, there's work to do to
16 ensure that implementation goes forward in the
17 best way possible.

18 ASSEMBLYWOMAN GLICK: And just one
19 other question. There seems to be a
20 substantial amount of money requested for a
21 variety of activities in the department.
22 Reducing testing time is almost an
23 \$8.5 million budget request. Some of the
24 budget request items seem fairly high that are

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1 internal to the department, when in fact there
2 are places where students don't have books or
3 adequate -- so I'm just wondering how the
4 department thinks it can operate and deliver
5 the services it has to without as much cost
6 for the operation of its testing regime.

7 COMMISSIONER KING: So it's worth
8 saying that the vast majority of activities at

9 the department are funded through federal
10 dollars, particularly around assessments. But
11 most of our requests are programmatic, adult
12 education and the Higher Education Opportunity
13 Program and so forth.

14 The testing-specific requests, there
15 are two major ones. One is around reducing
16 testing time by eliminating stand-alone field
17 tests. And I described earlier that we are
18 very unique in terms of our approach to
19 printing the exams. And we need to change our
20 approach to printing the exams in order to
21 eliminate stand-alone field testing, thereby
22 reducing testing time and allowing us to
23 release more questions after each
24 administration of the test.

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1 The other is around English language
2 learners, and there the idea is to invest in
3 the development of an assessment that would be
4 in Spanish, a Spanish language arts exam, so
5 that we can begin to allow our students who
6 are recently arrived to demonstrate their
7 literacy skills in their native language
8 rather than in English.

9 ASSEMBLYWOMAN GLICK: At the risk of
10 coming closer to the seven minutes, I see that
11 just giving us the school runs, you have a
12 budget request for \$2 million to reduce the
13 expense and just giving us the information on
14 school runs. It seems like a lot of money.

15 COMMISSIONER KING: I'll let Executive
16 Deputy Commissioner Berlin comment on that.
17 The headline issue is that our technology
18 capacity is very much out of date. But go
19 ahead, Beth.

20 (Discussion off the record.)

21 EX. DEP. CMR. BERLIN: The
22 Commissioner I think summed it up very nicely.
23 We did request \$2 million for state aid
24 modeling. The infrastructure that is in place

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1 now is significantly outdated and at risk of
2 vulnerability. Certainly its function and its
3 purpose is one that is critical to not only
4 our department, this honorable body, and the
5 Governor's office. So we are looking to have
6 an investment made so that we can modernize
7 the state aid system.

8 ASSEMBLYWOMAN GLICK: Thank you.

9 ASSEMBLYWOMAN NOLAN: Assemblywoman
10 Lifton.

11 ASSEMBLYWOMAN LIFTON: Good afternoon,
12 Commissioner. Thank you for being here.

13 We've listened to a lot of discussion
14 here today, and listened to my colleagues, and
15 I have to say on this whole issue that I've
16 heard some positive feedback from my districts
17 -- administrators, school board members,
18 teachers, parents -- about the Common Core,
19 but mostly I've been hearing criticism and
20 concern, grave concern. And so I want to echo

21 the unhappiness you're hearing from a number
22 of my colleagues here -- most of us, in fact,
23 I think -- about the implementation.

24 I've heard repeatedly in my office

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1 that school districts -- and I've heard this
2 from -- you know, sometimes people are saying
3 it's just teachers that are complaining, but
4 I've heard from many, many parents, many
5 school board members and administrators that
6 they feel like they're being set up for
7 failure. And I can't believe that's the
8 intent of the State Ed Department, but it is
9 the way many school districts are feeling.

10 You know, I was a teacher for eight
11 years, I taught high school English, did
12 student teaching, took ed psych. You know,
13 one of the principles that we learned and
14 certainly I learned in my experience as a
15 teacher is that first you teach and then you
16 test for what was taught.

17 And that certainly doesn't seem to be
18 largely what's happened here. That students
19 are asked to take tests on material that
20 teachers were just -- you know, I think the
21 expectation, given the amount of money that
22 came from the federal government, was that the
23 State Ed Department was really going to be
24 helping put in proper curriculum and help

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1 teachers and schools get ready for that, and
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2 not all of a sudden be putting expectations on
3 that no one had any reason to think that they
4 were prepared for.

5 So that's the main complaint, and then
6 I think it's a complaint that continues. I
7 don't know what your assessment is of where we
8 are in terms of developing that local
9 curriculum, but because people felt it was
10 top-down rather than a cooperative venture, a
11 grassroots-and-up kind of endeavor with
12 teachers doing that curriculum work and
13 working closely with SED on that, and instead
14 was sort of foisted on districts, you know,
15 I'm worried that there's been a tremendous
16 breakage of trust with our school districts
17 and our state education hierarchy, and that's
18 a great concern.

19 As a corollary to that, I represent
20 SUNY Cortland, I think the largest teacher ed
21 college in our state. And I'm hearing great
22 concern from them that they are seeing a
23 mirroring of what's happened with the
24 implementation and the rollout with, now, the

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1 teacher certification issue, that teachers are
2 going to have a high-stakes test, and we'll be
3 the only state in the country doing the same
4 kind of high-stakes testing with teachers,
5 although Washington's doing it with a lower
6 passing grade than New York, a lower standard.
7 So we're going to have the highest bar, and

8 only two states of all the states putting in
9 this teacher performance assessment.

10 And again, the same situation, what
11 I'm hearing from the professoriate at SUNY
12 Cortland, that it's all been too fast, they
13 have not been able to do the curriculum work,
14 the teachers that have spent four years there,
15 those fresh young faces that I hear about so
16 much out in meetings in my district, those
17 wonderful young people that want to go into
18 teaching and have spent four years and lots of
19 money preparing for, are going to get there
20 and we're now talking realistically about 40
21 and 50 percent failure rates for those
22 teachers on that exam. And grave concern
23 about that, both from the students hoping to
24 become teachers facing that exam that they

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1 feel unprepared for, teachers that know that
2 they haven't -- you know, they didn't even
3 know what the exam was until fairly recently.
4 And never mind being able to prepare
5 curriculum.

6 So I see a mirror example happening in
7 higher ed that has happened in lower ed. And
8 I would love to hear what the current status
9 of that is and what you're thinking about it.
10 And of course there's the concern that
11 teachers again, having spent four years paying
12 tuition, now have to pay \$300 or \$400 to take
13 that exam. So that's another concern, a very

14 practical concern for the middle-class and
15 poor families of New York State, most of whom
16 don't feel they have that money after putting
17 their kid through college.

18 COMMISSIONER KING: One challenge that
19 is common in both cases is that the first year
20 of any new assessment is always particularly
21 challenging.

22 On the 3-8 side, I should emphasize
23 that teachers, educators from across the state
24 were involved in the development of the

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1 curriculum materials, the development of our
2 professional development initiatives, and the
3 development of the assessments themselves,
4 including the setting of the standards for the
5 scoring of those assessments.

6 We also did a variety of things to
7 make sure that there was not a negative impact
8 on school-level accountability, on teacher
9 evaluations, on student requirements to
10 participate in academic intervention services,
11 and a whole series of hold-harmless systems in
12 place to ensure that the transition was as
13 smooth as possible, knowing that the first
14 year of any new assessment system is going to
15 be a challenge.

16 On the higher education side, the
17 Regents adopted the New York State Teaching
18 Centers even before we committed in 2009 to
19 redesign the teacher certification

20 assessments. So the certification assessments
21 that are being administered this year reflect
22 the Teaching Centers that were adopted
23 together with educators from across the state
24 before we even committed to this work in Race

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1 to the Top to change the exams.

2 In 2010 we committed to change the
3 exams as part of our Race to the Top
4 application, to ensure that teacher candidates
5 have the content knowledge necessary for the
6 Common Core, that they're prepared to work
7 effectively with students with disabilities
8 and English-language learners, and to include
9 a performance assessment that looks very
10 similar to national and board certification.

11 We originally committed to administer
12 those assessments in 2013, and at the request
13 of schools of education around the state
14 delayed until 2014 the administration of those
15 assessments. Washington is the other state
16 that is administering the edTPA, the
17 performance-based assessment you're referring
18 to, but many states, I think upwards of 20,
19 are using the edTPA on their higher education
20 campuses. In some states actually it's a
21 graduation requirement, so that students can't
22 get their degree unless they have completed
23 the edTPA to the satisfaction of their
24 institution.

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1 We continue to work with our higher
2 education partners. We invested \$10 million
3 in Race to the Top money with SUNY, CUNY, the
4 Commission on Independent Colleges and
5 Universities, to support professional
6 development. We are monitoring very closely
7 the early pass rates. The previous pass rates
8 on most of our teacher certification
9 assessments were well into the 90s. We knew
10 that raising expectations would mean somewhat
11 lower pass rates. We're watching those
12 carefully.

13 This body and the Governor adopted a
14 provision that would require a bar exam for
15 teachers. These new certification assessments
16 constitute that bar exam. And we are
17 monitoring the pass rates very closely. It's
18 important to say students have the opportunity
19 to retake the assessment as well.

20 ASSEMBLYWOMAN NOLAN: Commissioner,
21 excuse me, but I hope you and the
22 Assemblywoman will be able to continue the
23 conversation at another time. Thank God
24 you're young, Commissioner, and you have the

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1 energy, but we have a number of people that
2 also want to ask questions.

3 And I apologize to Assemblyman Oaks,
4 who's the wonderful ranking member of the Ways
5 and Means Committee, for mispronouncing his

6 name, and we go all the way back to Real
7 Property together. So, Bob, take it away.

8 ASSEMBLYMAN OAKS: Thank you,
9 Chairwoman.

10 Commissioner, thank you for being
11 here. I'd also like to recognize Assemblyman
12 Saladino, who's joined us, and Assemblyman
13 Walter McLaughlin, who'd been here during this
14 hearing.

15 Every superintendent that I've heard
16 from so far in the district that I represent,
17 the Finger Lakes area and along Lake
18 Ontario -- including Superintendent O'Brien
19 from Port Byron, who I see in the audience --
20 have said they're struggling to make it
21 fiscally. Whether we had a tax cap or not,
22 there's an effective tax cap just with the
23 ability to pay, I think, in a lot of ways.
24 They're saying to me, Get money into the GEA,

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1 help us fund that. We're just getting back
2 now to funding of where we were six years ago
3 from the state.

4 So as we look at those challenges and
5 we look at the Governor's proposal in pre-K,
6 there's a recognition that some districts
7 around the state don't have full-day
8 kindergarten yet, and it's not even required
9 that they have kindergarten. But with that,
10 would it make some sense that if we're putting
11 funding into early childhood -- and I know

12 Mayor de Blasio yesterday was saying if we
13 don't get them by third grade, if they're
14 behind then, they're probably going to be
15 behind the rest of their careers.

16 Does it make sense, rather than
17 putting a ton of money into pre-K, perhaps
18 putting money into early childhood, pre-K to
19 2, and let the districts that are struggling
20 already to make it, but if they could then
21 say, Okay, maybe we want to use some of that
22 money for going to full-day kindergarten, as
23 opposed to that money going to pre-K, or
24 perhaps remedial work to try to bring kids in

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1 their districts up closer to standards by the
2 time they're in third grade -- does it make
3 more sense to try to focus our dollars and
4 resources as a state perhaps toward a
5 pre-K-to-2 focus as opposed to just going to
6 pre-K?

7 COMMISSIONER KING: I think our
8 recommendation would be to create a trajectory
9 to eventually having universal pre-K. That's
10 why we recommended the \$125 million targeted
11 to full-day pre-K in the highest-needs
12 communities. It's going to take time to ramp
13 up the capacity.

14 And at the same time we suggest the
15 \$1.3 billion overall, because we think it's
16 important to address the state aid needs and
17 to begin to pay down the GEA as well as get

18 back to some of the foundation formula
19 principles.

20 There's a balance to strike. But I
21 wouldn't want you to take away that we don't
22 strongly support the direction of universal
23 pre-K. We do, and realize the balance will
24 have to be struck.

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1 ASSEMBLYMAN OAKS: Thank you,
2 Commissioner.

3 ASSEMBLYWOMAN NOLAN: Thank you, Bob.
4 Assemblyman Abinanti, and then we're
5 going to see if there's a Senator.

6 ASSEMBLYMAN ABINANTI: Thank you,
7 Madam Chair. Good afternoon, Commissioner,
8 and everyone else. Thank you for joining us
9 today.

10 I have four different questions. I'm
11 going to try to be very brief in my questions.
12 Maybe we can fit all four of them in with the
13 six minutes that we have.

14 Point one. In light of the fact that
15 the SED budget is increasing 14 percent, some
16 \$7 billion, do you think that the increase of
17 \$600 million for additional formula aids of
18 about 3 percent is sufficient to meet the
19 needs of the students of our state?

20 COMMISSIONER KING: Just to be clear,
21 we are the pass-through for aid to districts.
22 Our budget is quite different than just the
23 department budget. But we've proposed

24 \$1.3 billion as the amount that the Regents --

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1 ASSEMBLYMAN ABINANTI: So what's been
2 suggested is half of what you've proposed.

3 COMMISSIONER KING: Yeah. And we
4 strongly believe that --

5 ASSEMBLYMAN ABINANTI: I commend you
6 for your recommendation, thank you.

7 Secondly, how does this budget, in
8 your judgment, affect students with special
9 needs? I'm finding, I'm hearing from my
10 communities that special education is very
11 expensive and getting more so, and there more
12 and more students who need special education.
13 How do you think this budget affects them?

14 COMMISSIONER KING: Again, we think
15 that \$1.3 billion is essential to get us to
16 the right place in terms of an investment for
17 this year's budget.

18 I would note we've worked productively
19 with the Division of Budget to have an aid
20 increase, a rate increase for our Special Act
21 school districts and 853s, which we think is
22 very important.

23 ASSEMBLYMAN ABINANTI: I'll get to
24 that in a moment. But let's just talk about

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1 the regular school districts. What was the
2 recommendation from the Board of Regents with
3 respect to school districts?

4 COMMISSIONER KING: \$1.3 billion.
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5 ASSEMBLYMAN ABINANTI: An additional
6 1.3 over the 1.3 that was there?

7 COMMISSIONER KING: No, no, 1.3
8 billion over last year's spending as a --

9 ASSEMBLYMAN ABINANTI: For everybody.

10 COMMISSIONER KING: For state aid,
11 exactly.

12 ASSEMBLYMAN ABINANTI: So you wouldn't
13 direct any more money for state aid for
14 students with special needs?

15 COMMISSIONER KING: There was not
16 additional categorical aid directed to the
17 schools.

18 ASSEMBLYMAN ABINANTI: Well, do you
19 think that the programs that we have now are
20 appropriately funded by the state?

21 COMMISSIONER KING: We think
22 1.3 billion would help strengthen our system
23 overall --

24 ASSEMBLYMAN ABINANTI: So you would

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1 just stick with the 1.3 across the board, you
2 wouldn't direct anything additional to the
3 special needs programs that the schools have?

4 COMMISSIONER KING: We did not propose
5 that. But I would say in our professional
6 development funding that we propose, one of
7 the areas of emphasis would be professional
8 development and support for teachers who are
9 serving students with disabilities.

10 ASSEMBLYMAN ABINANTI: Did that money

11 make it into the budget, what you proposed?

12 COMMISSIONER KING: It did not.

13 ASSEMBLYMAN ABINANTI: And how much
14 did you propose?

15 COMMISSIONER KING: We proposed
16 \$125 million for '14-'15, and \$200 million in
17 each of the following two years.

18 ASSEMBLYMAN ABINANTI: For
19 professional development funds?

20 COMMISSIONER KING: Yes.

21 ASSEMBLYMAN ABINANTI: Next, I noticed
22 that last year's budget did not increase any
23 monies for the special Act schools, but after
24 the budget they were granted the same 3

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1 percent increase that the rest of the schools
2 got. But as of today, that money has not yet
3 been released.

4 And your department has been blamed
5 for not providing the paperwork necessary to
6 release that money. As of yesterday we were
7 told that the website would be updated so that
8 these special Act schools could access the
9 information they needed and that they could
10 then access the money that they haven't had
11 for the entire year. Can you comment on that?

12 EX. DEP. CMR. BERLIN: Certainly,
13 Assemblymember. And thank you for the
14 question, because we did recognize that there
15 had not been an increase, and we had advanced
16 for consideration a 3 percent increase on

17 direct care services.

18 We are in the process of updating our
19 website so that notification can get out. We
20 certainly recognize the importance of moving
21 those funds into those providers.

22 I'd also like to draw your attention
23 to the fact that the Board of Regents is
24 advancing a legislative initiative that would

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1 allow the tuition-rate-setting methodology to
2 be linked to a stabilizing factor. And that
3 will be something we certainly look forward to
4 working with this legislative body on.

5 ASSEMBLYMAN ABINANTI: Okay. But you
6 can assure me that you will work with the
7 special Act schools so that they will not lose
8 the money that's been set aside for them for
9 the 2013-2014 school year?

10 EX. DEP. CMR. BERLIN: We are
11 certainly working to move forward --

12 ASSEMBLYMAN ABINANTI: Because we're
13 told that if they don't access it March 31,
14 they're going to lose it.

15 EX. DEP. CMR. BERLIN: I will follow
16 up on that specific aspect as well.

17 ASSEMBLYMAN ABINANTI: Thank you.

18 And one of the other problems that
19 some of our schools are facing is the
20 transition issue. We have a lot of kids who
21 are now approaching 21 and are in school,
22 regular school, or are in a special program in

23 regular school, from 18 to 21. There's
24 nowhere else for them to go; I guess it's

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1 called transition.

2 Has the Board of Regents in any way
3 addressed that issue? And is there any money
4 in this budget which will help our school
5 districts improve the transition for these
6 students?

7 DEPUTY COMMISSIONER SLENTZ: Thank you
8 for the question. The board has directly
9 addressed the transition --

10 ASSEMBLYWOMAN NOLAN: Would you say
11 your name again?

12 DEPUTY COMMISSIONER SLENTZ: I'm
13 sorry, I'm Ken Slentz. I'm the deputy
14 commissioner for P-12. Part of my oversight
15 in on special education.

16 We are combining efforts with the
17 Office of Access, the Adult Continuing Career
18 Educational Services, where we have additional
19 transition services that we will put out via
20 RFP so that we can get additional assistance
21 to districts for the exact students that
22 you're talking about.

23 ASSEMBLYMAN ABINANTI: Is that the
24 federal program that the Health Department won

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1 the grant?

2 DEPUTY COMMISSIONER SLENTZ: No, this

3 is separate. This is a department initiative.

4 ASSEMBLYMAN ABINANTI: How much money
5 is going into that?

6 DEPUTY COMMISSIONER SLENTZ: I'll have
7 to get back to you on the exact dollar amount.

8 ASSEMBLYMAN ABINANTI: Could you get
9 back to me and identify --

10 DEPUTY COMMISSIONER SLENTZ: I
11 certainly will.

12 ASSEMBLYMAN ABINANTI: -- where in the
13 budget it is? Because I want to make sure
14 it's properly funded.

15 COMMISSIONER KING: Yes, our
16 initiatives on transition tend to rely on
17 federal IDA funding as well as our federal
18 voc-rehab services funding that flows through
19 our Adult Education Office.

20 ASSEMBLYMAN ABINANTI: Now, this
21 proposed Smart Schools Bond Act, could this
22 money be used to meet the requirement that you
23 have imposed on our school districts that they
24 test students with separate computers? I

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1 think that was supposed to go into effect in
2 2015, am I correct?

3 COMMISSIONER KING: So we are
4 participating in a national consortium, a
5 group of states that are working to build
6 next-generation assessments that would be
7 administered online.

8 ASSEMBLYMAN ABINANTI: Right, I

9 understand that.

10 COMMISSIONER KING: Just to be clear,
11 we have not committed to a specific date for
12 implementing that.

13 ASSEMBLYMAN ABINANTI: So the panic
14 that the schools are now in is unwarranted
15 because we're going to work with them and
16 they're not going to have to go out and buy
17 this whole new series of computers that are
18 dedicated only to tests?

19 COMMISSIONER KING: We are
20 participating in field testing this year on an
21 optional basis, this year and next year, for
22 the PARCC Consortium, this consortium, but we
23 have not committed to an implementation date.

24 ASSEMBLYMAN ABINANTI: Is there any

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1 chance of using this Smart Schools Bond Act
2 for that purpose so that the schools can get
3 access to computers and not have to pay for it
4 themselves?

5 COMMISSIONER KING: I think the key
6 thing is that the bond act would allow schools
7 to have more technology that would be used for
8 instructional purposes but could also be used
9 for assessments. Long-term we know that --

10 ASSEMBLYMAN ABINANTI: Do we need
11 additional money in this bond act to meet that
12 goal?

13 COMMISSIONER KING: One of the
14 questions that I would encourage you to work

15 with the Governor and your colleagues on in
16 the next few weeks -- and we're happy to
17 provide technical assistance -- is trying to
18 identify the best use of that \$2 billion based
19 on what we know about what technology
20 districts currently have in place.

21 ASSEMBLYMAN ABINANTI: But you would
22 not object to that --

23 ASSEMBLYWOMAN NOLAN: I think we've
24 been able to -- I apologize, but we really

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1 must wrap up. And I want to thank all my
2 colleagues. I would like to ask the
3 department as a courtesy, I know Senator
4 Tkaczyk and Assemblyman Brennan and a number
5 of other members, Assemblyman Graf, graciously
6 said they would not take a second go-round.

7 I also just want, for the benefit of
8 the public, for people to understand that each
9 member represents hundreds of thousands of
10 people. And though, Commissioner, you've been
11 extraordinarily generous today, and with your
12 time throughout your tenure and meeting with
13 members, these hearings are a chance for
14 people to speak on behalf of their districts.
15 So just to be patient.

16 I myself would like to see a follow-up
17 on GED; we didn't get a chance to talk about
18 that. 21st Century after-school, we didn't
19 get a chance to talk about that. Foreign
20 language instruction, we didn't get a chance

21 to talk about that. But we will have you at
22 the committee and members are always welcome
23 to attend even if they're not members. The
24 meetings are open to the public.

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1 And I really want to thank you for
2 your real extensive testimony today. And it's
3 a pleasure, Senator DeFrancisco. And we're
4 certainly done on our side. Oh, he has --
5 wait.

6 CHAIRMAN DeFRANCISCO: There's several
7 people on both sides who have indicated that
8 they'd like to do a follow-up question or two.
9 I would just ask, if it's really necessary,
10 we'll recognize you. But we've got 29 more
11 speakers.

12 Everybody's agreed? Okay.

13 ASSEMBLYWOMAN NOLAN: Everyone has
14 graciously agreed to squash --

15 CHAIRMAN DeFRANCISCO: Wonderful.

16 Commissioner, you are very thorough.
17 And we appreciate the thoroughness to a point.
18 But in any event, thank you for coming here,
19 and you were gracious with your time, and
20 thank you for your answers.

21 COMMISSIONER KING: Thanks.

22 ASSEMBLYWOMAN NOLAN: Thank you.

23 Thank you very much.

24 we're really so honored, and I hope

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1 she's still here, the new chancellor of --

2 she's going to come down, right?

3 The next speaker on the list is the
4 chancellor of the New York City School System,
5 really a great educational leader, Carmen
6 Fariña. So we're going to have her come --
7 people are going to start clapping for her.

8 Commissioner King, thank you again.
9 And Chancellor Tisch, thank you again for your
10 patience. You're always welcome to add a
11 word, but you're always so gracious in
12 deferring. Thank you very much.

13 (Discussion off the record.)

14 CHAIRMAN DeFRANCISCO: Chancellor,
15 welcome. And as soon as you're ready to roll,
16 we are.

17 ASSEMBLYWOMAN NOLAN: This is really a
18 great moment for us, because we have our real
19 dear friend Dean Fuleihan with her, and a
20 couple of other friends too that we've known
21 for a long time in government, and we have a
22 lot of respect for that.

23 And I can't tell you, I said to you a
24 few minutes ago, what a thrill, a real thrill

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1 it is for people who care about education and
2 kids to see you sitting there. So we're all
3 yours. Thank you very, very much.

4 CHANCELLOR FARIÑA: Thank you. And I
5 don't want you to think I didn't kiss the rest
6 of you because I don't love you -- oh, hi.

7 ASSEMBLYWOMAN NOLAN: Okay, first just
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8 put that mic a little closer. It's a
9 state-of-the-art mic, so it has to be a little
10 closer. And then introduce the people with
11 you, and we're good to go.

12 CHANCELLOR FARIÑA: Michael Tragale
13 and Dean Fuleihan. These are my accountants
14 people. So I'll talk to philosophy and
15 they'll talk to money. But like I said, I
16 would have hugged all of you, but the people I
17 kiss are people I know a very, very long time.
18 And I'm particularly happy to be here. And
19 hopefully I'll feel happy after I finish the
20 testimony.

21 Good morning, Chairs Farrell and
22 DeFrancisco, Education Chairs Nolan and
23 Flanagan and all the members of the State
24 Assembly and Senate here today. I am New York

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1 City's Schools Chancellor Carmen Fariña. It
2 is my pleasure to be here to discuss Governor
3 Cuomo's 2014-2015 Executive Budget as it
4 relates to education. Seated with me are New
5 York City Budget Director Dean Fuleihan and
6 New York City Department of Education Chief
7 Financial Officer Mike Tragale.

8 Before I begin, I would like to give
9 you a brief overview of my background. I
10 started my career in education at Brooklyn's
11 P.S. 29, where I spent 22 years as an
12 elementary school teacher. After that time, I
13 spent 10 years as the principal of Manhattan's

14 P.S. 6, and in 2001 I became community
15 superintendent in Brooklyn's District 15. I
16 then became regional superintendent of Region
17 8 and then deputy chancellor for teaching and
18 learning at the Department of Education in
19 2004. But what has most prepared me for my
20 role as schools chancellor and has fueled my
21 passion for this work is not simply my
22 professional experience, but my experience as
23 a student. Let me explain.

24 I am the daughter of Spanish

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1 immigrants, and I started school as a
2 non-English-speaking student. It was not only
3 a struggle to keep up academically but also to
4 acclimate to a completely unfamiliar setting.
5 My kindergarten teacher consistently marked me
6 absent when I did not respond to the name she
7 continuously mispronounced during roll call.
8 As far as the school was concerned, I was not
9 there. But I had the immense good fortune of
10 having an advocate. My father accompanied me
11 to school and insisted in his own quiet way
12 that my kindergarten teacher repeat the
13 correct pronunciation of my name after him so
14 that she would honor his daughter's presence
15 in her classroom. As an aside, I don't think
16 she ever forgave him.

17 what if someone like me had not been
18 blessed with a father who was committed to
19 getting involved in my education? would I

20 have fallen further and further behind without
21 someone looking out for my best interests?

22 Now I would like you to reimagine that
23 scenario. Imagine how different that
24 experience would have been had there been a

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1 place where, before I arrived in kindergarten,
2 I was able to adjust to school in a learning
3 environment where teachers helped me develop
4 verbal skills, an expanded vocabulary, as well
5 as the confidence and problem-solving skills
6 needed to thrive and engage, both with adults
7 and my peers, where quality educators
8 understood and met my unique learning needs.

9 This brings me to why I am here today.
10 All of New York City's students deserve the
11 best education possible, as early as possible,
12 with the supports in place that will follow
13 them through every stage of their education.
14 And as chancellor, I am here to see that, with
15 your partnership, this becomes a reality.

16 First I would like to applaud Governor
17 Cuomo for recognizing that this begins with
18 high-quality full-day universal pre-K. We
19 know that significant growth in speech,
20 language, and brain development occurs before
21 kindergarten. By getting children into
22 language-rich environments as soon as
23 possible, pre-K helps develop the critical
24 vocabulary and oral language skills that serve

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1 as a foundation for academic success
2 throughout the remainder of their education,
3 ultimately setting them up for success in
4 college and careers. As an aside again,
5 starting college preparation in 9th grade is
6 way too late.

7 To start kindergartners on that path,
8 pre-K must address all areas of a child's
9 development and reflect how young children
10 learn best. Teachers advance this kind of
11 practice by incorporating purposeful play into
12 everyday life. A quality pre-K curriculum is
13 aligned with state standards covering
14 everything from socio-emotional development to
15 language, cognitive skills and physical
16 development. Pre-K is the place for
17 individualizing instruction to reflect how
18 each child is progressing, and orienting
19 instruction around relevant and meaningful
20 science and social studies themes. This
21 individualized approach benefits all children,
22 whether they are learning English as a second
23 language or need deeper support around
24 foundational skills in any or all aspects of

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1 early learning and development.

2 High-quality full-day pre-K also makes
3 the most of the early years by establishing
4 strong partnerships with families. All
5 parents are busy. Some may be struggling

6 financially. They all have a limited amount
7 of time to spend with their children. In
8 addition to providing children with a solid
9 full day of instruction, pre-K programs will
10 work collaboratively with families to extend
11 learning outside the classroom and provide
12 support as children transition from pre-K into
13 kindergarten.

14 With these benefits in mind, last
15 month New York City Mayor de Blasio created a
16 task force with the sole assignment of making
17 pre-kindergarten free and universal for all
18 4-year-olds in New York City. To date, the
19 task force, in collaboration with the
20 Department of Education, the Administration
21 for Children's Services and other city
22 agencies, has made clear progress and has
23 developed a plan for rapid expansion of
24 high-quality, full-day pre-K seats over the

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1 next two years, starting with an increase of
2 186% in Year 1 alone.

3 I am confident that efforts already
4 underway, lessons learned from previous
5 expansions, and additional strategies being
6 put in place will result in our success. By
7 success, I mean increasing access and ensuring
8 every seat, as well as providing a learning
9 environment of high quality. Qualified
10 educators interacting with children and
11 families every day are essential. To make the

12 most of our investments, the city is taking a
13 comprehensive approach: developing
14 pre-K-specific teacher recruitment and
15 selection tools, strengthening up-front
16 professional development for early childhood
17 educators, and increasing the number of
18 instructional coaches working with programs to
19 provide more targeted support on an ongoing
20 basis.

21 All of the training provided will
22 focus on giving early childhood educators the
23 tools they need. They will receive ongoing
24 support to plan instruction that meets the

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1 needs of young learners, partner with families
2 to enhance student learning, and refine plans
3 as necessary to ensure all children move
4 towards developing the skills and knowledge
5 described in the New York State pre-K learning
6 standards. These standards, known as the New
7 York State Pre-K Foundation for the Common
8 Core, include everything from socio-emotional
9 development to early literacy, cognitive
10 development and language acquisition.

11 The Governor's proposed budget
12 outlines a plan to use state funds to pay for
13 statewide full-day pre-K programs, but this
14 plan falls short of what would be required to
15 make universal high-quality full-day pre-K a
16 reality in New York City. We all agree on the
17 necessity to provide universal pre-K, but to

18 actually fulfill this promise we must be
19 clear-sighted about the resources necessary to
20 make it happen for the largest school district
21 in the nation.

22 As Mayor de Blasio outlined in detail
23 before this body yesterday, of the
24 \$100 million allocated in the Governor's

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1 proposed budget for pre-K statewide for one
2 year, New York City's share would cover less
3 than 1/8th of the new funding needed to
4 provide quality, full-day universal pre-K to
5 all eligible preschoolers looking to enroll.
6 Again, every child deserves access to
7 high-quality early education. We need the
8 resources to make this happen.

9 Giving New York City students a
10 quality education is not just a matter of
11 investing in their early years. By 7th grade,
12 we know whether a child is on the road to
13 graduating high school or dropping out. Our
14 end goal is having more students graduate from
15 high school prepared to succeed in college and
16 careers, but we must first build up from the
17 foundation by starting these efforts when
18 children come through our doors in pre-K and
19 continuing to support them along the way.

20 Since I began as chancellor 3½ weeks
21 ago -- which feels like 3½ years -- I have
22 geared much of my attention towards middle
23 schools, a crucial turning point in a child's

24 academic career. Through school visits, I

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1 have begun identifying outstanding practices
2 and expanding partnerships throughout the
3 city. Wonderful things are happening in these
4 schools, and by sharing best practices we can
5 improve the quality of schools across the
6 city.

7 One area where I would like to see
8 growth is extended learning time in
9 after-school programs. After-school programs
10 have the potential to be a support system for
11 students, both academically and emotionally.
12 Just like pre-K, these programs offer crucial
13 resources that might not be available to
14 students. Not only do they help our students
15 improve academic performance, they foster
16 community at a critical time in their child's
17 development. At an age where the alternative
18 can lead to dropping out or incarceration, a
19 good after-school program has the power not
20 only to change the course of a student's
21 academic career, but to change their life.

22 I was in a school this week when I
23 asked a child what were they getting out of
24 their after-school program, and she simply

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1 said to me, "A chance to become a dancer and
2 audition for high school." That goal will
3 keep her in that school until she makes that
4 dream come true.

5 In order to invest in these programs,
6 we need a dedicated, long-term funding stream
7 to do so, and our mayor's plan to fund
8 full-day universal pre-K and after-school
9 programs by imposing a small tax on the city's
10 highest income earners is a strategy we can
11 rely on. In other areas, our funding has not
12 been as stable.

13 As you all know, in 2007 the New York
14 State Legislature and Governor finally acted
15 on the Campaign for Fiscal Equity court
16 ruling. By establishing the state's
17 obligation to ensure every student's
18 constitutional right to a sound education, and
19 adequate resources to do so, this should have
20 ended the unfair distribution of state aid to
21 local school districts. And yet since 2009 the
22 state has not met the court-ordered
23 obligation, to our city and other school
24 districts elsewhere in the state.

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1 I would like to take this opportunity
2 to thank Assemblywoman and Education Committee
3 Chair Cathy Nolan and many other New York
4 State legislators for reminding the Governor
5 in a January 10th letter of the state's
6 obligation to this commitment. In Fiscal Year
7 2015 alone, there is a shortfall of over \$2.7
8 billion of outstanding additional Foundation
9 Aid to New York City schools, not to mention
10 the \$312 million loss last year when a teacher

11 evaluation agreement was not reached.

12 The tenets of the Common Core learning
13 standards are laudable, but I acknowledge the
14 rollout has been imperfect. We will address
15 the implementation challenges with a dedicated
16 focus on professional development and
17 curriculum. However, these require new
18 expenditures for materials, training and
19 assessment, and the cost of time diverted from
20 instruction for testing. Now principals, who
21 are really the heroes in this scenario, have
22 to do more with less.

23 Without these fiscal remedies, class
24 sizes will soar. There will be cuts in arts

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1 education and professional development.
2 Principals will be forced to make decisions
3 they should not have to make regarding where
4 to make cuts and which necessary educational
5 tool or program will need to be sacrificed
6 because of lack of adequate funding.

7 Our students deserve better. They
8 deserve what is rightfully and
9 constitutionally theirs. It is one thing to
10 talk about quality education for all students,
11 but actions speak louder than words. We must
12 commit to making the changes necessary to turn
13 that vision into a reality. We must make
14 first steps, and in order to do so, we need to
15 invest resources in programs that engage
16 children early and keep them engaged at every

17 step along the way.

18 I would also like to reemphasize our
19 commitment to supporting English language
20 learners and their distinct instructional
21 needs.

22 This weekend I visited potential pre-K
23 programs for my 3-year-old grandson. My
24 daughter actually thought if she took me with

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1 her and introduced me that maybe the child
2 would get a little bit of an edge when he
3 applies to the school.

4 But I realize how privileged some of
5 us who can afford to put our kids into these
6 private programs are. All parents deserve the
7 same access to quality education for their
8 children. As parents or grandparents -- and I
9 think actually grandparents take even a much
10 more vested interest than parents -- think for
11 a moment. What kind of educational experience
12 would you want for your child or grandchild?
13 If your gut has not already answered, then I
14 ask you to listen to your conscience.

15 Investing in our kids' education is an
16 investment in their futures and the workforce
17 of tomorrow -- and also our futures, because
18 hopefully then they will be able to take care
19 of us. It is the right thing to do.

20 Thank you for this opportunity to
21 testify before you today. We are happy to
22 answer any questions you may have.

23

24

ASSEMBLYWOMAN NOLAN: Thank you so much. I really appreciated your being able to

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be here and wait, and I appreciate your time

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today, and we wish you nothing but the best.

3

I told Senator DeFrancisco how happy and

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excited so many of us who work in education

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are at your appointment.

6

I do have to ask, though, the question

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of -- for me, the question we've worked on all

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this time that I've had the privilege to chair

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the committee, which is the issue of children

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in trailers.

11

Now, Dean Fuleihan is very familiar

12

with this. In the Assembly last year we were

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able to ask for a list to be compiled on the

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TCUs, and then a report that will come out in

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December of this year. And I know that as a

16

result of that, the School Construction

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Authority has made I believe a higher priority

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of the removal of TCUs.

19

But we would like you to speak --

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perhaps Mr. Tragale could mention it, or

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perhaps Mr. Fuleihan, what is the plan or how

22

are we going forward on the removal of

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trailers? With all the capital money you get,

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that has to be a priority.

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CHANCELLOR FARIÑA: No, actually this

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is something we are looking at, and I think

3 we'll be able to give you a report shortly.

4 But, Michael, do you have something?

5 DOE CFO TRAGALE: Sure. One of our
6 goals in the next capital plan, covering '15
7 to '19, is to remove all transportable
8 classroom units, also known as TCUs or
9 trailers, from our school grounds throughout
10 the city. This is estimated to cost about
11 \$480 million in capital funds.

12 As of October 2013 there were
13 352 transportable classroom units at
14 119 locations in the city. And basically this
15 is going to be a long process. I mean, it's a
16 lot of money. We're looking at approximately
17 \$1.4 million to remove one of the trailers and
18 then to redevelop the grounds. So it's
19 something that clearly we're looking at
20 closely.

21 Part of it is about really reviewing
22 the capacity of the schools to see if we could
23 potentially move some of the classes that are
24 currently being held in the trailers back into

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1 the main buildings. That seems to be an
2 option in a number of locations that we've
3 looked at. So it's really a combination of
4 looking at all of those factors, how we could
5 reduce overcrowding in certain sites as well.

6 ASSEMBLYWOMAN NOLAN: Thank you.
7 we'll follow up. I know there are going to be
8 a lot of members with questions.

9 Yes, Dean.

10 BUDGET DIRECTOR FULEIHAN: If I may
11 just add, I think the chancellor, though,
12 articulated the real answer for us, which is
13 we understand the problem and the
14 long-standing problem, and it's one of the
15 priorities for us to review and get back to
16 you on.

17 ASSEMBLYWOMAN NOLAN: Thank you. I
18 think, as most people, I just want the record
19 to note these were supposed to be three-to-
20 five-year units. In my district, some of them
21 are almost 30 years old. I've been in many of
22 them. The drafts, kids sit in their coats all
23 day. And 119 locations, it means about 8,000
24 children, not counting high school students.

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1 That's larger than many of the districts in
2 the state. And this is a 30-year problem, so
3 we've got to get our arms around it. Thank
4 you.

5 CHANCELLOR FARIÑA: And I think
6 looking at the ones that are older first, it
7 makes a good plan going forward.

8 ASSEMBLYWOMAN NOLAN: Thank you.

9 CHAIRMAN DeFRANCISCO: Senator
10 Martins.

11 ASSEMBLYWOMAN NOLAN: And then
12 Assemblywoman Millman.

13 SENATOR MARTINS: Good afternoon,
14 Chancellor. Welcome.

15 Can we get a sense of the baseline
16 right now, how many children are currently in
17 a pre-K program in New York City currently?
18 Because we're discussing all of this in the
19 abstract as if it's coming out of whole cloth,
20 but the reality is there are literally tens of
21 thousands of children right now in full-day
22 and half-day pre-K in New York City currently.

23 CHANCELLOR FARIÑA: 59,000.

24 SENATOR MARTINS: So there are 59,000

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1 currently.

2 CHANCELLOR FARIÑA: Between public and
3 CBOS.

4 SENATOR MARTINS: Okay. And currently
5 in that scheme, those 59,000 children are
6 being funded not only by funds from the state
7 coffers but also from the city's coffers.

8 CHANCELLOR FARIÑA: Correct.

9 SENATOR MARTINS: Approximately 200,
10 \$225 million, I believe, from the state and a
11 corresponding amount from the city, isn't that
12 right?

13 DOE CFO TRAGALE: It's a little less
14 from the city.

15 BUDGET DIRECTOR FULEIHAN: There's
16 also a significant amount of federal money
17 that are wrapped around some of those children
18 and the services they're getting.

19 SENATOR MARTINS: Understood. But
20 there is a pre-K program in place. The pre-K

21 program is alive and well. It is available,
22 certainly from the mayor's testimony
23 yesterday, to children from all socioeconomic
24 backgrounds, not just children who come from

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1 wealthier areas in the city. Every area of
2 the city has access to pre-K currently --

3 CHANCELLOR FARIÑA: Half-day.

4 SENATOR MARTINS: -- although it's not
5 the access that we would like. And I think we
6 can all agree on that.

7 CHANCELLOR FARIÑA: I think the access
8 is half-day because the full days are not
9 covered by the state funds and schools have to
10 cover other existing school funds.

11 BUDGET DIRECTOR FULEIHAN: And on top
12 of that -- and the chancellor can articulate
13 this, and actually did that for me this
14 morning -- there's a long list of quality
15 enhancements that this program is going to
16 have for existing children who are in half-day
17 programs moving to full-day, and for those
18 that are in full-day programs, and those
19 enhancements are an important part of how they
20 move forward into kindergarten and the other
21 lower grades, and that includes, and the
22 chancellor specifically raised this, English
23 language learners.

24 CHANCELLOR FARIÑA: I think the

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1 missing piece up until now was a dedicated
Page 149

2 effort for teacher training and also to make
3 sure that the CBO teachers are trained in the
4 same way that public school teachers are
5 trained. In many places people do it out of
6 their goodwill -- you know, join us -- but
7 this would be a much more concentrated effort
8 that every pre-K teacher would have to go
9 through a summer intensive training program to
10 ensure that what we have in those pre-K
11 classes is an equity issue across the city.

12 As a former principal, I couldn't
13 afford all-day pre-K because we did not have
14 the funds for what we call the cluster
15 teachers and so forth. So we did a half-day
16 program instead.

17 SENATOR MARTINS: And I understand
18 that. In many of these, certainly with the
19 CBOs, we're not dealing with formerly trained
20 teachers, and the goal is provide a more
21 formal opportunity for 4-year-olds, pre-K
22 enrollees, to be able to learn and enter the
23 educational process.

24 But we're not starting from a

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1 baseline, we're not dealing with haves and
2 have-nots, we're not dealing with a program
3 that's being funded out of whole cloth. There
4 is a program that exists right now that
5 teaches 59,000 children, whether it's
6 part-time or full-day. And that program, from
7 what I heard yesterday and I'm hearing today,

8 you're hoping to enhance.

9 CHANCELLOR FARIÑA: To 70,000 Year 1.
10 We want to go from the 59,000 that we have now
11 to 70,000 starting in September. That is our
12 plan, that is our hope, and we can really do
13 it in a very conscientious effort, again, and
14 even enhance what we have now by making sure
15 that the teachers who are in these programs
16 are well-trained.

17 Because remember, one of the major
18 things about pre-K is language development.
19 We know that if students get a much higher
20 level of vocabulary that they're going to be
21 able to function better in kindergarten.
22 We're doing too much testing in 3rd grade
23 rather than working at enhancing the
24 appropriate language structure in early

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1 grades, and this will help us do that.

2 SENATOR MARTINS: Understood. But
3 when we talk about, then, pre-K and we talk
4 about funding for pre-K, the ability to direct
5 resources -- not wait till September, but the
6 ability to direct resources right now
7 certainly is within your authority, the
8 mayor's authority. The City of New York has a
9 \$70 billion budget. The Education Department
10 has a \$20 billion budget. Is it not within
11 the capacity of the city, in its current
12 budget, to be able to find efficiencies,
13 resources?

14 we're talking about less than
15 1 percent or in some cases 1 percent of the
16 education budget. Is there not the ability to
17 find the resources necessary to fund such a
18 vitally important program so that it doesn't
19 get put off till September and we do it now?

20 CHANCELLOR FARIÑA: The answer is no.

21 SENATOR MARTINS: wouldn't that be a
22 priority?

23 CHANCELLOR FARIÑA: Because if we were
24 to do it now, we'd be taking it out of other

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1 grades and other services. So in order to do
2 this right, it has to be an add-on, not a
3 subtract.

4 Like I said, as a principal I would
5 have to take something out of the rest of my
6 school, because the full-day comes with what
7 we call cluster teachers and other things,
8 which means that other classrooms would have
9 less. So I'll let him deal with the money
10 issue, but philosophically we want add-ons,
11 not takeaways.

12 BUDGET DIRECTOR FULEIHAN: I can't
13 really answer that any better than it was just
14 answered --

15 SENATOR MARTINS: I appreciate that.

16 BUDGET DIRECTOR FULEIHAN: -- with an
17 emphatic no. There are not the resources of a
18 permanent, secure nature that are derived from
19 this dedicated tax. There is no other way to

20 do this. And we have a long history of --
21 well, just in pre-K alone, of 20 years of
22 commitments to make that happen, and it hasn't
23 happened. And as a matter of fact, we have
24 other -- the chancellor raised CFE, which

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1 hasn't happened.

2 So we have one commitment after
3 another that requires a dedicated, permanent
4 tax. And our ability, the city's ability --
5 just like municipalities all over this
6 state -- to have the right and, through home
7 rule, to impose a tax for five years to do
8 this very high-quality program for the
9 children of New York City.

10 There is no magic surplus that can be
11 used for this. There is a balance in the
12 New York City -- the New York City budget is
13 balanced this year. It's balanced next year.
14 Yes, there are prior-year surpluses that are
15 used to balance both years. And if we take
16 what is balancing next year's budget, there
17 would be a \$1.8 billion operating deficit. As
18 a matter of fact, there would be a \$1 billion
19 operating deficit this year. which means
20 there are other programs and other things that
21 would have to be cut to do that.

22 SENATOR MARTINS: I appreciate that.
23 I'm just going to finish with this point.

24 Throughout the state -- and I come

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1 from a local government where I had to
2 administer a village and I had to come up with
3 efficiencies. And if there are things I
4 thought were priorities, I would have to come
5 up with those funding mechanisms to do it, not
6 just go back and raise taxes.

7 ASSEMBLYWOMAN NOLAN: Thank you.

8 SENATOR MARTINS: When we look at what
9 the state is trying to do across the state,
10 local governments, the Governor --

11 ASSEMBLYWOMAN NOLAN: Thank you.

12 SENATOR MARTINS: I'll just finish
13 this point, thank you, Chairwoman. Just
14 because I wanted to get this last point in.

15 ASSEMBLYWOMAN NOLAN: You have been
16 over another minute.

17 SENATOR MARTINS: I did not want to
18 interrupt the --

19 CHAIRMAN DeFRANCISCO: Okay, complete
20 your sentence.

21 SENATOR MARTINS: I appreciate that.
22 So I'll just finish this point.

23 When we're asking our local
24 governments to find efficiencies -- we're

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1 asking them to consolidate, we're asking them
2 to cut spending by 1 percent or more -- I
3 would just ask that the City of New York, for
4 something as critically important as this, in
5 an extraordinary budget like you have, to find

6 the same level of efficiencies.

7 Thank you, Mr. Chairman.

8 ASSEMBLYWOMAN NOLAN: Assemblywoman
9 Millman.

10 CHAIRMAN DeFRANCISCO: Thank you.
11 Before we do, I haven't asked many questions;
12 I just want a quick follow-up.

13 You said if you took money out of
14 someplace, it would be a \$1.8 billion hole.
15 Won't there be a \$1.8 billion hole five years
16 from now?

17 BUDGET DIRECTOR FULEIHAN: The city
18 forecasts, as you know, into four years. And
19 we actually don't have a current forecast.
20 We're coming out with our plan for the next
21 four years on February 12th.

22 But once again, I go back to the point
23 that we know, and we know from -- and I'll
24 actually use another example. From 2008, the

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1 revenues that occurred after the economic
2 crisis of '08-'09, it took the city to 2011 to
3 get back to revenues we had in 2008, and that
4 was after a significant property tax increase
5 and a sales tax increase.

6 So what we're looking for, again, is
7 not to place this within the annual budget
8 process but to take it out of that, senator,
9 and it's something that we know is dedicated.

10 CHAIRMAN DeFRANCISCO: I get you. I
11 get your point. If both of us still here five

12 years from now, and you get your tax this
13 year, I just want there to be something on the
14 record so we can discuss this five years from
15 now.

16 BUDGET DIRECTOR FULEIHAN: Thank you.
17 And the Mayor was very clear about the five
18 years.

19 ASSEMBLYWOMAN NOLAN: Assemblywoman
20 Millman.

21 ASSEMBLYWOMAN MILLMAN: Thank you,
22 Chairwoman Nolan. And welcome to Albany,
23 Chancellor.

24 The previous speaker, Dr. King, gave

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1 us a packet of materials. And the question
2 that I asked him, but I want to expand upon
3 that, is that as a former teacher what always
4 concerned me was the retention rate of our
5 teachers. We do a lot of preparation -- we
6 don't do enough preparation, really. But we
7 do certainly a lot of teacher development.
8 And then we spend all that time and money, and
9 then the teachers leave to go to other parts
10 or other careers.

11 And it seemed to me that a lot of the
12 things that Dr. King was talking about that
13 SED plans to do with money from our state's
14 budget is to teach teachers things that I
15 believe they should get when they come out of
16 the schools of education, whether they're CUNY
17 or SUNY or private schools. They're things

18 about classroom management. I think that a
19 teacher ought to come out with that. If they
20 have to learn that on the job, it makes their
21 job so much more difficult.

22 And maybe that's a reason why so many
23 of them don't stay. We put new teachers very
24 often, in New York City, in some of the more

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1 difficult situations, they don't have the
2 skills, and then we invest time and money and
3 then we don't keep them anyway. So I'm
4 wondering if you've had any thoughts about
5 this.

6 CHANCELLOR FARIÑA: Well, first of
7 all, as a former teacher and, you know,
8 probably one of -- I think I heard in the last
9 15 years the first chancellor who has an
10 education background, I think it's crucial to
11 raise morale and, first of all, tell teachers
12 how valued they are and how important they are
13 to the system.

14 And I do think a lot of teachers who
15 leave leave because they feel they haven't
16 been valued or, at the very least, they
17 haven't been told that they're doing a noble
18 job. And that's part of it.

19 So part of what I'm doing is actually
20 visiting teachers around the city, thanking
21 them for their efforts, and also reassuring
22 them we're going to put certain things back in
23 place. Professional development has not been

24 done systemically in the last six years in New

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1 York City, so we're actually going to be
2 putting a lot back in place. So that
3 particularly teachers that are teaching one,
4 two or three years will have a place to
5 perfect their craft. Teaching is a craft.
6 It's not something you learn and you memorize
7 and then you execute. So I think that's a
8 very important part of what we do to retain
9 teachers.

10 And the other thing is that there's
11 going to be lots of opportunities for teachers
12 to grow in many different ways. Certainly,
13 you know, having, opening conversations with
14 other stakeholders such as union leaders in a
15 respectful way, I think that makes a big
16 difference as well. And I think we're going
17 to try to do all that.

18 But to me the most important thing is
19 to really be enthusiastic about being a
20 teacher. And, when people tell you they're a
21 teacher, saying "Congratulations, how lucky
22 you are." So we're going to make that a big
23 effort. And I really do think we'll retain
24 teachers once we start doing that.

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1 ASSEMBLYWOMAN MILLMAN: And then I
2 have something, because we've spent so much
3 time this morning talking about pre-K, and my
4 question to you is in terms of our mayor has

5 talked about, our New York City mayor and you
6 have talked about rolling out so much of this
7 in September. And my question is, do we have
8 the capacity in terms of the teachers and the
9 classroom space?

10 A school that you know very well, P.S.
11 8, in Brooklyn Heights, that I represent, the
12 principal told me that he may not have room
13 for kindergarten because the school, because
14 of so many of your efforts, frankly, the
15 school has grown and has done so well that
16 everybody wants to send their child there, so
17 he may have to give up kindergarten.

18 So where are we going to find the
19 capacity within New York City, even if we use
20 CBOs, even if we use everything at our
21 disposal to put all these extra children in a
22 solid classroom experience?

23 CHANCELLOR FARIÑA: Well, first of
24 all, we have done that research, and there are

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1 a lot of spaces. They may not be in the
2 schools where they will be there for
3 kindergarten. Pre-K is not necessarily a zone
4 placement. You go to a site, and then you can
5 go back to your neighborhood.

6 As you and I both know, P.S. 8 had
7 many other solutions to some of their
8 problems; they chose to go one way versus
9 another. But I would certainly encourage Seth
10 to start thinking about what grade he might

11 move into the new site where he has his middle
12 schools so he could move the other classes.

13 I don't think we can make universal
14 decisions. I think it's going to be
15 school-by-school specific. In places where
16 there's a lot of overcrowding, it's actually a
17 compliment to public schools that they're
18 getting better and better and people are
19 looking for those as their first choice. So I
20 think those discussions take place one school
21 at a time.

22 There are very few schools in that
23 particular situation, but it's also a
24 community that had no families. I mean, five,

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1 six years ago those were all vacant
2 warehouses, and now it's a thriving
3 community -- which my daughter lives in, so I
4 know the problems very well. Thank you.

5 ASSEMBLYWOMAN MILLMAN: Thank you.

6 CHAIRMAN DeFRANCISCO: Senator Felder.

7 SENATOR FELDER: Thank you. I wanted
8 to speak about the education issues first, but
9 the issue of the funding came up so I want to
10 address that for a moment. And the question
11 that I think many people have is that the
12 numbers that exist today for the surpluses are
13 X.

14 I've been doing some research. I
15 think a lot of people are hoping that the
16 surplus will be greater than the one that we

17 have now. We're hoping. I think that the
18 city will do better, God willing. If that
19 were the case, then the extra money, this tax
20 that you talked about, if the money is
21 supposed to be specifically for this program
22 and there was extra money, would you say that
23 whatever extra comes in should go towards
24 reducing the tax that you're talking about?

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1 BUDGET DIRECTOR FULEIHAN: Once again,
2 I answered it in two ways. I answered that
3 the money that everyone is talking about is
4 spent -- not just by us, but actually by the
5 prior administration, in their November
6 update, in the 2015 fiscal year.

7 We are putting together our plan, so
8 I'm not going to second-guess what that's
9 going to be on either the revenue side or the
10 expenditure side. But obviously every time
11 these plans are updated, there are adjustments
12 on both sides.

13 But what we're really talking about is
14 the need. And that's why I talked about the
15 volatility of revenues, that we have just gone
16 through, of a huge amount. That we need a
17 secure source, identifiable, that is dedicated
18 to this purpose so the chancellor and the
19 mayor can achieve those numerous goals that
20 they've outlined and that is widely supported
21 by the citizens of New York.

22 CHANCELLOR FARIÑA: I think if you
Page 161

23 look at the polls, the one thing that New York
24 city citizens really understand, that in order

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1 for us to have an equity in the system in
2 New York, that the tax is not a hardship.
3 That doesn't mean anybody's going happily to
4 pay it. And if we had set a tax on, you know,
5 kind of nebulous things -- but we're saying
6 very specifically the tax is for this specific
7 purpose. I think it's part of us being each
8 other's caregivers. And I certainly feel all
9 the children in New York are related to me in
10 one way or another. So I look at that money
11 being spent in that way.

12 Remember, we still don't have the CFE
13 money. Principals are still looking at each
14 other and saying "I was supposed to have this,
15 but I don't have it, where is it?" So I think
16 it really is a matter of equity.

17 SENATOR FELDER: With all due respect,
18 I understood what you said, but it still did
19 not address what I said.

20 And I'm delighted that my children are
21 your kids, because we need money to send them
22 to camp this summer.

23 (Laughter.)

24 SENATOR FELDER: But the question that

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1 I had, and I don't want to belabor it, is that
2 in terms of a funding stream, if there's x

3 amount of dollars -- I understand the revenue
4 that has been forecasted, and there may be
5 less revenue as well, right? But there may be
6 more revenue.

7 And if the purpose is to make sure
8 that this program gets funded, then some could
9 argue, including myself, that if there is
10 extra money, then instead of being
11 determined -- it almost seems like it's become
12 the 11th commandment to tax, tax, just because
13 we have to tax -- then it would make sense.
14 If that's not true, that if there is extra
15 revenue, then that could be reduced.

16 BUDGET DIRECTOR FULEIHAN: And with
17 all due respect, I believe I actually did
18 answer that question. And I believe the mayor
19 answered it yesterday, and the chancellor
20 answered it this morning.

21 We are saying specifically why we need
22 this revenue, why we need this income stream,
23 and it is a very, very small marginal amount
24 to ask the very wealthiest New Yorkers. It is

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1 not about the tax, it's about the program and
2 what we're doing for all the children in New
3 York City.

4 SENATOR FELDER: Okay, we'll agree to
5 disagree. But now let me talk --

6 BUDGET DIRECTOR FULEIHAN: I don't
7 think we're disagreeing. But okay.

8 SENATOR FELDER: You have my children,

9 and you say we don't disagree. It's a good
10 deal so far. So far, very good.

11 So go off to the area that I had
12 wanted to talk about, first of all, I just
13 want to tell you, Chancellor, that you have
14 some extraordinary help with you. I don't
15 want to embarrass one person particularly who
16 I'm staring at, but who worked with the
17 education area before this administration is
18 invaluable to you, and we're very happy about
19 it. If anyone wants to know who it is, come
20 to me after the hearing.

21 ASSEMBLYWOMAN NOLAN: I thought you
22 were staring at me, Simcha. All right.

23 SENATOR FELDER: All right? I didn't
24 want to embarrass you.

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1 (Laughter.)

2 SENATOR FELDER: I want to talk about
3 one area that I think is very, very
4 important -- the clock is running -- the area
5 of self-esteem and satisfaction for the kids.
6 The issues of the need for guidance counselors
7 throughout the system.

8 I've done some anecdotal research, and
9 from what I've found, some schools have one
10 guidance counselor for 500 kids. So whether
11 it's Common Core, whether it's the pre-K
12 program, whatever else, everybody has a
13 different idea about what's going to make kids
14 succeed. And I'm certainly not an expert, but

15 there's no question that the lack of enough
16 guidance counselors in the schools is bad, is
17 just really -- no matter what you do, it's
18 just going to be a problem.

19 That's one. And the second thing I
20 wanted to mention is the issue that I heard
21 you talk about at least once before, about
22 vocational training. There are some kids,
23 like Simcha Felder, who have no patience to
24 sit in a seat. I'm having a hard time doing

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1 it now. And I don't envy you. But there are
2 people out there that will be able to succeed,
3 even if it's not academically, in other areas.
4 we need people in the areas of construction,
5 we need artists, we need musicians. There are
6 a lot of places that a kid can do well and
7 grow up and feel good about themselves. And
8 I'm not sure -- I say I'm hoping with your new
9 leadership we can do something about it.

10 CHANCELLOR FARIÑA: Well, let me just
11 answer that, because that actually -- he was
12 actually singing my song. As a regional
13 superintendent and also as district
14 superintendent, one of the only things I
15 mandated -- other things I gave people options
16 -- is there needed to be either one or two
17 guidance counselors in every single middle
18 schools.

19 If we're going to improve middle
20 schools, we need to start with guidance. Our

21 kids need someone to talk to, they need
22 someone to look up to, and they need to be
23 able to -- we need to do preventive stuff
24 rather than the other thing. So I absolutely

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1 agree with you on guidance counselors.

2 When it comes to CTE schools, again,
3 as a superintendent I started one of the first
4 partnerships with the carpenters union, in
5 Williamsburg. And we have a school there that
6 now has -- the kids can earn credits towards
7 working in the union. So those are two things
8 that you asked me the right questions, because
9 I absolutely have answers for them. Thank
10 you.

11 ASSEMBLYWOMAN NOLAN: I think we're
12 ready to take Assemblyman Colton.

13 ASSEMBLYMAN COLTON: Good afternoon,
14 Chancellor.

15 I would like to welcome you in this
16 appointment as chancellor. And, you know, I
17 would like to let you know that there's been
18 really unprecedented good feelings from all
19 parts of the school community in terms of your
20 appointment. But obviously you have a very
21 challenging position to meet.

22 In terms of CFE we've already, I
23 think, in this early part of the hearing seen
24 so many of the needs that the schools have,

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1 and particularly the New York City schools, in
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2 your situation, whether it's guidance
3 counselors or whether it's the mobile
4 classrooms or whether it's teacher
5 development, professional training, and pre-K.

6 We have a pre-K program. I think
7 approximately 59,000 students are in it. What
8 is the waiting list of the numbers of students
9 who would like to be in it, you know, if there
10 were spaces available?

11 CHANCELLOR FARIÑA: Our projection is
12 that we would want 70,000 students in
13 September and 73,000 in Year 2. That is our
14 projected number.

15 ASSEMBLYMAN COLTON: And from the
16 waiting list you feel that certainly they
17 would be easily able to get that number?

18 CHANCELLOR FARIÑA: Yes, because we
19 are basing that on the kindergarten
20 registration this year and working backwards.
21 So that's how many kids we approximately have
22 in kindergarten, we assume there would be more
23 or less an equal number applying for pre-K.

24 ASSEMBLYMAN COLTON: Now, as a

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1 legislator one of the things I constantly find
2 is the consternation of parents that their
3 child is on a waiting list and they can't get
4 into kindergarten or pre-K, and the problems
5 that result in their life.

6 CHANCELLOR FARIÑA: Well, I think in
7 some of those cases the wait lists are because

8 they want a specific school rather than an
9 opening, and there's a difference between both
10 of them. So what we --

11 ASSEMBLYWOMAN NOLAN: That's not
12 really the case in Queens.

13 CHANCELLOR FARIÑA: No, but I thought
14 he was talking --

15 ASSEMBLYWOMAN NOLAN: I understand
16 that. I don't mean to interrupt. But the
17 problem in Queens is there is a wait list for
18 any school. Brooklyn is a little different.

19 I apologize. We're behind the curve
20 there. Sorry. Sorry.

21 CHANCELLOR FARIÑA: That's all right.

22 CHAIRMAN DeFRANCISCO: Assemblywoman,
23 you're out of order, okay?

24 (Laughter.)

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1 ASSEMBLYMAN COLTON: In order to fully
2 fund pre-K, all right, it's your feeling that
3 there's a need for a stable revenue source so
4 that plans could be made over the years.
5 Could you amplify a little bit about that?

6 CHANCELLOR FARIÑA: Well, first of
7 all, I think we need to enter into
8 partnerships with some of our universities to
9 make sure that every teacher, whether they're
10 in a CBO, in a public school, goes through
11 intensive training.

12 I don't know how many of you have ever
13 spent a long time with 4-year-olds, but it's a

14 very, very different day than if you're
15 spending it with a 5- or 6-year-old. Every 20
16 minutes or less, you have to change. So the
17 training has to be really very specific for
18 those teachers. So that is one piece of the
19 budget.

20 Another piece of the budget is that we
21 believe that good pre-K has a very strong
22 family engagement piece, so we have either
23 social workers or family workers who work with
24 the pre-K program to make home visits to

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1 engage parents in coming to the classroom and
2 to also help parents with parenting skills.
3 And that's a very important part of pre-K. So
4 that's certainly an additional cost.

5 And the major cost is moving from
6 half-days to full days, because it impacts on
7 having extra personnel in the building to
8 cover lunch hours and what we call prep
9 periods.

10 So these are the extra funding needs
11 in terms of having an all-day pre-K versus
12 right now what is a majority of half-days.

13 ASSEMBLYMAN COLTON: Now also, in a
14 different area, one of the concerns that many
15 parents have raised has been in situations
16 where collocations have been made within
17 buildings. And there was a rash of new
18 collocations this past fall.

19 One of the problems previously in one
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20 school in my district is that, in one of the
21 collocated schools, the children get served
22 organic foods for lunch, whereas in the
23 existing school they do not. The number of
24 computer technology, the actual modernization

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1 of the classrooms in the collocated school
2 with the existing school is vastly in
3 contrast. Do you have any thoughts in terms
4 of how you can address that kind of a problem?

5 CHANCELLOR FARIÑA: Well, remember, I
6 wasn't here in the fall. We are looking at
7 all collocations. Contracts that were signed
8 are being looked at even as we speak.

9 I do think there are some places where
10 collocations make sense. I think that having
11 collocations where you bring everyone to the
12 table to discuss it beforehand, where
13 something is not imposed, where there's a
14 conversation about how there's a win/win for
15 both schools in the building, makes a lot of
16 sense.

17 In the original days of collocations
18 we actually gave what we called campus money,
19 money for places that were going to share
20 space so they could figure out how they would
21 all benefit from being together. And the
22 reality is that in a lot of places that were
23 really underutilized, it would be a shame to
24 have an entire floor empty if there was a

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1 better way to do it.

2 I think it's all in the spirit of how
3 it's done, and are the matches in the same
4 building good matches. We did a lot of what
5 we call upper/lower schools in District 15 in
6 Region 8 where we made sure that the principal
7 of the lower school sat at the table when we
8 picked the principal of the upper school, so
9 that they were vested in each other's
10 successes.

11 So I don't think we'll stop doing
12 them, but I think how we do them is going to
13 change radically.

14 ASSEMBLYMAN COLTON: I think that's
15 very important. I certainly agree with what
16 you just said. We have two collocations in my
17 district in particular, in Middle School 281
18 and another one, I.S. 96, where plans had been
19 made by the prior principal to establish
20 academy and to use the space they were having
21 to improve on a long-range plan the education
22 quality. And with the collocation, those
23 plans have been basically made impossible.

24 So this is one of the concerns I think

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1 that parents definitely have.

2 CHANCELLOR FARIÑA: And I think it's a
3 good concern. I actually think that's
4 certainly on my radar.

5 ASSEMBLYMAN COLTON: And where there's

6 consultation in advance and where the new
7 school coming in meets the needs of the old
8 school, and the old school fits the needs of
9 the new, I think that's possibly a very
10 different situation.

11 So I appreciate your remarks on that.
12 Thank you.

13 CHAIRMAN DeFRANCISCO: Senator
14 Montgomery.

15 SENATOR MONTGOMERY: Thank you.

16 Good afternoon. I just want to say
17 this before I go into my questions. It is so
18 refreshing to have you back.

19 (Applause.)

20 SENATOR MONTGOMERY: And, you know,
21 one of the best things that has happened for
22 us is having you and Dr. Rudy Crew come back
23 to the city. So thank you. I'm very happy.

24 With that, I want to just refer to a

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1 couple of interests of yours that I really
2 appreciate you bringing to us, and that is you
3 have already started to look for ways of
4 expanding partnerships throughout our city and
5 identifying outstanding practices. And that
6 is so close to my heart because I'm just very
7 concerned that we're now bringing 4-year-olds
8 into a system, and hopefully that we won't
9 find where teachers view them as littler
10 first-graders and they sit in chairs all day
11 and do whatever.

12 So I visited the Brooklyn Children's
13 Museum recently, and I want to tell you, it
14 was such a wonderful experience. There was no
15 adult screaming at kids. There was no
16 requests that they be quiet. Children were
17 everywhere in the place. It was several
18 groups, but it was all just part of how the
19 museum works and what they expect of children.
20 Hands-on, from top to bottom, with some live
21 animals, a huge snake, and so forth and so on.
22 It was just a wonderful reinforcement.

23 And one of the things that I found
24 when my son was in school, elementary school

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1 in particular, was that teachers often did not
2 know what was available to them for their
3 children. And I'm looking at our cultural
4 institutions. Every borough has them. We
5 probably, hopefully, have the most in
6 Brooklyn; you know them better. But the
7 Brooklyn Botanical Gardens, the Brooklyn
8 Children's Museum, we have BAM. All of those
9 cultural institutions have in fact developed
10 curriculum.

11 And Queens has a wonderful museum for
12 children, of course. Extremely significant
13 science curriculum there. The Bronx Zoo has a
14 program where they can actually bring children
15 into the back of the cages and all that.

16 So my question is can we -- I can tell
17 you certainly that the Brooklyn Children's

18 Museum, they say that their program content
19 reflects national, New York State, and New
20 York City standards and is aligned with the
21 Common Core. So they're ready to go and
22 they're ready to do more. And what they are
23 looking to do, possibly, is to create
24 school/museum partnerships that will allow

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1 them to work collaboratively with the faculty
2 at the school and their faculty, to expand,
3 even, and to deepen this kind of relationship
4 where children learn actually the way that we
5 know that they do learn, and that is through
6 touch and manipulation of the environment. So
7 I'm just wondering what you can do for us to
8 help make that happen.

9 And while I'm talking, let me just ask
10 my other question. I want to follow up on my
11 colleague about the collocation. I have a
12 middle school in my district that is right in
13 the middle of the BAM cultural district. And
14 it has already begun to do some very exciting
15 and outstanding things with young people in
16 the arts and so forth, and music. So then
17 suddenly we're confronted with a collocation
18 proposal which would not only take part of the
19 school building but would eliminate 100 spaces
20 for the middle school children in that
21 district.

22 So these are two areas. I know you've
23 already indicated that you want to do

24 something -- you're going to be the leader

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1 that we're going to latch onto and hope that
2 you can create some more pathways to success
3 in those areas.

4 CHANCELLOR FARIÑA: I almost feel like
5 you gave me this question, or they're going to
6 think we cheated and I gave it to you ahead of
7 time.

8 You know, I was sort of semiretired
9 before I started here, but actually I was
10 doing a lot of work, and one of the places I
11 was working was the New York Historical
12 Society and the Brooklyn Museum, and also with
13 the Brooklyn Children's Museum. So one of the
14 things I did was call Sharon Dunn, who used to
15 be the head of the cultural program at the old
16 DOE, and actually within two weeks she's
17 hosting a breakfast at the New York Historical
18 Society, and she called all the presidents and
19 education chairs of all the cultural
20 institutions in the city together, because we
21 cannot do this job alone.

22 And you're absolutely right, many of
23 curriculums that were written by museums are
24 actually way ahead of themselves, and all of

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1 them are tied into the core curricula. So my
2 hope is not only to have them what they
3 already have with us, but to have each of them
4 understand that they need to do specific

5 partnerships. My ask from them is to work
6 with middle schools, because I would like to
7 see many of our adolescents become
8 museum-goers and feel comfortable in museums.
9 rather than be looked at a little strangely
10 because they not fit the museum image in
11 certain neighborhoods.

12 So I do think that's certainly
13 something I'm looking at and working towards,
14 and I hope by the end of this semester year,
15 by June, every institution will have agreed to
16 work with two or three schools. Many of them
17 already do so, but we can do it in a much more
18 formal way and hold them much more accountable
19 for the stuff that's out. We should not
20 invent what's already been invited.

21 SENATOR MONTGOMERY: Yes, thank you.

22 ASSEMBLYWOMAN NOLAN: Thank you.

23 We've been joined by Assemblywoman
24 Mayer and Assemblyman Lento].

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1 Assemblyman Brennan for a question.

2 ASSEMBLYMAN BRENNAN: Chancellor, I
3 just want to tell you what a breath of fresh
4 air it is to hear an educator talk about
5 education. But as Mr. Fuleihan knows,
6 Assemblyman Brennan can barely talk about
7 anything except the budget, so that's what I'm
8 going to talk about.

9 The Governor has put in a rather
10 skimpy 2.79 percent increase for the New York

11 City school system, \$230 million, possibly
12 even less than 1 percent of the public school
13 budget.

14 Over the years I have, from time to
15 time when meeting with DOE, seen just DOE's
16 increased costs, like pension and debt service
17 and things like this, go up by a billion
18 dollars in just one year. So in relation to
19 the adequacy of that number, 1 percent of your
20 budget, \$230 million, where do you -- I know
21 you're working on this through February 12th.
22 But do you have any sense of just where you're
23 going to come out in terms of how much money
24 you're going to need just to cover your

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1 increased costs? Let alone do anything
2 outside of pre-K itself, because you want the
3 full add for that. But any other objectives
4 you have for accomplishing educational goals
5 for the school system, where such a tiny
6 increase comes out?

7 CHANCELLOR FARIÑA: Well, I certainly
8 think we're looking at the whole notion of how
9 the DOE functions and what are the essential
10 functions, which are those we may not consider
11 as necessary.

12 So I think as we -- remember,
13 3½ weeks. We do have people who are --

14 ASSEMBLYMAN BRENNAN: You're doing a
15 very good job for 3½ weeks.

16 CHANCELLOR FARIÑA: Coming from you,
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17 that's a big compliment.

18 I just think that we are really going
19 to look at everything. We don't want to
20 necessarily keep spending money where it's not
21 necessary. To me, the rule of thumb is it has
22 to impact the classroom. If wherever we spend
23 money does not impact the classroom,
24 chances are we don't need it as much. So

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1 we're going to spend the next two or three
2 months, we have a committee that's going to
3 start looking at that. So if you can wait two
4 or three months, I'll be happy to be more
5 specific.

6 And, Dean, if you want to add to that.

7 BUDGET DIRECTOR FULEIHAN: The only
8 addition to that, which you well know, is what
9 the mayor said yesterday and the chancellor
10 has articulated today, which is the down
11 payment now that resources are available on a
12 commitment to CFE.

13 ASSEMBLYMAN BRENNAN: Understood. And
14 I just want to say I endorse the mayor's
15 program for pre-K.

16 DOE CFO TRAGALE: And if I could just
17 add onto this, in terms of your question,
18 clearly the \$230 million increase is
19 insufficient. When you look at the costs that
20 were spent in terms of the Common Core
21 implementation, the teacher evaluation, the
22 Governor's budget does not reflect any of

23 those new expenses that not only New York City
24 but other LEAs have had to pony up.

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1 And when I look at the Foundation Aid
2 from Fiscal Year 10 to the Governor's
3 proposal, we're looking at, you know, a hit of
4 \$155 million. It's \$345 less per child.

5 You know, obviously we had the Great
6 Recession of 2008-2012. Our schools have been
7 fairly flat. But, you know, we need to
8 replace those dollars. Principals need the
9 additional dollars. We mentioned the
10 \$2.7 billion. We know the January 10th letter
11 indicated \$1.3 billion. Clearly we need more
12 money. By moving money into these competitive
13 grants as well, that whittles away the money
14 that would be going to Foundation Aid.

15 And the numbers that I gave you, we've
16 had a 33,000 increase in students in terms of
17 the numbers I provided you. It's the size of
18 one of our largest districts, not to mention
19 larger than just about any LEA in a lot of
20 other places.

21 ASSEMBLYMAN BRENNAN: Right. I might
22 also just mention if you lose 10,000 kids to
23 the charters, you lose \$135 million.

24 ASSEMBLYWOMAN NOLAN: Thank you.

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1 CHAIRMAN DeFRANCISCO: Senator Smith.

2 SENATOR SMITH: Thank you very much,

3 Mr. Chairman.

4 Chancellor, congratulations. I must
5 say that there is so much excitement around
6 your appointment. And I'm talking about from
7 teachers that I know individually, parents,
8 educators just up and down the line. And the
9 excitement I always hear is they say -- most
10 of them say two things to me. They say, one,
11 you're a solutionist and not an obstructist.
12 And as many people will tell you, there are
13 times when individuals get into a position of
14 authority, especially in government, and they
15 feel as though their job is only to tell you
16 what you can't do and how they know that you
17 can't do it.

18 But I've heard just the opposite of
19 you, that you're always trying to figure out
20 solutions. Obviously Senator Velmanette has
21 an intimate relationship with you, she knows
22 you for quite some time, and so she has
23 clearly educated me around all that you can
24 do.

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1 (Laughter.)

2 CHANCELLOR FARIÑA: Velmanette, can I
3 take you around the city with me?

4 SENATOR SMITH: So my concern is I
5 know many are talking about pre-K and
6 vocational training, and all that is good. My
7 focus is more on the tools that our young
8 people need to be using to make them

9 competitive with those that are in China and
10 in India and all around.

11 The Governor has what I consider to be
12 a very considerable program, that Smart
13 Schools program. That's a \$2 billion program.
14 Many are not paying attention to that, but
15 that's a tremendous amount of money. And
16 there's going to be a tremendous amount of
17 resources that's going to be put in place
18 that's going to be spread around our schools.

19 Now, I spoke to the commissioner of
20 the State Department of Education when he
21 testified earlier. He said they were still
22 working out how that program might function,
23 what their plans are for it. My question to
24 you is, are there any discussions between you

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1 and the State Department of Education?
2 Because when that money doesn't become
3 available, obviously it's statewide, but you
4 know the New York City School System, a
5 million or so students, and I can tell you --
6 and I hate to be so graphically aggressive,
7 but in southeast Queens it's almost like a
8 Mason-Dixon Line in terms of when you go
9 across the Van Wyck or Hillside Avenue, the
10 schools change dramatically. The tools that
11 they utilize change dramatically.

12 So I'm just curious as to whether or
13 not they've started talking to you about it.
14 And, if not, I hope they will. In your

15 solutionist role, I hope that you will involve
16 parents and teachers and students in terms of
17 what type of equipment they purchase, because
18 we already experienced Common Core when
19 there's lack of participation, and we would
20 hope that we wouldn't go down that road with
21 the Smart Schools program.

22 CHANCELLOR FARIÑA: Well, we haven't
23 had that conversation yet. I don't want to
24 keep saying to you "3%." I mean, I met him

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1 for the first time yesterday, and we did talk
2 a little bit.

3 But to me the most important thing
4 about the program that you're talking about is
5 that when I go to middle schools that have
6 SMART Boards, for example, the learning comes
7 alive. Because teachers can use -- again,
8 it's training the teachers to use the tools
9 that's important, not having the tool.

10 Because you can go to a school and you can see
11 a tool and it's just sitting there. So how do
12 we train the teachers to use SMART Boards, for
13 example, to make the learning come alive.

14 I was in a middle school in the Bronx
15 where they were actually doing "The Prince,"
16 by Machiavelli, which I didn't get till I was
17 in my master's program, and the kids were
18 actually dialoguing with the SMART Board and
19 the actors talking to each other.

20 And besides, our adolescents learn

21 through technology. They're wired to
22 technology. My grandchildren are wired to
23 technology. I'm the one who really is out of
24 the loop.

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1 So I do think the conversation is
2 important. I also believe that middle-school
3 kids in particular should have access to iPads
4 and other things. So I do think, when we get
5 to that point of discussion, I really will
6 have a plan. And I think it's also another
7 great way to use telecommunications. You
8 don't have to take teachers out of their
9 schools to do professional development, you
10 can actually have teachers listening to the
11 programs where they're being instructed by
12 staying in their own school site, which also
13 saves us money and time. And a lot more
14 countries -- Canada, because of their vast
15 geographical area, does almost all their
16 professional development through
17 telecommunications.

18 So I think there's a lot of ways to
19 use technology. And once I find out what our
20 fair share of it is, I will certainly make
21 sure that I get it.

22 SENATOR SMITH: Thank you,
23 Commissioner. We stand ready to support you
24 in that effort.

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1 ASSEMBLYWOMAN NOLAN: Mr. Lento.
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2 ASSEMBLYMAN LENTOL: Thank you very
3 much, Madam Chair.

4 First of all, congratulations,
5 Chancellor Fariña. I was very pleased to find
6 out that you were going to be named
7 chancellor. Even though you were in District
8 15 and I'm from District 14, your
9 reputation --

10 CHANCELLOR FARIÑA: You were under me
11 when I was a regional superintendent.

12 ASSEMBLYMAN LENTOL: That's correct.
13 And your reputation before that preceded you
14 as the superintendent of that district. And
15 we're really glad to have you aboard.

16 So I don't sit on the Education
17 Committee, and it's not my expertise, so
18 forgive me if I'm inarticulate when I ask and
19 stumble through some of these questions. But
20 I have some important ones that relate to
21 education that affects not only the state but
22 also my community. Because whether I like it
23 or not, we're in kind of a little intense
24 battle between collocation charter schools and

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1 public schools in my district, just like other
2 communities. And what I wanted to talk about
3 is my schools in particular.

4 First, in Williamsburg and Greenpoint,
5 we have three Blue Ribbon Schools, some of
6 which are underenrolled and are performing
7 excellently. And the past administration had
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8 a penchant to collocate public schools even in
9 schools that were performing well. And I
10 thought that that was a mistake because they
11 were healthy, vibrant, and good schools. And
12 it had the effect, whether it was intentional
13 or not, to sabotage what was a great situation
14 in those schools.

15 And as I said, this is something where
16 you have above-average performance going on,
17 and it shouldn't be disturbed. There are
18 other places where charter schools are probably
19 needed -- I don't want to get into that fight
20 with you, and I don't want you to comment on
21 that. But just the collocation of charter
22 schools in places where I think they don't
23 belong, and maybe we could change that policy.
24 That's my first question.

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1 CHANCELLOR FARIÑA: Everything's on
2 the table.

3 ASSEMBLYMAN LENTOL: Good.

4 ASSEMBLYWOMAN NOLAN: Is that it?

5 Because that's good.

6 (Laughter.)

7 ASSEMBLYMAN LENTOL: If it's on the
8 table, I'm happy to hear that. But, you know,
9 there's been a -- the community that I
10 represent, for those of you on the committee
11 who don't know, is a community where I would
12 have expected the parents to say, "Hey, public
13 schools are bad, and we need charter schools

14 and we need school choice." Because these are
15 young urban professionals that have moved into
16 my community that I now represent in
17 Greenpoint and Williamsburg, and I didn't
18 expect that they would come in and embrace the
19 public schools that we have and make them
20 better.

21 So that's why I think it's important
22 to ask that kind of question, because I didn't
23 expect it and I don't think that the educators
24 in the Department of Education prior to your

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1 arrival expected that to happen.

2 CHANCELLOR FARIÑA: But I know a lot
3 of the schools. You have P.S. 84, you have a
4 lot of great schools there that have been
5 doing remarkable work.

6 ASSEMBLYMAN LENTOL: Yes. And so
7 right now we're engaged in a situation where
8 we have schools -- one school in particular
9 that's advertising for students because they
10 can't get enough kids to come to the school.
11 And I thought it was necessary that they make
12 full disclosure, just like we know about what
13 public schools are doing, that there be
14 transparency in what they're doing, because
15 they happen to have been put on probation
16 because they couldn't manage to get enough
17 students. And they never advertised that fact
18 to parents that they were recruiting. They
19 put out a lot of flyers and they advertised

20 that this was a great charter school, not
21 saying a word about the fact that they were on
22 probation.

23 So I've introduced a bill to require
24 the kind of transparency that should be

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1 required of everybody when they try to recruit
2 kids from public schools. And maybe you would
3 want to comment on that kind of legislation.
4 I don't know if it's a good idea or not. I
5 tell you, I'm not an expert, and I would value
6 your opinion.

7 CHANCELLOR FARIÑA: Transparency never
8 hurt anybody.

9 ASSEMBLYMAN LENTOL: You're the best.
10 Thank you, Madam Chair. I yield my
11 time.

12 ASSEMBLYWOMAN NOLAN: Thank you.

13 CHAIRMAN DeFRANCISCO: Senator
14 Tkaczyk.

15 SENATOR TKACZYK: Thank you, Chairman.
16 And welcome, Chancellor. We're really looking
17 forward to working with you.

18 I have a question that I was going to
19 ask the commissioner, but I couldn't do my
20 follow-up question, so I'm asking you. And I
21 think it might actually be appropriate to hear
22 your perspective. I want to talk about Common
23 Core and the impact its having on children
24 with special needs and disabilities.

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1 And the concerns I'm getting from
2 parents and teachers are that when a child has
3 an individual education plan, an IEP, that
4 plan should be followed, that plan should be
5 dictating these are the accommodations this
6 child is going to need and these are the goals
7 this child is reaching for, and we're working
8 towards this child's individual goals.

9

 The concern I'm hearing is that some
10 testing is being done inappropriately. The
11 commissioner responded that we're asking the
12 federal government for a waiver of
13 inappropriate testing. I think we need more
14 than that. I think we have to really clearly
15 say that the IEP is the overriding goal for
16 that individual child and that no matter what
17 federal requirements, regulations, I don't
18 care, the IEP should be deciding these are the
19 goals, these are the accommodations, this is
20 the plan for this child.

21

 But I'm hearing that some
22 accommodations are not being made, the IEP is
23 being overridden by federal regulations or
24 requirements, and that to me doesn't make

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1 sense. And I just wanted to get your reaction
2 to that and how do we, you know, make sure
3 that the IEP is what is governing what that
4 individual child is focused on.

5

 CHANCELLOR FARIÑA: Well, I'm going to

6 say it very simplistically, but the reality is
7 -- I'd have to go back and double-check that
8 what I'm saying is true -- but given in my
9 former world, an IEP is an IEP is an IEP. So
10 if the IEP says, you know, needs assistive
11 technology, needs longer time, needs to have
12 the test read to them, that's what has to
13 happen. That is why it's on the IEP.

14 What I also feel very strongly about
15 is that the Common Core, honestly, should help
16 special-needs kids because, to a large degree,
17 we dumb down things for them and we've made
18 excuses as to why they didn't have to do
19 things that other kids did. And I think the
20 reality is a lot of what we believe is just
21 basic good education should be for all kids,
22 including kids with IEPs.

23 So to the degree that a parent feels
24 that the IEP isn't being followed, we have

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1 procedures certainly in place in New York
2 where you can appeal that or you can make all
3 kinds of things happen. Principals -- and
4 again, going back to my life as a principal, I
5 had a list of every child's IEP test
6 modifications in my office, made sure that two
7 days prior to testing that every teacher was
8 aware of those modifications. If it meant
9 that I needed to put several kids in the
10 library to take the test because they needed
11 laptops or whatever assistive technology they

12 needed, that we had all that available.
13 So if it's not happening, I would say
14 that it's against what the rulings are. And I
15 can't imagine any federal guidelines -- again,
16 I will go back and check -- that we usurp
17 that, because that's a legal law in itself, an
18 IEP.

19 SENATOR TKACZYK: It's something I
20 would strongly urge you to look at and help
21 us --

22 CHANCELLOR FARINA: I definitely will
23 take a look at it.

24 SENATOR TKACZYK: -- make sure we're

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1 doing the right thing for these kids.

2 CHANCELLOR FARINA: Absolutely.

3 And again, keep in mind that if I was
4 sitting here five years ago or even six years
5 ago, special-needs parents would be
6 complaining that their kids were not getting a
7 rigorous enough education, that many kids in
8 special-needs classes were being warehoused,
9 which I certainly saw over and over again,
10 that sometimes people were sent to schools
11 with IEPs because the other principal would
12 say "I don't want them, I can't serve them."
13 So I think we've actually come a long way in a
14 good way.

15 But if this is something that's
16 getting in the way, I'll certainly look into
17 that.

18 SENATOR TKACZYK: Well, what I'm
19 hearing, just so you get the perspective I'm
20 getting, is that parents are frustrated. They
21 have a child with special needs who's doing
22 well, but the anxiety and the stress and the
23 focus on testing has not helped their learning
24 abilities, and they become frustrated and shut

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1 down. And it's not good for the kid, and the
2 parent sees this. And I think we just have
3 been cognizant, as you said, the IEP, if we
4 think it's appropriate -- and parents usually
5 are pretty on top of what's appropriate for
6 their child -- should be followed.

7 CHANCELLOR FARIÑA: But I think the
8 anxiety level is there for all kids. I think
9 we're getting into a very -- you know, a lot
10 more kids are getting tics and nervous
11 conditions and everything else. So I think
12 how we deal with that -- I mean, certainly
13 there are simple things we can do in how do we
14 get students prepared for some of the
15 assessments that they're doing without doing
16 test prep exclusively. So I hear you, but I
17 think it's true of all kids, not just
18 IEP-driven kids.

19 SENATOR TKACZYK: Thank you.

20 CHAIRMAN DeFRANCISCO: Senator
21 Krueger.

22 SENATOR KRUEGER: Good afternoon.
23 So I represent the East Side Community

24 District, School Board District 2. And you

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1 are still a legend in my district from your
2 years as a principal. So I also want to thank
3 you for being willing to come back and have I
4 think probably the hardest job in the State of
5 New York. But I also am confident of your
6 abilities to lead us forward.

7 I just want to say, for the record,
8 for people who aren't from New York City who
9 seem to have some theory that there's extra
10 money for education, there is not. Those of
11 us who live in the city and deal with the
12 schools and the parents and the children can
13 assure everyone else in the State of New York
14 that we have a laundry list of things we hope
15 to get done in our schools and have not been
16 able to. So I am quite confident of the facts
17 as were presented earlier, that you don't have
18 the extra money to do the universal pre-K
19 program. Which I also am 100 percent in
20 support of.

21 And also just for the record, I
22 represent I believe it's the wealthiest Senate
23 district in the State of New York, certainly
24 in the City of New York. So when New York

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1 City's government talks about asking for the
2 right to tax its own people, it's pretty much
3 asking to tax my people in my district. And
4 for the record, I am not getting objections to

5 that in my office. I can say stand proudly
6 and say I think it's the right thing to do,
7 and necessary, even if it's the East Side of
8 Manhattan, which will pay a significant
9 portion of a new tax.

10 And I believe that the people in my
11 district also understand the importance of
12 quality public education, of addressing the
13 needs of disproportionately disadvantaged
14 children from other parts of the city, and the
15 recognition that we all rise or fail together
16 and we need to have a quality education system
17 for the 21st century, and the \$3 a day on
18 average it might cost someone in new taxes is
19 not driving anybody out of the city, but
20 qualified adults who go through a good
21 educational system will guarantee they are in
22 our future. So that's my political spiel.

23 But having said that, I also come from
24 a district where parents are fighting to fit

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1 the children in our school district in our
2 schools. We have been successful in finally
3 ending kindergarten waiting lists because of a
4 model the city has used, which I hope you will
5 continue to support, of the Educational
6 Construction Fund going into private/public
7 partnerships when we can to build additional
8 schools. We are desperate for additional
9 space as more and more people actually want to
10 send their children to our great public

11 schools. And I am concerned and hope that you
12 will factor in, when you're evaluating how we
13 fit the UPK spaces, the fact that I believe
14 the city's use of its Blue Book formulas for
15 schools have overestimated space availability
16 and that we have schools that are even more
17 overcrowded than the numbers reflect because
18 we have taken our science lab space, our gyms,
19 our lunch program sites, our special-needs
20 program areas, and we have counted them all as
21 new classrooms, leaving schools with children
22 literally having special ed additional help
23 sitting in the hallways as other students are
24 running by them.

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1 So I really urge you to take a careful
2 look at the Blue Book calculations from the
3 previous administration when doing your
4 extremely complicated planning process.
5 You're shaking your head, so I don't --

6 CHANCELLOR FARIÑA: Yeah, because I'm
7 right along with you on this one, having been
8 a principal who never could have pre-K in her
9 building because we became very successful
10 within three years, so we went from
11 300-some-odd kids to almost 900 in just two
12 years. So I do see that as an issue. And I
13 do think it's a right that if you have a
14 science lab, to keep it as a science lab.

15 So it's on my list of 10 things to do
16 and to think about, so definitely -- and we

17 know there are many ways to do space planning,
18 and that's only one of the places to start.

19 SENATOR KRUEGER: I was also slightly
20 concerned to hear you say that pre-K won't be
21 zoned, unlike elementary schools. And my one
22 concern is if you're a parent with a child who
23 needs and is eligible for pre-K and you have
24 another child who's 6, 7, 8 years old, getting

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1 them to two different locations by X hour in
2 the morning can be mathematically impossible.

3 CHANCELLOR FARIÑA: Well, maybe then I
4 misspoke. They're zoned, but if there is
5 space or if there isn't space, you can go to
6 any other pre-K. What we know in District 2,
7 District 15, where I came from, that there
8 were schools that were underutilized for
9 pre-K, but you have the right to go back to
10 your zoned school. So pre-K becomes more like
11 an open K, because some schools have no pre-K
12 at all. So you were able to go one place, but
13 you could go back to your zoned school. You
14 didn't stay where you went to pre-K.

15 SENATOR KRUEGER: I appreciate that.
16 Because at one time a few years ago when we
17 were having kindergarten waiting lists -- not
18 just in Queens, Cathy Nolan -- it was
19 suggested that the kindergartners could go to
20 Roosevelt Island from the East Side. And I
21 suggested that it would be child abuse to send
22 them on the airway rail themselves. So that

23 is actually not a possibility, to
24 geographically look at allowing children to

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1 cross the river by themselves in the morning.

2 CHANCELLOR FARIÑA: Not all the space
3 is equal.

4 SENATOR KRUEGER: Not all space is
5 equal.

6 I also -- it wasn't in your testimony,
7 for good reason, but I'm also hoping that we
8 can sit down and talk soon about the concept
9 of moving to universal school lunch in the
10 Department of Education system, which many of
11 us believe could increase participation by
12 120,000 students per day. These are students
13 who, if they don't have adequate nutrition,
14 aren't going to be accomplishing all you want
15 them to do in their classrooms. And it would
16 be at minimal cost to the city because the
17 federal match is so dramatic, and the economy
18 of scale for the City of New York.

19 So there is a full proposal, and I am
20 hoping to sit down with you soon to talk about
21 how it can be a win/win for our city's
22 children, nutrition, and educational outcomes.

23 Thank you.

24 CHANCELLOR FARIÑA: I look forward to

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1 working with all the New York City people. I
2 mean, it's amazing how many of you I already

3 know.

4 CHAIRMAN DeFRANCISCO: How about
5 upstate people? You want to work with us?

6 CHANCELLOR FARIÑA: Upstate too. But
7 I'm just saying --

8 CHAIRMAN DeFRANCISCO: Because you'll
9 need our votes, you know.

10 (Laughter.)

11 CHAIRMAN DeFRANCISCO: All right. I'm
12 the last speaker on our side, and then
13 Assemblywoman Nolan is going to close.

14 First of all, with respect to the
15 remark that Senator Krueger made about for
16 those who think that New York City has enough
17 money to find the money in their budget for
18 preschool, I want to go on the record as
19 saying that's a very legitimate question,
20 especially of a new chancellor who may have a
21 different philosophy and a different viewpoint
22 of what was done under the last leadership in
23 New York City. So I think it's a fair
24 question, since many, many administrators face

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1 those same problems, and the point made is to
2 see if there is additional money. So I think
3 it's a fair question.

4 Secondly, as far as the anxiety level
5 of kids, everybody has anxiety. Probably the
6 worst anxiety is when you get out of school
7 and you can't find a job because you can't
8 read. Okay? So life is full of anxiety. And

9 I feel sorry for everybody, I hope everyone
10 could have a full life without any anxiety and
11 maybe we could pay for that somehow in some
12 program.

13 But in any event, to me -- and it's
14 obvious that you're one of these people -- the
15 school administrator is probably the most
16 important person in the school district.
17 Because whoever the administrator is sets a
18 tone in the building. And that tone in the
19 building is either a positive one, a "get
20 these kids learning" one, or it's someone who
21 has a group of teachers that may want to be
22 more important to be friendly with the kids,
23 to be Joe's buddy and be one of the kids. And
24 I see it in my district; I'm sure it's

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1 everywhere.

2 So my plea, as far as you're concerned
3 and to all the other superintendents that are
4 out here, the key is I hope you're able to
5 appoint administrators, new administrators in
6 those schools that aren't performing. And
7 I've got a feeling you'll see the same results
8 as you saw in your school, because that's to
9 me extremely important. So you're the right
10 person to be in this job at this point in
11 time.

12 One really dumb question. I've heard
13 so many times that we're learning from books
14 that are from the 1970s. Now, doesn't the

15 state, in addition to whatever state aid, also
16 provide funding for new books?

17 CHANCELLOR FARIÑA: The answer is yes.
18 However, have you priced the price of a
19 textbook recently? What used to cost us like
20 \$12 a textbook is now anywhere between \$34 and
21 \$45 per book.

22 So when you're looking at what the
23 budget was and what it could be, now we are
24 moving more towards things like primary

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1 sources and more user-friendly materials. But
2 the reality is that the budget hasn't kept up
3 with the publishing costs. More and more
4 stuff that's being learned by kids,
5 particularly in the middle school and up, is
6 being done through the Internet and
7 technology, which gives you a whole other set
8 of problems if you're in a school where there
9 isn't enough of that.

10 But I want to go back to something
11 with the stress factor, because I don't want
12 anyone to leave here thinking that I don't
13 believe in high standards and holding kids
14 accountable, because I do. And holding adults
15 accountable. But I draw the line when kids in
16 younger grades, or even upper grades, throw up
17 in the classroom because of the stress factor,
18 start urinating in classrooms because of the
19 stress factor.

20 We have to understand that there is a

21 childhood time when kids should want to come
22 to school, their coming to school in a
23 friendly atmosphere makes them better
24 learners, and that when they leave at the end

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1 of the day they say "Gee, I can't wait to come
2 back to school tomorrow," rather than "I'm
3 dreading going back to school tomorrow."

4 So we have to separate what we hold
5 kids to and how we do it. So I guess that's
6 the way I'd like to put it.

7 DOE CFO TRAGALE: Just to mention, in
8 reference to your question about the textbook
9 funding, the NYSTL funding, the New York State
10 Textbook Law funding, that funding is really
11 designed to replace books slowly. It doesn't
12 allow a school to replace all of their books,
13 for instance, to go to Common Core in one
14 year. It's insufficient for that, and I just
15 wanted to make that point clear. Thank you.

16 CHAIRMAN DeFRANCISCO: So if someone
17 could provide me with what the number is; I
18 mean, how we can compute what is sufficient.
19 Because it's just criminal that textbooks are
20 not being replaced in a timely fashion. And
21 maybe -- I know we're going -- apparently,
22 according to the Governor, we may have a bond
23 act. It just seems to me that with online
24 services and some -- maybe it's a much more

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1 less expensive way, if we're getting
Page 200

2 technology into the classrooms, to pay for
3 those books. Maybe they'll help pay for those
4 books by way of some other technology that
5 everybody is using anyway nowadays.

6 CHANCELLOR FARIÑA: Keep in mind that
7 any textbook is outdated the day it comes out.
8 It takes almost five to six years to develop a
9 textbook in mathematics and social studies --
10 and social studies could be longer than five
11 years, so by the time it comes out it's
12 already outdated and antiquated.

13 CHAIRMAN DeFRANCISCO: That's why
14 online, if we get some technology, would be
15 very helpful.

16 Thank you very much. It was a
17 pleasure meeting you and hearing you.

18 ASSEMBLYWOMAN NOLAN: And just quickly
19 to close, I really appreciate my colleagues
20 who attended today, and thank you for the
21 generous time. We spent a lot of time with
22 Commissioner King, and you waited, and we have
23 a full house of people as well.

24 Just quickly, I too feel very, very

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1 strongly in support of Mayor de Blasio's plan
2 on pre-K. And I do want to say to those
3 colleagues, you know, I heard Willy Brown
4 speak once, the legendary speaker of the
5 California House, and he said: "When you're
6 in politics long enough, you voted probably
7 every way on every issue, because sometimes

8 you're making choices."

9 I voted for \$200 million for Nassau
10 County's bailout with pleasure, and I can't
11 still use your parks. I voted for the Buffalo
12 Billion, you know, with pleasure, and don't
13 get up there too often. This is a reasonable
14 request from the City of New York to
15 supplement its pre-K and after-school
16 programs, which we all agree in the city are
17 desperately needed.

18 So I'm very pleased as a city member
19 to give my support, and I hope that colleagues
20 from other regions of the state, who I have
21 supported time after time in their bailouts or
22 whatever have you, would at least consider
23 allowing the city to tax itself. I feel so
24 strongly -- though I don't make the income

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1 level of Liz's district -- I'd be happy to
2 throw my two cents into it as well.

3 And we wish you nothing but the best.
4 There are a lot of things we'd love to follow
5 up on, GED and adult ed. I love the emphasis
6 on middle school, and I would recommend to you
7 that Governor Cuomo, in his reform commission,
8 which Senator Flanagan and I served on, did
9 mention middle school as an area, in part with
10 our urging, but we haven't really been able to
11 come up with the right funding stream. So I'm
12 hoping that that's something we can see emerge
13 from the department, how do we support our

14 middle schools.

15 I also want to point out that my son
16 attends school north of whatever imaginary
17 line some other colleagues were suggesting,
18 and he's in the 10th grade and he has never
19 seen a whiteboard. He has attended three
20 New York City public schools. I don't know
21 really what a whiteboard is, because none of
22 the classes or schools that my son attended
23 had them. So there's a lot of inequities in
24 the system -- I happen to think he's doing

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1 fine, but, you know, there are a lot of
2 inequities, and they're all over. And
3 certainly as we approach the Governor's
4 technological bond act, we need to address
5 that and we need your leadership to give us a
6 fair formula, one that will put it out
7 throughout the five boroughs.

8 And yes, other parts of the city are
9 crowded, but in Queens we've been crowded for
10 30 years, my entire career. That is why I
11 asked to be chair of this committee. And we
12 look forward to finally eliminating trailers
13 and other things as we go forward.

14 As you move forward, I would ask that
15 you come back to the Legislature with your
16 priorities so that we can be supportive when
17 we want and can be -- really, you know, you
18 have the hardest job right now in city
19 government, but you have wonderful people with

20 you. And I want you to know, as I once told
21 Judge Kaye many, many years ago, the women in
22 the Legislature are going to be soldiers in
23 your army, Carmen Fariña. So we pledge
24 ourselves to you, and we look forward to it.

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1 Thank you very much.

2 CHANCELLOR FARIÑA: Thank you all.

3 CHAIRMAN DeFRANCISCO: That was a very
4 sexist statement, I might add.

5 (Laughter.)

6 ASSEMBLYWOMAN NOLAN: And I enjoyed
7 making it, I must say. I really enjoyed
8 making it, too.

9 Thank you. Thank you.

10 CHAIRMAN DeFRANCISCO: Thank you very
11 much.

12 The next speaker, which is the speaker
13 for 11:45, is the New York State United
14 Teachers. Andy Pallotta, vice president,
15 Steve Allinger, director of legislation.

16 Whenever you're ready, you're on.

17 MR. PALLOTTA: Thank you.

18 We'd like to thank the chairs of the
19 joint fiscal committees and the chairs of the
20 Assembly and Senate Education Committees.

21 The first thing we're going to talk
22 about today is school aid. While we support
23 several of the programmatic initiatives
24 detailed in the Executive Budget, the proposed

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1 increase of \$807 million for this year's
2 budget is inadequate, and I will talk more
3 about why that is.

4 Prior years of state aid cuts and the
5 enactment of the Gap Elimination Adjustment,
6 the freeze on Foundation Aid coupled with the
7 imposition of the tax cap, have all worked
8 together to create a perfect storm of
9 devastating conditions in many schools
10 throughout our state. Although the state aid
11 was increased by almost a billion dollars last
12 year, we still lost more than 3500 jobs around
13 the state. Over the past five years we have
14 lost tens of thousands of jobs in education.

15 Under this Executive Budget,
16 69 percent of the state's 672 school districts
17 would begin the school year with less money
18 than they had in 2009. While this proposal
19 includes \$323 million in restoration to the
20 Gap Elimination Adjustment, it fails to
21 increase Foundation funding. The proposed
22 2014 state aid to local school districts is
23 \$21.28 billion, and it's still below the 2009
24 number. Statewide high-needs school districts

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1 enrollment between 2008-2009 and 2013-2014
2 increased by 3.1 percent.

3 NYSUT and the Alliance for Quality
4 Education have advocated for \$1.9 billion in
5 education funding this year. The Education

6 Conference Board, in a related release in
7 January, estimated that it would take
8 \$1.5 billion to maintain the current programs
9 and services. The \$682 million increase in
10 the education budget falls far short of these
11 figures, especially when the property tax cap
12 for schools has been set at 1.46 for the
13 upcoming school year.

14 New York schools are still reeling
15 from multiple years of school aid cuts imposed
16 upon them. We have class-size issues, we have
17 decimated course offerings, and after-school
18 programs have been cut. We thank the more
19 than 80 legislators, led by members of the
20 Assembly and also from the Senate, who signed
21 a letter supporting our \$1.9 billion increase
22 in funding. Further, we are appreciative of
23 Senator Flanagan's call for significant
24 increases in funding for professional

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1 development for our educators.

2 The first initiative is the full-day
3 pre-K. The Executive commits \$1.5 billion to
4 this over five years. We do support this.
5 And for the 2014 school year, the Executive
6 Budget includes \$100 million in funding for
7 this initiative. We fully support investment
8 in full-day universal pre-K. Quality full-day
9 pre-K opportunities lead to better
10 opportunities in academic outcome and social
11 development of children.

12 I had the honor of teaching in a
13 high-needs elementary school and know from
14 personal experience that one could readily
15 determine which one of my students had a
16 quality pre-K class, because, although you may
17 not believe it, I did teach kindergarten for
18 one year and it was one of the best years of
19 my teaching career, which went for about
20 24 years. It is far more cost-effective, for
21 those of us that are interested in cost, to
22 educationally work with children at the
23 beginning of their educational career rather
24 than catching up at the end.

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1 The Executive Budget includes some
2 other good ideas. After-school programs, the
3 Executive Budget appropriates \$720 million
4 over five years, beginning in 2015. We are
5 fully supporting that, and we agree that it
6 should be a lot more than just keeping kids
7 active and engaged in community programs, but
8 it should be an educational program.

9 There's also an initiative called the
10 Teacher Excellence Fund. This would establish
11 \$20 million for teachers that are determined
12 to be highly effective. Annual supplements of
13 up to \$20,000 could be awarded to teachers
14 rated highly effective.

15 I am deeply concerned about this
16 proposal to impose merit pay where teachers
17 would be pitted against one another in a

18 high-stakes monetary game. Tying pay to a
19 rating system that has been undermined by the
20 terribly flawed rollout of the Common Core is
21 problematic, especially when student growth on
22 new Common Core assessments is being used in
23 that evaluation process.

24 Educational researchers have found a

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1 number of weaknesses in any type of merit pay
2 scheme. What we do support are career
3 ladders, which would be the appropriate use of
4 these funds; extra pay for other assignments
5 such as mentoring new teachers, where we've
6 heard from previous testimony this would be a
7 phenomenal use of these extra dollars. We
8 urge you to reject any merit pay proposal in
9 favor of a career-ladder approach to rewarding
10 excellence in teaching.

11 The Executive Budget makes reforms to
12 the reimbursement and rate-making process for
13 preschool special ed programs. Changes to the
14 4410 programs include establishing regional
15 rates for payment to program providers,
16 authorizing New York City to establish its own
17 rates and negotiate directly with potential
18 providers. It also limits the reimbursement
19 to services delivered. These modifications
20 are estimated to save the state \$71 million
21 over the next five years. This applies to all
22 special-needs schools as well.

23 Teacher Centers. We've heard much

24 talk about professional development. Teacher

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1 Centers were established in 1984 to provide
2 this professional development to educators.
3 They are state-funded, and they have done a
4 wonderful job in helping our teachers navigate
5 so many of the changes.

6 But this Executive Budget fails to
7 fund these critical centers for educators.
8 The 2013-2014 school year funding for Teacher
9 Centers was \$14.26 million, and that is less
10 than it was in 1996.

11 Many centers are using highly
12 effective coaching models to aid teachers in
13 understanding the Common Core standards and
14 how they intersect with the New York State
15 Learning standards, including the state-issued
16 curriculum modules.

17 Moratorium on the use of state
18 assessments. There is widespread concern with
19 the State Ed Department's implementation of
20 the new Common Core standards among students,
21 parents, educators, community advocates and
22 legislators. New York's students and
23 educators need more time and resources to
24 adapt to tremendous changes in testing.

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1 I am extremely concerned about the
2 developmental appropriateness of many of the
3 new Common Core modules developed by SED, and
4 tremendously concerned over increased testing

5 and testing solely for the teacher and
6 principal accountability purposes. We must
7 give students and educators time to adapt to
8 new demands for higher 21st-century learning
9 and ensure the proper sequencing of curriculum
10 for student learning: from curriculum
11 development, educator understanding, student
12 learning and limited necessary testing. We
13 must call for this pause before we do damage
14 that will be very difficult to overturn.

15 we also agree that there should be a
16 ban on standardized testing for pre-K-to-2
17 students. The Legislature and the Governor
18 have indicated that they support bans on this
19 testing for students in the lower grades. We
20 fully support these efforts and look forward
21 to working with policymakers to enact
22 legislation that protects our youngest
23 students from this inappropriate testing.

24 Special ed mandate relief. The

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1 Executive Budget would allow districts, BOCES
2 and approved special ed providers the ability
3 to petition the State Ed Department for
4 flexibility in complying with special ed
5 requirements. We oppose this proposal, as it
6 would allow the erosion of needed protections
7 for our most vulnerable students.

8 The enactment of a waiver to current
9 statutory and regulatory special ed mandates
10 could erode the quality of education.

11 Smart Schools. We've heard a lot
12 about the Smart Schools Bond Act. The
13 Executive Budget would put \$2 billion into
14 this. We would get high-speed wireless
15 Internet connections, learning technology,
16 whiteboards, all kinds of good stuff for our
17 schools that most people around the world
18 would think New York City and New York State
19 schools would already have. But obviously
20 there is a need.

21 We could not agree more that our
22 students deserve the most up-to-date
23 technology. Schools need continued and
24 increased funding for technology as we move

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1 towards the 21st-century learning environment.

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2 One thing we would like to say in this
3 is that we would like more and more local
4 control.

5 The tax cap. The tax cap we feel is
6 undemocratic. Its impact continues to pose
7 great implications to schools around the
8 state. This year's allowable tax cap of only
9 1.46 percent increases the burdens on locals,
10 and this is nowhere near the 3.7 percent
11 forecast of cost increases for current
12 programs.

13 Living under a tax cap, most districts
14 have had to deal with being in a vise between
15 getting less funding from the state and also
16 not being able to raise funds locally.

17 Tax relief. NYSUT believes that the
18 over \$2 billion this plan will cost the state
19 would be better spent filling the gaps left in
20 education and public services caused by the
21 state budget cuts over the past few years.

22 Also, the freeze is a regressive tax
23 expenditure that would inappropriately favor
24 high-income New Yorkers, cause disinvestment

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1 in schools, and exacerbate inequality of
2 educational opportunities. This freeze would
3 push people to disinvest in their local
4 schools and would require districts to stay
5 under the property tax cap.

6 while NYSUT has long supported the
7 concept of a tax circuit breaker, tying the
8 circuit breaker to the constitutionally
9 questionable tax cap will only create an even
10 larger incentive to cut important classroom
11 programs and services without regard to the
12 educational and local service needs of a
13 community. Forcing districts to stay under
14 this tax cap while schools across the state
15 are underfunded will have devastating impacts.

16 In conclusion, we look forward to
17 partnering with the Executive and the
18 Legislature to increase the funding to
19 education and make sure that what we do
20 increases the opportunities for all students
21 throughout the state. We know that the
22 hearings that were held by both the Assembly

23 and the senate heard from folks across the
24 state, from grassroots people to parents to

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1 the people that we trust with our children and
2 know that they want the best for them.

3 We have seen that when the Governor
4 announced the surplus, we had a lot of folks
5 that wanted to do a happy dance, but we see
6 that that money may not go into education. We
7 would like to have that funding go into
8 education and give our students the best
9 opportunities that they can have.

10 Thank you.

11 CHAIRMAN DeFRANCISCO: Thank you.

12 Senator Tkaczyk.

13 SENATOR TKACZYK: Thank you, Chairman.

14 I just wanted to follow up on a
15 previous question I asked the chancellor, who
16 was just up, on special education. I do agree
17 with you that the budget is wholly inadequate.
18 But I wanted to follow up on this question
19 because I think it's a serious one, where the
20 IEP should be followed and that should be the
21 rule, not the exception, when you're dealing
22 with children with special needs.

23 And from your perspective, how is it
24 going with the Common Core and with regard to

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1 the teachers? What are they seeing when
2 they're trying to work with children with

3 special needs? And do we need to be concerned
4 about how we make sure that they're getting
5 adequate rigor and resources and those kids
6 are meeting their full potential? And do we
7 need any adjustments in the Common Core with
8 regard to how we're teaching children with
9 special needs?

10 MR. PALLOTTA: Right. As I've gone
11 around the state, and I heard the commissioner
12 say he's also gone around the state, I have
13 heard a totally opposite picture of what
14 educators feel about the Common Core. They
15 feel that they have been given something where
16 there is no continuum in the curriculum, so
17 they have problems implementing something that
18 hasn't been thought out fully, and it
19 especially affects special education students.

20 so this is something where we would
21 like to address this throughout the coming
22 session and make sure that especially our most
23 vulnerable students have all of their needs
24 met in the classroom.

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1 SENATOR TKACZYK: Do you have a
2 concern that if a child needs an adjustment to
3 a test, or an accommodation, that that is
4 respected? Or are the regulations relating to
5 the Common Core basically forcing teachers to
6 do things that in their judgment wouldn't make
7 sense to that child?

8 MR. ALLINGER: If I could add to the

9 answer, the problem is if you have
10 developmentally inappropriate curriculum
11 generally, it's just much worse for a special
12 ed student if there's a cognitive impairment.
13 So what we've heard from teachers is just
14 great frustration among these children.
15 They're given an evaluation that they cannot
16 handle, that probably wasn't even
17 developmentally appropriate for a nondisabled
18 age mate. And we've encountered that around
19 some of the curriculum modules. Not all, but
20 some, we've heard that it's very hard for
21 parents to help their kids with homework in
22 the mathematics and arithmetic curriculum. So
23 there is a problem in the developmental
24 appropriateness of some of these tests.

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1 MR. PALLOTTA: So everything that is
2 done in a general ed classroom is compounded,
3 every problem.

4 SENATOR TKACZYK: And do you think the
5 schools have the resources to implement the
6 Common Core effectively? I talked earlier
7 about we've seen five years of classroom cuts.
8 Will this budget provide the resources that
9 have been missing, frankly? And do you see
10 any hope in this level of funding that we can
11 meet those new required standards?

12 MR. PALLOTTA: Not at this level. We
13 would need -- and NYSUT and AQE have put out
14 the number \$1.9 billion. The ECB has put out

15 \$1.5 billion. There is a big gap that needs
16 to be filled. And we thank the Legislature
17 for filling part of that gap last year.

18 SENATOR TKACZYK: Thank you.

19 MR. PALLOTTA: Thank you.

20 ASSEMBLYMAN OAKS: Assemblyman Graf.

21 ASSEMBLYMAN GRAF: Hi. Can you hear
22 me?

23 A couple of questions. I wanted to
24 focus in on special ed students. One of the

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1 things that came up in my forum, and I don't
2 know if you've talked to your members about
3 this, there's a special bond between a teacher
4 and a child with special ed where they may
5 have to guide them in certain tests and stuff
6 in order for them to be able to do their best.
7 And that's part of their IEP.

8 And I'm hearing that during the
9 testing period where it was 90 minutes a
10 special ed student had to sit for a test, and
11 a teacher wasn't allowed to help them. They
12 had to stand off to the side. They actually
13 had one kid that was stabbing himself with a
14 pencil because he was so frustrated.

15 Have you seen heard from this from the
16 special ed teachers that you represent?

17 MR. PALLOTTA: Well, we've heard it
18 from general ed and special ed, how kids are
19 so frustrated, how they've cried during tests,
20 how they vomited on a test and that test had

21 to be taken, put into a plastic bag, and sent
22 to SED. Which seems atrocious that children
23 would be subjected to such conditions and
24 stress and tension, in early grades

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1 especially.

2 ASSEMBLYMAN GRAF: And you've gotten
3 feedback from your teachers as far as the age
4 appropriateness and the developmental
5 appropriateness of the curriculum?

6 MR. PALLOTTA: Yes.

7 ASSEMBLYMAN GRAF: And what I'm
8 getting at is it's -- and I've looked at it
9 myself, and I've found that most of it was not
10 age-appropriate. And it's more like there's
11 no rubrics for kids with disabilities. Would
12 you agree with that?

13 To take into consideration what we're
14 doing is we're racing towards almost the
15 middle. So what we're actually doing is
16 advanced learners, we're bringing them back
17 down, and the kids that are struggling on the
18 bottom we're leaving behind. Have you found
19 that?

20 MR. PALLOTTA: Well, having to focus
21 on tests so much time and energy and money has
22 definitely not helped the kids who need the
23 help the most. So if the whole obsession with
24 testing is where the education system is now

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1 focused, then the kids that need the most help

2 are not getting that extra attention.

3 ASSEMBLYMAN GRAF: And I'm sorry, I'm
4 using you for a vehicle to actually speak to
5 my colleagues on some of these issues.

6 Do you have a cost as far as some of
7 these school districts, how much it's costing
8 them to implement things such as the data
9 collection and the testing? Do you have any
10 idea?

11 MR. PALLOTTA: We'd be happy to get
12 back to you with an estimate.

13 ASSEMBLYMAN GRAF: I just had one of
14 my schools text me. Would it surprise you
15 that it's costing a school district on
16 Long Island \$223,392 per year?

17 And now the funding, I'm trying to
18 find all of this money we talking about to
19 Race to the Top, how much of that is coming to
20 the schools. Because what my school is
21 telling me is they get \$4,000.

22 MR. ALLINGER: Half the Race to the
23 Top was retained by the state. Roughly 350, I
24 think, was portioned out over five years. So

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1 it wasn't as much as it was ballyhooed. And
2 it wasn't uniform, obviously, it was highly
3 targeted. So many districts have had to
4 really subsidize the cost of the standards
5 that were attached to Race to the Top.

6 Moreover, the curriculum modules that
7 were promised by the State Ed Department I

8 think for 2011, many of them were not
9 delivered. For instance, we don't have 9th,
10 10th or 11th grade modules leading to the
11 11th grade ELA.

12 MR. PALLOTTA: And also we've been
13 asking for a bill that would address all of
14 these questions so we can find out how much
15 time/money is spent on testing throughout the
16 state. So we would hope to see that during
17 this session.

18 ASSEMBLYMAN GRAF: I think they ought
19 to tell me I ran out of time.

20 CHAIRMAN DeFRANCISCO: Don't you have
21 a clock down there? Is there one over to the
22 left there? It's not working? Probably to
23 plug it in would be a good idea.

24 ASSEMBLYMAN GRAF: Okay, pre-K, let's

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1 go to the pre-K. It's just for the high-needs
2 schools that we're talking about, right, the
3 pre-K, or is it all schools?

4 MR. PALLOTTA: No, we'd like to see
5 pre-K universal.

6 ASSEMBLYMAN GRAF: But the Governor's
7 proposal, is it just high-stakes or is it all
8 schools?

9 MR. ALLINGER: He's proposing a
10 statewide program that appears to pick up the
11 net additional cost fully, but it isn't
12 sufficient to roll it out for every single
13 4-year-old.

14 ASSEMBLYMAN GRAF: And what's
15 happening now, some of our schools have
16 half-a-day kindergarten or no kindergarten.
17 Isn't that true?

18 MR. PALLOTTA: Some do have half-day,
19 some have full-day. What we're trying to
20 avoid in this is having the pre-K program in
21 the school and having only half-day
22 kindergarten and the kids having to go down
23 the hall to borrow crayons from another class
24 because everything is not funded sufficiently.

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1 ASSEMBLYMAN GRAF: So in the
2 Governor's proposal I'd send a child to pre-K
3 and then say "Take a year off and we'll bring
4 you back to first grade"? In some school
5 districts.

6 MR. PALLOTTA: Well, what we're hoping
7 for is sufficient funding.

8 ASSEMBLYMAN GRAF: Like the teacher
9 evaluations he was going to pay for last year?
10 That never went in the budget.

11 Okay, I'm good. Thank you.

12 CHAIRMAN DeFRANCISCO: Okay, thank
13 you.

14 You were mentioning about pre-K that
15 you're in favor of it, \$100 million this year
16 and in the outyears \$500 million. And I guess
17 the question is, this would be another thing
18 that school districts would have to do, and
19 the cost is going to be greater and greater.

20 And in every budget that I've been around here
21 for, different things are competing for
22 different amount of dollars.

23 And does it concern you at all that
24 maybe if there's a pre-K program that's

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1 established, that there be greater difficulty
2 in future years since there's another expense
3 of schools, or even in this year, that the
4 school districts' funding to just run the
5 normally operations would be in jeopardy?

6 MR. PALLOTTA: Well, I believe we
7 should be able to do both. Right? So that's
8 my belief.

9 And I also believe that this is
10 something that's crucial for fixing a lot of
11 the education problems in our state. It's
12 cost-effective to put the money in when the
13 kid's 4 years old. In a couple of weeks we'll
14 be here and we'll be talking to the Higher Ed
15 Committee, and they'll be saying, "well, the
16 kids are graduating high school and they can't
17 function correctly, so we have to give them
18 remedial programs." I would rather put the
19 money in at the beginning and get the kids
20 going --

21 CHAIRMAN DeFRANCISCO: No, I
22 understand that. But I'm not so sure that
23 there -- if you don't have enough money now,
24 you're looking for a substantial amount, a

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1 much greater amount of dollars than the
2 Governor is proposing -- I'm sure it will go
3 up somewhat -- but if there isn't enough to do
4 the basics and school districts are going out
5 of business, it seems unlikely to me in a
6 couple of years down the road that there's
7 going to be an extra \$500 million sitting
8 around that you're going to be able to use for
9 pre-K, plus fill in whatever the gaps are
10 going to be.

11 Now, that's my perspective. I know
12 everyone would like everything. But I'm just
13 wondering whether you may be asking for
14 something that may cause more problems later
15 on.

16 MR. ALLINGER: Senator, the state
17 budget has been recovering, revenues are
18 recovering, and we're saying it's a matter of
19 priorities that it makes tremendous sense to
20 restart the commitment to the Foundation
21 Formula, meet the needs of K-12 and invest in
22 early childhood so we get a greater return on
23 our investment of education dollars. And we
24 believe that the state's fiscal condition now

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1 allows it to meet its commitment that it made
2 in 2007.

3 CHAIRMAN DeFRANCISCO: Okay. And just
4 for the sake of argument, everybody takes it
5 for granted that having prekindergarten is

6 going to increase the level of performance of
7 students. There are some studies, one of
8 which in Oklahoma, which was the preeminent
9 state about preschool, that by the time -- and
10 initially there's no question that there's an
11 advantage to children. But over time, there
12 was one study that by first or second grade
13 there was no discernible difference in
14 performance between students who had pre-K and
15 students who did not. It gives them a boost,
16 but as far as the long range you're talking
17 about, they don't have the qualification --
18 they don't have -- they're not capable of
19 doing college work. I think it's a stretch,
20 based upon some reports.

21 And what are your thoughts on that?

22 MR. PALLOTTA: I would think that once
23 they get the boost by getting the pre-K, then
24 we keep class sizes low and we have the

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1 after-school programs. So it's not just
2 giving them pre-K and then letting things go,
3 it's not having tremendous class size and
4 having programs that can help them after
5 school. I mean, this was something I had as a
6 kid. We always had after-school. And, you
7 know, it was an exciting part of my education,
8 the after-school programs. Now that the
9 Executive Budget has them in there, I think
10 this is something where we take pre-K and we
11 take the after-school programs and we make it

12 a better education system for the kids.

13 And we have -- you know, we're talking
14 about a surplus this year. Why not use that
15 and invest in education?

16 CHAIRMAN DeFRANCISCO: Well, that's a
17 good point.

18 But the point is whether or not having
19 another mandate or another requirement or
20 another program, whether long-term you're
21 really hurting the districts who are hurting
22 right now because there isn't enough for both
23 and there's not going to be enough for both,
24 the substantial increase that you're looking

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1 for as well as the pre-K.

2 MR. PALLOTTA: That goes with the tax
3 cap -- you know, we have a tax cap here, and
4 then school districts are in a vise. So if
5 we're going to fund schools and look for them
6 to do wonderful jobs, we have to be able to
7 address both of those issues.

8 CHAIRMAN DeFRANCISCO: You know, I had
9 with me, and I don't know where it is -- but
10 there's a report, not from some conservative
11 think group but from the federal government,
12 about the Head Start program, where billions
13 upon billions of dollars were spent. And the
14 basic conclusion in the report -- and it was
15 just out, I'll show it to you when we get done
16 here -- is that there was no discernible
17 improvement in the performance of students.

18 through the Head Start program. This is from
19 the federal government that's headed by a very
20 progressive president.

21 Now, all I'm suggesting -- I'm not an
22 expert, and I think everybody can have their
23 own opinion. But before we start embarking on
24 something that's going to be very costly -- it

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1 will certainly provide a place for parents to
2 put their kids, which is overwhelmingly
3 popular for the 4-year-olds, not to have to
4 worry about daycare and the like. I
5 understand that. But as far as the additional
6 cost, I'm just concerned that you're going to
7 be not getting everything you want and what's
8 going to suffer is the extra money going to
9 education.

10 I'm just putting that on the record.
11 I know you disagree, and I don't expect you to
12 agree with me, but okay.

13 MR. ALLINGER: Senator, there's
14 overwhelming research that shows high-quality
15 pre-K has very lasting effects. That's why
16 most of the business community has supported
17 investment in early childhood.

18 And we support what Chancellor Fariña
19 said, that you need to have really good
20 training and invest in the quality of the
21 program. It should be connected sequentially
22 to the early grades. And we believe that,
23 properly implemented, it will have a very

24 Tasting impact.

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1 MR. PALLOTTA: And if we study some of
2 countries around the world that have great
3 education systems, I would think that we start
4 out as young as possible.

5 CHAIRMAN DeFRANCISCO: Very good.
6 Okay, thank you.

7 ASSEMBLYWOMAN NOLAN: Assemblywoman
8 Mayer had a question. And then a couple of my
9 colleagues also. Assemblyman Ra had a
10 question too.

11 ASSEMBLYWOMAN MAYER: Thank you,
12 Madam Chair.

13 And thank you for your testimony. You
14 pointed out that in the Governor's proposal
15 the restoration of education aid is not
16 through the Foundation Formula but is through
17 Gap Elimination Adjustment restoration and
18 other provisions. As you know, the failure to
19 put the money back through the Foundation Aid
20 Formula really does prejudice the
21 highest-needs districts, of which I have one
22 in the City of Yonkers. And I wonder if NYSUT
23 has done an analysis of the specific impact of
24 doing the restoration outside of the

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1 Foundation Aid Formula, and if you can
2 identify those communities, like mine, which
3 clearly are impacted by the choice to restore
4 money through this mechanism.

5 MR. PALLOTTA: I do know that some of
6 the cities, like Yonkers, like Syracuse, the
7 amount of increase that they have gotten this
8 year is very, very small. So they are
9 impacted by the Gap Elimination Adjustments.

10 Steve?

11 MR. ALLINGER: A lot of the cities in
12 certain rural districts were disadvantaged in
13 this proposal because they would earn more on
14 the Foundation Formula than reducing the Gap
15 Elimination Adjustment.

16 Also, the GEA is capped at 45 percent,
17 so if you're getting a smaller proportion and
18 then you cap that proportion, you do even less
19 well. And that's why, as Andy said, you have
20 Buffalo getting 1.5, Syracuse 1 percent.
21 New York City is below the average. And there
22 just isn't enough money anyhow to really
23 compensate for lack of local fiscal capacity.

24 ASSEMBLYWOMAN MAYER: The other

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1 question I have is about the Governor's
2 proposed property tax freeze, which -- among
3 other concerns which you raise, which I
4 share -- is in Year 2 it presupposes that you
5 can achieve savings through consolidation.
6 For the Big 5 it's very difficult to
7 anticipate exactly how they're going to share
8 any one of the functions that their big
9 systems -- again, like mine -- have. We're
10 not about to share human resources with, you

11 know, the Village of Hastings or any other
12 thing.

13 So I just ask that, and I know you
14 will be partners in this, as we review the
15 proposal we look at, in a more nuanced way,
16 the impact of these proposals.

17 And the other question I would ask you
18 is to the extent this property tax freeze puts
19 districts at a tremendous disadvantage going
20 forward, particularly with the costs of
21 testing, I would ask that you do some analysis
22 again of specific districts and specific
23 costs. It will really help inform the debate.
24 So I would ask that you -- the more specific

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1 information with respect to districts I think
2 would be helpful.

3 CHAIRMAN DeFRANCISCO: Senator
4 Flanagan.

5 SENATOR FLANAGAN: Gentlemen, thank
6 you. One comment, two quick questions.

7 Thank you for all the help in the
8 hearings that we had throughout the fall. We
9 had great participation by your membership,
10 and it was extremely helpful, including one of
11 the Teachers of the Year right here in Albany.

12 Special ed. I saw an outline of
13 material in here. I think this is an area
14 that is so ripe for change and potential
15 reform that delivers the mission and can save
16 some money in the process. I saw the

17 \$71 million over five years; I see Mr. Sanders
18 sitting in the audience who is waiting
19 patiently to offer testimony. I believe it
20 would be helpful if you could provide us with
21 some more details on things that you think
22 actually should happen.

23 We've made nominal incremental
24 progress on 853s and Special Acts; a lot of

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1 things that could be changed there as well.
2 But on the 4410 side, and with the focus on
3 New York City and potentially moving to things
4 like fee for service, that input is going to
5 be extremely important. So some detail on
6 that would be helpful.

7 MR. ALLINGER: We'll provide that to
8 you.

9 And there already have been some
10 mandate relief implementation in special ed,
11 whether it's access electronically to IEPs.
12 What we're worried is just a blank check that
13 says you can waive a due process or a service.
14 In a prior proposal we get rid of the school
15 psychologist, who may be the only professional
16 who ever evaluated that at-risk student.

17 We will get back to you on the
18 specifics and our concern around 4410s and
19 853s, because we believe that these schools
20 have been starved for money, they haven't been
21 given the same kind of increments that other
22 schools have received. And we'll give you a

23 comprehensive report on those schools.

24 SENATOR FLANAGAN: On professional

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1 development, I had a chance to speak with
2 Chancellor Fariña today. And clearly we've
3 spoken about funding for professional
4 development. In your estimation, if money
5 becomes available -- say from, you know,
6 switching away a TF performance fund or
7 something like that -- if money becomes
8 available, how do you believe is the best way
9 we can approach parental involvement?

10 Clearly, educational professionals,
11 teachers, administrators, principals -- I get
12 that. But how do we do some overlap that
13 makes it, I would hope, more productive and
14 more fruitful for your members and, in turn,
15 parents?

16 MR. PALLOTTA: Well, as we've seen
17 from all the hearings, the parents are very
18 vocal about the changes that they would like
19 to see in the way we educate our children in
20 the state. So anything we can do to involve
21 them in the daily education of the students.
22 Having input into the use of the curriculum
23 that's being rolled out. How that is
24 impacting their students.

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1 So anytime that you have the PTA and
2 teachers and educators all in one room

3 discussing how they would like to go forward
4 using funds, using the \$2 billion bond act
5 with the high-tech stuff that we'll be
6 getting, it should be something where the
7 parents are actually directly involved. Local
8 control, saying this is where we want that
9 money to go in our district.

10 SENATOR FLANAGAN: Do you think it's
11 appropriate for us, say if you come up with a
12 pot of money, to say to districts: If you're
13 going to get an allocation, you know, at
14 least, say, 10 percent of that you have to
15 demonstrate how you're doing a parent workshop
16 or using a technology, as you talk about?

17 MR. PALLOTTA: That could be useful, I
18 believe. So, I mean, Teacher Centers have
19 been a great part of the education process.
20 We had one in my school when I was a teacher,
21 and that was my resource. That's where I went
22 for my help from a great teacher who had taken
23 over the Teacher Center initiative in the
24 building, and she was able to help me and also

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1 all of the new educators in the building, and
2 those that had been around a while, getting
3 the new curriculum and working with it.

4 SENATOR FLANAGAN: I absolutely
5 understand the value. I'm just trying to
6 figure out, you know, if you have that in a
7 separate capacity, how do we get those parents
8 in. But thank you.

9 ASSEMBLYWOMAN NOLAN: Ed Ra.

10 ASSEMBLYMAN RA: Thank you,

11 Chairwoman.

12 Just a couple of quick questions also
13 relating to some of the resources and things
14 and development that we're providing for
15 teachers.

16 As you gentlemen know, myself,
17 Assemblyman Graf and many members of our
18 conference held forums throughout the state in
19 the fall, and we recently put out a plan we're
20 calling the Apple Plan. And one of the things
21 that we talked about in there was, you know,
22 shifting from the idea of these kind of
23 third-party-made modules that are coming from
24 EngageNY to really having something that's

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1 developed by New York teachers for New York
2 students. You know, I apologize for that kind
3 of controversial concept, but . . .

4 We know that districts -- like I've
5 spoken to some of my local superintendents,
6 and that's what they did. They were able to
7 take the standards, have their teachers come
8 in -- obviously, pay them to do some extra
9 work over the summer, and have them come in
10 and develop a localized curriculum that they
11 had ownership over that wasn't being handed to
12 them by a third party. And obviously that
13 comes down to a question of resources, because
14 some districts aren't going to be able to do

15 that.

16 I'm just wondering what kind of
17 feedback you've had. And I'm sure it runs the
18 gamut from people that are really just being
19 given EngageNY because the resources may not
20 be there to having a really truly localized
21 curriculum. Because the feedback we had in
22 our forums ranged from people that had
23 principals, superintendents saying to them
24 "You're a teacher, you know how to teach,

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1 we're fully behind you, go do what you know is
2 best for your classroom," to people that were
3 basically telling us "I shouldn't be here
4 speaking because I'm scared I'm going to get
5 reprimanded because I'm not supposed to in any
6 way buck the trend of sticking to the plan
7 with the modules."

8 MR. PALLOTTA: Well, I agree
9 completely with what you said about the
10 teachers being the ones that would be able to
11 best prepare the students. So if they're the
12 people that have gotten together during the
13 summer break and put together a curriculum for
14 the students, this is something we would
15 support.

16 If it's something where -- what we've
17 seen from the rollout of the Common Core,
18 where there are parts of the curriculum that
19 are missing, of course that would be something
20 where we just say this is again putting the

21 cart before the horse. So we're in agreement.

22 MR. ALLINGER: The outsourcing of
23 curriculum development has not worked. And
24 we've seen diminution of the capacity of

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1 districts to be able to do that. New York
2 City, where I worked, used to have this
3 world-beating curriculum development that
4 would be emulated across the country and in
5 its region. New York State was justly famous
6 for decades for its Regents examinations.

7 I think outsourcing gets rid of
8 transparency and accountability, and in that
9 capacity should be built within education.

10 MR. PALLOTTA: And also you have some
11 districts that can pay for that and then other
12 districts that in no way can pay for that. So
13 again, we're having many districts at a
14 disadvantage.

15 ASSEMBLYMAN RA: Sure. And then
16 another thing that I know came up was that
17 some of the teachers felt that, you know, in
18 the past they might be able to, if there was a
19 concept, if there was a question, that there
20 were people in the State Education Department
21 that they could reach out to and talk through
22 an issue and get some assistance.

23 And that really that doesn't seem to
24 be available anymore, that a lot of those

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1 things have either been -- you know,
Page 234

2 responsibilities have shifted there. I guess
3 these Fellows are working on a lot of this
4 stuff, and that the resources a lot of times
5 weren't there if they needed to call State Ed
6 for a question, whether it's on a concept
7 that's in a module or something else in the
8 curriculum.

9 MR. PALLOTTA: They should be able to
10 get the help that they need. They should be
11 able to pick up that phone and get the answer.
12 That's been a frustration for a long time.

13 So we agree with the folks actually
14 doing the job being able to get all the
15 resources that they need, get the money into
16 the classroom. That has been our sounding of
17 a bell of this emergency that we see in
18 education: Get the resources into the
19 classrooms.

20 ASSEMBLYMAN RA: Thank you. And I
21 look forward to continuing to work with you
22 guys on this issue.

23 MR. PALLOTTA: Thank you.

24 ASSEMBLYWOMAN NOLAN: I think our

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1 Senate colleagues are finished, but
2 Assemblyman Walter? Did I say it right? I'm
3 sorry I don't know you as well as I should.
4 We have a vital committee, but we have some
5 new faces. So jump right in. Thank you.

6 ASSEMBLYMAN WALTER: Thank you,
7 Chairwoman.

8 Thank you for your testimony today.
9 Appreciate it.

10 Recently the Governor said that the
11 current state of Common Core is flawed, yet
12 then he also proposes this merit-pay grant
13 system along with the continued implementation
14 of our teacher evaluation system. Yet we're
15 doing this based on what he himself has called
16 a flawed curriculum. Could you comment on
17 that?

18 MR. PALLOTTA: Yeah, I'll gladly
19 comment on that.

20 If you're saying something is flawed,
21 why would you want to compensate people based
22 on something that you say is a mistake? So
23 I've been saying for a while and what I hear
24 as I travel throughout the state is basically

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1 if you take the Common Core and put it with
2 apple pie, nobody wants to eat apple pie
3 anymore. It doesn't make people feel good
4 about education and the whole system.

5 So this is something where we disagree
6 with that proposal completely. It will get us
7 nowhere.

8 ASSEMBLYMAN WALTER: Let's just talk a
9 little bit about professional development.
10 Some of the teachers that I've talked to talk
11 about the quality and the content of
12 professional development that they're
13 experiencing. And what's your opinion on the

14 process-driven professional development versus
15 the content-driven professional development?

16 MR. ALLINGER: Our experience is that
17 when professional development is embedded in
18 the curriculum and is provided as close to the
19 site as possible, that it's continuous, that
20 as you plan around it you provide planning
21 time for teachers that they are able to --
22 that it's -- that they have it constantly,
23 that it works.

24 If it's just a mandate from on high

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1 once in a blue moon, disconnected from the
2 reality of the classroom and that particular
3 school, it's ineffective.

4 But we believe we have very successful
5 models of professional development through the
6 Teacher Centers that are school-based,
7 curriculum-based, and embedded in systemic
8 curriculum reform.

9 ASSEMBLYMAN WALTER: Thank you.

10 ASSEMBLYWOMAN NOLAN: Thank you.

11 CHAIRMAN DeFRANCISCO: Thank you.

12 Just a point. I don't think the
13 Governor ever said there was a flawed
14 curriculum in Common Core. He said there was
15 flaws, but I don't think the curriculum is
16 what he was attacking. But in any event,
17 whatever the jury's recollection is is what
18 counts. I think that's what the judge used to
19 say when I used to do that.

20 Thank you very much. I really
21 appreciate it.

22 Our next speaker is Michael Mulgrew,
23 United Federation of Teachers.

24 ASSEMBLYWOMAN NOLAN: Thank you. I'm

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1 sorry, I did have to leave for a minute, but
2 thank you very much for your testimony today.
3 Thank you.

4 CHAIRMAN DeFRANCISCO: For those who
5 are keeping score, we've had one group submit.
6 They will not be testifying. The 2:55 group,
7 Hillside Family of Agencies, has submitted.

8 ASSEMBLYWOMAN NOLAN: And we do want
9 to stress that everything that is submitted is
10 read and reviewed by the committee. It's very
11 hard to try to manage this hearing with so
12 many interested parties, but feel free, if you
13 do want to leave your testimony, you know,
14 we're more than happy. We'll make sure that
15 it is read, reviewed, and we thank you for
16 your patience. Thank you.

17 Okay, next speaker.

18 CHAIRMAN DeFRANCISCO: Whenever you're
19 ready.

20 MR. MULGREW: Good afternoon. If it's
21 all right with you, I will not read my
22 testimony, for the sake of expediency, and I
23 will just comment about my testimony.

24 And I would like to first thank

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1 Senator DeFrancisco and Senator Flanagan for
2 their leadership, and Assemblymember Nolan and
3 Assemblymember Farrell, who's not here, and
4 everybody else who was here to listen to this
5 what I believe is a very, very important year
6 in education for New York State and things
7 that we really need to discuss and put it on
8 the table.

9 I will start first with the school
10 aid, which you've heard so much about.
11 Clearly we like the beginning, the starting
12 place of having a 3.1 percent increase, but we
13 need a much more significant increase than
14 that. You heard the chancellor, and I want it
15 on the record, I am very happy with the
16 chancellor of New York City schools' testimony
17 today, and I support everything she said.
18 It's not normal I get to do this up here.
19 It's kind of new for me.

20 (Laughter.)

21 MR. MULGREW: You heard about the
22 Contract for Excellence. You know that
23 there's litigation already talking about
24 school funding in New York State. We have to

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1 get this right. We have to get more money
2 into education. We have to cover the costs,
3 and we are going to do more things. You're
4 asking school districts to do more and more
5 and more. All of this testing, evaluation,

6 that comes with a cost. So we need to have
7 additional funding inside of this budget, and
8 we're asking you to please support that.

9 The thing that we've heard so much
10 about, Common Core and its rollout, I want to
11 put together a couple of different issues.

12 First I want to thank Senator Flanagan
13 for his lovely hearings that you had. They
14 were quite boisterous.

15 Last year when I testified before this
16 committee I said, "We have no curriculum, and
17 the test scores are going to plummet." And
18 they did. Well, those tests are about to come
19 out in about a month and a half from now, and
20 guess what. We still don't have a curriculum.
21 We still don't have it.

22 Now, we can keep talking about this,
23 but somebody needs to do something about this.
24 Right now every school district is responsible

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1 for its own curriculum. That makes no sense
2 to me. I know it's covered under law. Every
3 school district has a right to choose its own
4 curriculum. Well, the plan that we have right
5 now is if you don't have it, your kids will
6 suffer, and we're not going to give you the
7 money where you have the finances to develop
8 it.

9 New York City took all of its NYSTL
10 money last year and tried to buy a prepackaged
11 curriculum from Pearson. The problem is we

12 still don't have that curriculum in full, and
13 it is flawed dramatically because they did not
14 have the proper time to put it together. And
15 I'll get into Pearson a little bit later about
16 other things of their quality control.

17 So what do we do now as a state?
18 Parents are up in arms. They want to know why
19 their children are not considered proficient.
20 Seventy percent did not pass that test.
21 Teachers are upset. They taught their
22 children all year, they take great pride in
23 it, and then had to administer a test that did
24 not follow what they were teaching their

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1 students. And yet we sit here a year later,
2 and we still have the same problem. Yes, SED
3 has put up on EngageNY some modules, but that
4 is not a complete curriculum.

5 So I am suggesting that somehow we can
6 put together a statewide project where we
7 develop a curriculum that is at the choosing
8 of the local school district if they want to
9 use it. At least we can say as a state we
10 have supplied you with the materials that you
11 can then train your teachers off of and move
12 that forward. Because if not, you're talking
13 about 700 school districts purchasing or
14 building their own curriculum, which is a
15 colossal waste of funding. And there is no
16 quality assurance to that.

17 So I am imploring you, again, help us.

18 Do act. Say that we must have a statewide
19 project that we can supply school districts
20 with a curriculum if they choose to use it.
21 And then it would be up to the school
22 districts and the teachers to customize it to
23 the needs of their students. That just makes
24 sense. And until we have that done, put a

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1 pause on this. Do not use those results.

2 Continue teacher evaluation. We can
3 figure out to what to do with the test-score
4 piece. Student learning objectives are things
5 that people have done at a local level. But
6 what you're telling the parents and the
7 teachers is that you have a test that you have
8 never been trained on or given the materials
9 to teach to it, and we're going to hold you
10 all accountable for it.

11 And the parents have had it with all
12 of the educators at this point. They've had
13 it, they've had it, they've had it. And
14 they're right to be upset, because this should
15 have been administered much differently.

16 And we're asking, you know -- look,
17 it's just not good. I asked Senator Flanagan,
18 I testified at his hearing, I said the same
19 thing. Just on common sense, business sense,
20 why would you want 700 school districts to
21 pay for their curriculum individually? We're
22 a state. It's a waste of money. Why would
23 you want 700 school districts to perhaps

24 develop their own? There's no quality

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1 assurance. We're a state. Once again, it's a
2 waste of resources.

3 We can get this done. It could have,
4 should have been handled better. And I'm
5 hoping that we can, that when I'm here next
6 year I'm not saying "we're now going into the
7 third year of the test and we still do not
8 have a curriculum," because that is what my
9 greatest fear is.

10 And if we do this, then the Teacher
11 Centers become imperative. Last year I
12 thanked you for the \$14 million, but once
13 again we're back here at zero. The Teacher
14 Centers should be playing a pivotal role in
15 this project. As the curriculum is built,
16 they should be ordered and told to go roll out
17 and train the teachers or the school leaders
18 in the local school districts.

19 So we just need some common sense here
20 putting this all together. And until that is
21 done, once again, I will continue to say that
22 the human cost of dealing with how these
23 tests are being used at this moment, the fact
24 that 70 percent of the parents were told that

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1 their child is not proficient, the fact that
2 teachers were upset, as I said, we need to put
3 a hold until we have done what is responsible
4 and making sure that we get into each school

5 district's hands their proper material. And
6 then we can judge the school district as to
7 whether they did their responsibility at that
8 point in time.

9 The ban on K-2 testing that so many of
10 you have spoken about -- and we have added
11 pre-K through 2 testing because -- we know it
12 has not been implemented, but we do know that
13 there was a proposal to get a kindergarten
14 readiness assessment test, so we had to add
15 pre-K. Because, as I said at Senator
16 Flanagan's hearing, I don't know how those
17 pre-K children are going to take the bubble
18 test, they can't hold a pencil, most of them.

19 So we are absolutely supporting
20 everyone on saying let's have a ban on all
21 standardized tests for pre-K through 2, second
22 grade.

23 The issue that we hear so much about
24 down in New York City and here up in Albany,

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1 pre-K and the middle-school initiative.
2 Senator DeFrancisco, you just spoke about a
3 report that was issued and, more importantly,
4 a cost. New York City is saying, we will take
5 care of our own costs, just give us the home
6 rule. That is what we are saying. Pre-K,
7 when done in high quality -- and the report to
8 which you referenced, the Head Start report,
9 there was no quality assurance as to the
10 quality of those Head Start programs.

11 And I thought it was very good of the
12 Governor to say we need high quality, we need
13 certified teachers, certified early child
14 development specialists inside of those
15 classrooms. If we do that, we know it will
16 pay huge dividends. And it will probably save
17 this state a great deal of money in costs
18 later down the road. If we would have done
19 this 40 years ago, we would have been in
20 better shape right now.

21 I want to thank you for the funding
22 last year for the Community Schools project.
23 We at the UFT put a lot of our own money
24 behind this and coupled it with the money that

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1 was supplied by so many of you, and we now
2 went from six to 16 schools. I can tell you
3 that there are a lot of children who are
4 getting services that they would have never
5 gotten before.

6 And it includes simple things such as
7 vision screening, which we didn't even realize
8 what an impact it would have. Could we
9 imagine, when we screened children we found
10 out 40 percent of them needed vision care and
11 nobody had figured it out beforehand. And
12 that only happened because of these community
13 school projects which you supported, and we
14 are hoping you can do that moving into this
15 budget.

16 We completely support the school tech

17 bond issue, the Smart Schools initiative. We
18 think it's a fantastic thing. We would also
19 like that in terms of New York City that there
20 be a clear plan on how we're going to use
21 this, broadband versus hard-wiring, what is in
22 the best interest of the school system and how
23 they're going to use their technology.

24 we will be asking later in this year

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1 about a change in legislation for the
2 specialized high schools. We believe it is
3 time for a multi-criteria approach. The
4 legislation clearly says at this point there
5 is only one criteria to be used, a score and a
6 ranking on a test, and a test only. We
7 believe in an approach where we're using
8 multiple measures. A child's report card
9 grades, their attendance, and everything else
10 that goes into education that we always talk
11 about, that should be part of whether a child
12 gets a seat in a specialized high school.

13 And the last thing I would like to
14 talk about quickly are state contracts. I
15 think we should have a complete auditing of
16 all SED contracts at this point. The inBloom
17 contract which you hear about from the
18 parents, they are rightfully concerned about
19 the privacy of their children's information.

20 But more importantly, I do not
21 understand how we have a \$32 million contract
22 with Pearson to develop 4-to-8-grade tests,

23 yet we can't even keep them or look at them.
24 And where there were so many problems with the

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1 tests. The fact that I have now been informed
2 that if we want to look at those tests and see
3 what's inside of them, we have to pay Pearson
4 \$8 million.

5 who signed a contract where we were
6 going to have a test developed for \$32 million
7 and we were going to be used as basically the
8 research and development for a corporation to
9 then sell it somewhere else? And we have no
10 access to it. I have never heard of such a
11 preposterous contract. No one from private
12 industry would do such a thing.

13 The Race to the Top funding, where is
14 it? Where is all the Race to the Top funding?
15 Did it get to the school districts? We know
16 SED took half off the top, but they didn't
17 have to keep it. You hear the school
18 districts saying: we don't have the capacity
19 or the funding to do what you're asking us to
20 do.

21 so we should be auditing all of this,
22 because it is time for us to do this business
23 smarter. And as I started, there's a lot we
24 can do together. And I want to thank you all

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1 for the support you've given us over the
2 years, and I now look forward to your

3 questions.

4 And I would like to introduce the vice
5 president of education for the UFT,
6 Ms. Catalina Fortino.

7 Thank you very much.

8 CHAIRMAN DeFRANCISCO: Senator
9 Flanagan.

10 SENATOR FLANAGAN: Michael, thank you
11 very much. Appreciate your comments and the
12 kind words.

13 Senator Krueger and I were just having
14 a mini-discussion up here, and I don't want to
15 speak for her, but correct me where I'm wrong
16 and tell me what you think. In development of
17 curriculum, I recognize the state can't come
18 in and just say "You've got to do it this
19 way." And we don't really want to do that in
20 many respects. How much of this is
21 collectively bargained? And I don't know if
22 any of it is. But when you are developing
23 curriculum at the local level, there's
24 obviously got to be a lot of interplay with

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1 the teachers, the administrators.

2 So on that point, is there anything
3 that would undermine the opportunity to
4 continue to have those discussions?

5 Balanced by the second part of the
6 question, which if I follow your logic, I
7 think part of what you're saying is come up
8 with 10 plans, they don't have to be all

9 exactly alike, and then go out to the school
10 districts that we all represent and say: You
11 pick one of these, we're all good. And in
12 fact we'll do it in a way so that, in essence,
13 you don't have to pay for it. I think that
14 was part of the intention of some of the
15 modules.

16 MR. MULGREW: Yes.

17 SENATOR FLANAGAN: But is there
18 anything that undermines the ability to have
19 those discussions if you make that approach?

20 MR. MULGREW: No, not at all. If we
21 need teachers to work on curriculum, we would
22 put up a posting, like we normally do.
23 Curriculum is supposed to be provided by the
24 administration to the teacher. The teacher is

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1 then responsible for designing the lesson
2 plans off of the curriculum. So there is no
3 issue with coming together with a statewide
4 project.

5 Now, I want to be clear, just because
6 you're a teacher does not mean you know how to
7 write curriculum. That is not what they are
8 all trained to do. Some teachers are very
9 good at it because they've had experience with
10 it and done it. Those would be the people
11 we'd be looking for to do a statewide project.

12 And technology makes it easier for us
13 to actually accomplish this because we don't
14 have to get everybody in a room to write it

15 anymore. So there's no impediment to making
16 this -- we could make this a priority project.
17 And I like the idea of a menu of curriculums
18 you choose from. The districts then would not
19 be able to say "We can't afford it." If it
20 doesn't fit exactly to your needs, you have a
21 right as a district to customize it to your
22 need.

23 Just as a teacher would get a
24 curriculum. If a school hands out a

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1 curriculum, every teacher then customizes that
2 to the needs of their students in their lesson
3 plans.

4 SENATOR FLANAGAN: Just as a follow-up
5 to --

6 (Discussion off the record.)

7 SENATOR FLANAGAN: This is not really
8 rhetorical. So is it fair to say that you're
9 not aware of any law that would be violative
10 of the notion that the state can't come in and
11 force curriculum on districts?

12 MR. MULGREW: As far as I understand,
13 the state cannot force a curriculum. They can
14 offer a menu. That would be fine. They're
15 not saying "You must choose one from the
16 menu," but "we just figured we'd give you some
17 support." If you choose to do it on your own,
18 you can do it on your own.

19 SENATOR FLANAGAN: Thank you.

20 CHAIRMAN DeFRANCISCO: I think that's

21 it. And believe me, it has nothing to do with
22 lack of interest. But this seems to happen
23 periodically when we go later and later and
24 later.

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1 ASSEMBLYWOMAN NOLAN: I just actually
2 do have one quick thing, I apologize. And I
3 should have asked the NYSUT people as well,
4 but I was a little distracted.

5 The Assembly has passed two versions
6 on student privacy, an opt-in and an opt-out.
7 It's in your written testimony. I don't know
8 that either of you really addressed it. Is
9 there a policy or a recommendation that -- I
10 know Mayor de Blasio, for example, has said he
11 would like to opt out New York City students,
12 at least during the campaign. I don't know
13 whether he has the ability to do that.

14 And it's an issue we're working on
15 and, you know, frankly pressuring, in a
16 cordial way, our Senate colleagues, we really
17 want to see some legislation on student
18 privacy passed this year. And I wondered
19 if -- you've mentioned it, but you didn't
20 speak to it.

21 And I would to just say to the earlier
22 NYSUT people, I apologize, I was out of room
23 for a few minutes. If you have some thoughts
24 on student privacy, feel free to, you know,

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1 mention it in the testimony in any way.

2 MR. MULGREW: We believe that a parent
3 has to make an affirmative action to give
4 someone the right to have their child's
5 personal information. Just having a blanket
6 that you would have to go somewhere to have it
7 pulled out, a lot of things are going to slip
8 through the cracks. I believe that that
9 parent's right to their child's privacy is
10 sacrosanct.

11 ASSEMBLYWOMAN NOLAN: As a parent, I
12 can tell you that the city has most of it as
13 an opt-in. In other words, what you're saying
14 is we're affirmatively told, Do you want your
15 child's photo taken during the course of the
16 year? Do you want your child's record -- you
17 know, we have to sign off on that.

18 MR. MULGREW: Correct. An affirmative
19 act.

20 ASSEMBLYWOMAN NOLAN: Or do you want
21 your child to be able to go on trips. So I
22 assume that's what you mean by that.

23 So in other words, you would favor not
24 just an opt-out, but an actual opt-in where

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1 people are told that, we've signed this
2 contract with inBloom, this is what we're
3 doing, this is the data dashboard, this is the
4 material, this is how the data is aggregated,
5 and if you wish, we will continue to put your
6 child in it.

7 In other words, that's actually a
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8 higher standard than an opt-out, which is
9 fine. But I just want to get a sense where
10 the union is on this.

11 MR. MULGREW: Yes. It's the same
12 thing that we do with photographs. You're not
13 allowed to take a picture of a child inside of
14 a school until you have a written permission
15 from the parent. Period, end of story.

16 ASSEMBLYWOMAN NOLAN: One of the
17 responses from the State Education Department,
18 though, Michael, has been that we can't pass
19 this bill, they can't support this bill
20 because it's just too much work for teachers
21 to let parents have the ability to opt out.
22 So that's one of the reasons I ask you and
23 would like your -- and I agree with you, by
24 the way, with the photos. It would be very

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1 similar, I would think.

2 MR. MULGREW: Our frustration is that
3 the company can't guarantee the security.
4 That's the only reason this keeps coming
5 around. No parent or an elected official
6 wants to take that "Oh, we're going to do our
7 best, but we can't guarantee it." That's why
8 this issue will not go away. So we have a
9 contract with a company who will not guarantee
10 the security of the information.

11 In New York City, each school at the
12 beginning of the year -- some of the schools
13 do it as a whole schoolwide activity the first

14 couple of days of school in terms of the
15 taking a photo issue. And then all the
16 administrators keep that on file inside of the
17 school building.

18 So to me, it's a combination of we
19 have to go to this place now because we are
20 working with a company who's telling us they
21 can't secure the private information of
22 children. So it's kind of weird that we have
23 to do this, and I understand your frustration.
24 But maybe that's why looking at the contract

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1 itself and the company itself -- as you know,
2 most states have now opted out of their
3 inBloom contracts.

4 ASSEMBLYWOMAN NOLAN: But in your
5 opinion, then, it is a manageable request to
6 ask teachers to send home a flyer asking
7 people if they're interested in their
8 children's privacy in some way?

9 MR. MULGREW: In New York City, as
10 long as it was combined with what we do at the
11 beginning of the year with the photo issue,
12 yes.

13 ASSEMBLYWOMAN NOLAN: Thank you.

14 And then my other question, just
15 quickly, on an issue that both of us I know
16 have great interest in, which is career and
17 technical education.

18 The Governor has proposed some funding
19 for additional P-TECHS. But one of my

20 concerns is that we don't -- and as
21 Chancellor Fariña said earlier, we don't want
22 to reinvent the wheel. I have a district with
23 schools like Queens Vocational, which I would
24 like to see schools like that included. I

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1 don't know if this money is to just create new
2 P-TECHs. You know, P-TECH sounds great, and
3 I've visited it and it seems great, but it
4 hasn't even graduated a class yet.

5 So I wondered if the Governor's office
6 was -- you know, their deputy secretary or
7 whoever was discussing it, with your work in
8 your own background as a CTE teacher, what
9 kind of a going forward you would want to see
10 if there was new money to do a P-TECH-like or
11 some support for CTEs. Because I'm hoping we
12 can use it for already existing CTE programs
13 and not only create new ones.

14 But that's just my view. And if you
15 have one, I would appreciate you sharing it.

16 MR. MULGREW: I believe the expansion
17 of Career and Tech Ed programs throughout the
18 state -- you know, New York City, what I
19 represent, but throughout the state -- is of
20 vital importance to us. P-TECH is a model
21 that has become very popular. I believe you
22 already are much aware of a school in Queens
23 that basically was P-TECH before it was
24 P-TECH. Because the children from that school

¶

1 do leave with associate's degrees, many of
2 them, ahead of time.

3 Then this is going to be something we
4 would like to push for. We're doing it at a
5 national level at this point because right now
6 we didn't feel it was fair to push it at a
7 state level with Perkins reauthorization
8 really where our focus has to be, which is
9 where it is. It's in Washington, D.C., right
10 now, and we're pushing on the Perkins
11 reauthorization because it seems to be one of
12 the few educational issues that is a
13 bipartisan-support issue, and we want to move
14 forward with that. But it is a great model,
15 and it does a wonderful job of engaging
16 students and, more importantly, the business
17 community into the school system.

18 ASSEMBLYWOMAN NOLAN: Thank you. The
19 city's share of that has not increased in
20 many, many years that I'm aware of, so maybe
21 that's something we can work on together.

22 And I would also again, since I know
23 they're still in the room, apologize to the
24 NYSUT representatives. But they can get back

¶

1 to me whether they want to see that be a BOCES
2 project -- I don't know, each district is
3 different. But I'm hoping that we don't
4 reinvent the wheel. When we have some
5 existing schools like Queens Vocational that

6 . teach the pipe trades and other things, why
7 . not enhance that experience rather than create
8 a rival down the street that does something
9 similar.

10 . so we look forward to working with you
11 on that. Thank you very much.

12 MR. MULGREW: Thank you very much.

13 CHAIRMAN DeFRANCISCO: Thank you.

14 The next speaker is Jennifer Pyle,
15 appearing for Georgia Ascitutto. Jennifer is
16 the executive deputy director of the
17 Conference of Big 5 School Districts, and she
18 has some friends with her.

19 whenever you're ready.

20 MS. PYLE: Thank you. And I do
21 apologize for the change. Georgia was unable
22 to be here today because she's recovering from
23 an injury.

24 And we were unable, due to a variety

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1 of circumstances, to get you the names in
2 advance. so my apologies for the confusion
3 with that.

4 CHAIRMAN DeFRANCISCO: No problem.

5 MS. PYLE: Thank you.

6 First, thank you so much for inviting
7 us to provide testimony today. we're grateful
8 for the opportunity to share our views and
9 thoughts and recommendations related to the
10 2014-2015 Education Budget.

11 I'm going to keep my remarks very

12 brief. You've already heard from the
13 Chancellor. And I want to allow time for
14 Dr. Vargas, superintendent of the Rochester
15 City School District, Ms. Sharon Contreras,
16 from the Syracuse City School District, and
17 Barbara Smith, chief financial officer of the
18 Buffalo Public Schools, to address you here
19 today.

20 We first wanted to thank the Governor
21 for his commitment to targeting additional
22 resources to the high-needs school districts
23 in the state and for the determination to move
24 forward with change.

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1 Unfortunately, the proposed budget
2 falls short of providing the state's large
3 urban school districts with the resources we
4 need. Additional funding is critical to
5 provide at-risk pupils with necessary programs
6 and services, and our teachers and
7 administrators need more professional
8 development opportunities and resources to
9 enable them to implement the Common Core
10 standards with fidelity.

11 Each of the Big 5 school districts are
12 experiencing enrollment growth that's not
13 adequately reflected under the Governor's plan
14 to freeze Foundation Aid. A large portion of
15 this pupil growth is attributed to newly
16 arrived immigrants, many of which speak little
17 or no English and are in need of expanded

18 services and interventions. Seventy-five
19 percent of all the English language learners
20 and limited-English-proficient pupils are
21 educated in the Big 5.

22 We also appreciate the Governor's
23 commitment to provide additional funding for
24 universal pre-K and are pleased to see the

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1 Governor's focus on funding for critical
2 after-school programs. We implore you not to
3 wait till 2015-2016 to fund these programs, as
4 our schools need these after-school funds now.

5 The Governor's proposed \$2 billion
6 Smart Schools Bond Act is good-intentioned but
7 is not going to assist our districts with
8 massive shortfalls in operating aid needed to
9 fund vital programs and staff. In addition,
10 school districts across the state have vastly
11 different technology needs, and the
12 distribution of the bond revenues does not
13 adequately reflect this.

14 We applaud the Governor and the
15 Legislature for your commitment to evaluate
16 the implementation of the Common Core, and we
17 welcome the opportunity to work with you on
18 this important issue.

19 I'll close for now to allow the rest
20 of our panel the opportunity to address you on
21 the district-specific issues, and thank you
22 again for your continued commitment to urban
23 education. We look forward to continuing the

24

dialogue over the coming months.

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1

SUPERINTENDENT CONTRERAS: Good

2

afternoon. Thank you, Chair DeFrancisco and

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Education Committee Chairs Nolan and Flanagan

4

and all the members of the State Assembly and

5

State Senate, for the opportunity to testify

6

today.

7

My testimony this afternoon will focus

8

on the impact that the Governor's 2014-2015 --

9

CHAIRMAN DeFRANCISCO: Excuse me. I

10

know you, but would you just identify

11

yourself? Did you identify her when --

12

MS. PYLE: This is Superintendent

13

Sharon Contreras of the Syracuse City School

14

District.

15

And I do apologize, I was in such a

16

hurry to get through the names that I

17

didn't -- I'm sorry for that.

18

CHAIRMAN DeFRANCISCO: Okay, go ahead.

19

SUPERINTENDENT CONTRERAS: So my

20

testimony this afternoon will focus on the

21

impact that the Governor's 2014-2015 Executive

22

Budget will have on the education of more than

23

21,000 students served by the Syracuse City

24

School District.

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The Governor's budget includes several

2

important and much-needed initiatives that

3

will help set our state on the right track

4

with regard to education. Chief among these

5 initiatives are universal full-day
6 prekindergarten, after-school programs, and
7 P-TECH expansion. These educational
8 initiatives will have a positive impact on
9 students in my district and across the state.

10 we appreciate this much-needed
11 proposed state aid increase and realize that
12 this is the third year in a row that the
13 Governor has proposed an increase. But the
14 increase is still inadequate. It does not
15 take into the consideration the increase in
16 enrollment in my district, particularly of
17 refugees.

18 Syracuse is the second-poorest of the
19 Big 5 districts. We have been categorized by
20 the State Education Department as a high-needs
21 resource district. Our combined property and
22 income wealth is less than one-third that of
23 the average New York State school district.
24 The districts pupil demographics, coupled with

‡ 323

1 its wealth measures, highlight our reliance on
2 the state for adequate funding.

3 One essential initiative of the
4 proposed budget is universal full-day
5 prekindergarten. We all know that quality
6 early childhood education is one of the
7 highest potential educational investments,
8 with demonstrated long-term academic effects,
9 particularly for children living in poverty,
10 like a majority of the students in my

11 district.

12 We are excited that the Governor chose
13 to support and fund pre-K. This initiative is
14 much needed in high-needs urban districts like
15 my own.

16 Additionally, funds for pre-K programs
17 and transportation aid for pre-K pupils are
18 all critical components to delivering
19 high-quality early childhood programs.

20 I agree with Mayor Miner, who
21 testified yesterday, that the proposed
22 \$100 million initial investment in universal
23 pre-K is commendable. Currently there are
24 1400 students enrolled in our pre-K programs.

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324

1 This number reflects those students in both
2 district and agency classrooms. We have a
3 rigorous standard for our district teachers
4 and agencies. Our district employs teachers
5 who are highly qualified to teach in the
6 prekindergarten program. All teachers possess
7 New York State birth through 2 or N-6
8 certificates.

9 At this time 57 percent of our
10 kindergarten seats are full-day, and
11 43 percent are half-day seats. There are
12 approximately 100 children currently on the
13 waiting list for district classrooms and
14 another 100 on waiting lists for agency seats.

15 New York State P-TECH funding
16 represents a truly exciting opportunity for

17 the Syracuse City School District to continue
18 work to align high school education directly
19 to local career opportunities in advanced
20 manufacturing. My district plans to partner
21 with MACNY and Onondaga Community College to
22 implement the Pathways in Technology Early
23 High School on the Institute of Technology at
24 the Syracuse Central High School campus.

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325

1 The P-TECH expansion initiative will
2 ensure that our students are college and
3 career ready and is in alignment with the
4 Regents reform agenda. As you know, more
5 rigorous standards are at the center of this
6 agenda.

7 This past summer many districts across
8 the state, including my own, saw much lower
9 proficiency rates when student achievement was
10 measured for the first time against standards
11 that more accurately represent what's required
12 for success after high school. Of course, no
13 one likes to see the lower numbers that many
14 districts saw this past summer. Change can be
15 difficult. But movement to embrace the Common
16 Core learning standards is vital and necessary
17 to the success of our students. We want our
18 students to enter college and the workforce
19 prepared to succeed without the need for
20 remediation.

21 One proposal from the Governor's
22 budget, the Teacher Excellence Fund, is

23 similar to a program that we are currently
24 implementing in Syracuse. The Teacher

¶ 326

1 Excellence Fund enables teachers rated highly
2 effective to be eligible for \$20,000 bonuses.

3 In my district we are implementing a
4 Teacher Incentive Fund program through a State
5 Education Department grant that pays bonuses
6 to teachers rated highly effective under APPR.
7 After piloting new teacher and principal
8 evaluation systems in 2011-2012, we fully
9 implemented APPR last year. For the last two
10 years, teachers rated highly effective
11 received \$6,000 bonuses.

12 Through that program we also provide
13 stipends for career ladders for teachers and
14 principals who take on new roles or
15 responsibilities, to expand the impact of
16 their great work. For this program to achieve
17 its intended purposes, however, I believe
18 improvements must be made to the
19 local-measures component of the state APPR.
20 There's too much variation across districts
21 currently, making it very difficult to compare
22 APPR ratings across districts. If this
23 concern were addressed, the Teacher Excellence
24 Fund could then be a positive expansion of the

¶ 327

1 career-ladder work being done through the
2 Teacher Incentive Fund.

3 I look forward to working with the
4 Legislature and the Governor on many of the
5 initiatives delineated in the Executive Budget
6 and stand prepared to do everything I can to
7 help. With that, I want to thank you again
8 for the opportunity to testify.

9 DR. VARGAS: Well, thank you. It is a
10 privilege to be here, and I want to thank each
11 one of you and the Governor.

12 And also I want to recognize the
13 Speaker of the Assembly for being a leader in
14 pre-K. He had championed that, and credit is
15 due. He took the risk many years ago, and it
16 has proven in New York State that
17 prekindergarten works, not only in New York
18 State but also in our nation.

19 So this February, 700 students in the
20 City of Rochester are going to be able to
21 participate in a full-day pre-K program.
22 Thanks to you and the work of the Governor, we
23 received \$5.5 million, which is a tremendous
24 help to us.

‡ 328

1 I want to say that pre-K is part of
2 our strategy to get our children to read on
3 grade level by third grade, and also is part
4 of our strategy to close the opportunity gap
5 of our students. We know that pre-K
6 education, most middle-class children take it
7 for granted. But in a city like Rochester,
8 that's something that is a battle that we have

9 to fight. And each one of you are helping us
10 to close the opportunity gap, which I do
11 believe is necessary in order for us to close
12 the achievement gap. And that begins with
13 early childhood education.

14 I want to acknowledge also the
15 Department of Education and Commissioner King
16 for helping the Rochester City School District
17 get through this difficult time. This is a
18 challenging time when we are asking our
19 students and teachers to do more, and the
20 department and the commissioner have been
21 there for us and lending their support.

22 For the past two years, I haven't
23 asked you for a single dollar. I don't know
24 if you remember, but if you check the record,

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1 my first year here I said to you "Don't give
2 me one more dollar for Rochester unless you
3 give us more time." And the reason was that
4 Rochester City School District students were
5 receiving the least amount of instructional
6 time, when arguably they needed the most. And
7 I'm here to tell you we have been able to
8 eliminate that gap. That's no longer the
9 case.

10 we have been able to close our budget
11 gap through efficiency. Last year, for
12 example, we closed a \$50 million gap. And we
13 did that through my staff and the people in
14 the district worked very hard, which includes

15 our bargaining unit, to bring the costs down,
16 through healthcare and other initiatives,
17 which could not be done by the superintendent.
18 But it did require the support of the
19 bargaining unit and also the people in central
20 office to work hard, not to ask all the time
21 for more, but ask what can we do internally.

22 And we did prove that we were able to
23 close our gap at the same time that we
24 expanded opportunity for our students. The

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330

1 Rochester City School District, through the
2 help of the Ford Foundation, right now is
3 embarking on getting more time and support for
4 our teachers and our students to mitigate
5 poverty. We believe that poverty could be
6 mitigated through good quality education.

7 However, it is unwise to ask a school
8 to do more, it's unwise to ask our teachers to
9 do more and our students to do more and not
10 give them more time. And we have been
11 reforming our schools to provide a
12 high-quality expanded learning experience to
13 our students. Some of our students are
14 staying later. Instead of going home at
15 1 o'clock, as they used to do last year, now
16 most of them, at least for high school, are
17 going home at 4 and 5 o'clock.

18 We also were able to achieve some
19 savings by adjusting our space. We do know
20 that in Rochester, for example, we are losing

21 a significant number of students to charter
22 schools. That means that we have a surplus of
23 space. And sadly, no one, not a single
24 superintendent wants to close a school, but

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1 unfortunately we did have to close about 10 of
2 our schools in the last two years.

3 Now, I don't need to tell you how
4 destructive that is and how difficult that is
5 for a community. So I want you to be mindful,
6 in terms of when we say we need support for
7 charter school adjustment, we need to adjust,
8 but it requires a tremendous amount of energy
9 and support to make sure that the students
10 that are left in the district don't suffer.

11 This brings me to this point. This
12 year we are asking for help. There's only so
13 much that you can go into a budget and to
14 address the structural budget deficit that
15 most districts are facing. I want to speak to
16 one point about the Governor's budget. You
17 all know it. For the City of Rochester, for
18 example, we are scheduled to receive
19 1.3 percent, 1.3. And obviously that is below
20 what most districts will receive outside the
21 four districts that are represented here. So
22 statewide, the Governor proposes around 2.4.

23 As you know, thank God the state
24 income taxes are growing, and that is good

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332

1 news, by around 2.3 percent. But while many
Page 268

2 areas of the state are doing better, Rochester
3 has one of the highest concentrated poverty in
4 the nation. Sadly, I'm here to tell you that
5 we are No. 5.

6 I believe that we can mitigate poverty
7 for our children, but we have to close the
8 opportunity gap that exists in our schools.
9 There's not much that I can do about what's
10 going on in the neighborhood or at home, but
11 we could mitigate poverty in our schools by
12 providing high-quality education such as
13 universal pre-K, expanded learning and, yes,
14 we are going to provide our students and are
15 going to address the summer learning gap,
16 which contributes.

17 I think, Senator DeFrancisco, you are
18 correct, universal pre-K alone won't get us
19 there. I'm here to tell you that unless you
20 address the summer learning gap, your
21 investment will not yield the result that the
22 children deserve or that we are looking for.
23 We know this for years, that children coming
24 from poverty spend their summer unengaged in

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1 learning activities, only to go back in
2 September to relearn what they learned the
3 year before. And that's what most experts
4 refer to as the summer learning loss.

5 In Rochester we have several academic
6 priorities. Number one, getting our children
7 to read on grade level by third grade. We

8 believe that we can do that by universal
9 pre-K, addressing the summer learning loss,
10 and also our class size and supporting our
11 students and teachers by expanding the school
12 day through quality after-school programs that
13 involve academics and also addresses social
14 and emotional support of all our students.

15 As I mentioned to you, with the end
16 result we are in Rochester ending this fact
17 that we were giving our students the least
18 amount of instructional time. And we did that
19 working collectively together with the State
20 Education Department, the Ford Foundation, the
21 bargaining unit. Everyone came to the table
22 to help us, and we did achieve that.

23 And that gives me the confidence that
24 if we receive the resources necessary to

‡ 334

1 provide our children the educational
2 opportunities that they deserve, that in the
3 very near future you will hear Rochester as
4 being a model for closing the achievement gap.

5 But we first must close the
6 opportunity gap. Common sense will tell you
7 that if a child is not engaged in educational
8 activities during the summer and other
9 children are, particularly the middle-class
10 children, you're never going to close a gap
11 between the poor and the middle-class and
12 upper-class children.

13 we also know that improving
Page 270

14 high-quality instruction is necessary. And
15 that begins with good professional
16 development, professional growth, and giving
17 our students and teachers the support that
18 they need. Helping a student read by third
19 grade can be done.

20 CHAIRMAN DeFRANCISCO: Excuse me.

21 DR. VARGAS: I'm just about to
22 summarize.

23 CHAIRMAN DeFRANCISCO: You keep
24 turning pages. I'm wondering how many more

‡ 335

1 there are, because you've got a lot of
2 speakers.

3 DR. VARGAS: Just one more.

4 So as you can see, I get excited about
5 this because I do believe that prevention is
6 more wiser than intervention. Intervention is
7 very expensive. And I do believe that I'm
8 asking this body to take a look at what can we
9 do to close our achievement gap. And I
10 believe that that begins by helping our
11 children read on grade level by third grade.

12 Let me just conclude, and I've
13 provided it to you in writing, that we are
14 working pretty hard to reduce our budget gap
15 of \$40.2 million. We believe we can do that,
16 again through more efficiency. But we want to
17 spend money wisely. And in order to do that,
18 we cannot close our gap without investing more
19 on the things that I have mentioned to you

20 today, like for example our effort to get our
21 children to read on grade level by third
22 grade, supporting our teachers and our
23 students and our families, and also expanding
24 the school day.

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1 So we are looking for \$13.6 million in
2 addition to the proposed budget, and we
3 welcome your support. Thank you.

4 CHAIRMAN DeFRANCISCO: Thank you.

5 MS. SMITH: Thank you. My name is
6 Barbara Smith. I'm the chief financial
7 officer for the Buffalo City School District.

8 Similar to my fellow urban districts,
9 as an urban district we have similar issues.
10 The increase in state aid that we are
11 receiving is \$15.4 million. The increase in
12 employee and retiree benefits alone is
13 \$16.7 million. So we have a significant gap.

14 I do want to draw your attention to a
15 significant request on Buffalo's behalf when
16 it comes to the budget for next year. Due to
17 some unique circumstances in Buffalo -- we
18 have a lot of those -- but there was a charter
19 school that was in a legal battle with the
20 State Education Department that was closed
21 within two weeks prior to school opening. And
22 the district, in the best interests of what
23 was for the students and parents, opted to let
24 the students stay within that building even

¶

1 though financially it cost us \$3.4 million,
2 because instead we could have pushed the
3 students out into the open seats that we had
4 and save the \$6.8 million in tuition.

5 But what that has come back to bite us
6 in is transitional aid next year will decrease
7 \$3.6 million. So it cost us \$3.4 million this
8 year, it will cost us in transition aid next
9 year for 3.6. And on top of that, currently
10 the legislation allows, when a charter school
11 dissolves, that they can choose what to do
12 with the net assets. So the board of that
13 charter school are currently taking proposals
14 from other charter schools to give what was
15 \$3.2 million left over from the 2011-2012
16 school year to other charter schools, even
17 though the district sent those funds to that
18 charter school and those students have now
19 returned to our public school district at a
20 cost to us.

21 We are concerned for several reasons
22 and I think at several levels when you're
23 sending public dollars to a charter school and
24 then that board gets to determine what to do

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338

1 with those net assets. We were told that the
2 district was not allowed to participate in
3 this proposal process to get the net assets
4 back to follow those students.

5 So that is a specific request that we

6 are asking of you. And that concludes my
7 comments for today. And I do have my full
8 testimony there as well.

9 CHAIRMAN DeFRANCISCO: Is that in your
10 testimony, your written testimony?

11 MS. SMITH: Yes, it is.

12 MS. PYLE: We will be advancing
13 legislation to address that issue as well.

14 CHAIRMAN DeFRANCISCO: Okay, great.

15 ASSEMBLYWOMAN NOLAN: I just want to
16 acknowledge Assemblyman Sam Roberts is in the
17 audience, and we appreciate that.

18 CHAIRMAN DeFRANCISCO: He's out there
19 with the people. He's a man of the people.

20 Any questions?

21 ASSEMBLYWOMAN MAYER: Thank you very
22 much.

23 And, you know, I feel personally bad
24 that there's no one here from the City of

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1 Yonkers, one of the Big 5. And I won't make
2 all my colleagues have to listen to our
3 Yonkers-specific problems.

4 But one question I have is, do you
5 believe the Governor's proposal on pre-K and
6 after-school funding is sufficient for the
7 Big 5 districts going forward? You honestly
8 seem very complimentary, and we share that
9 view, or I do, but I know for the City of
10 Yonkers his proposal is unlikely to be
11 adequate to provide full-day pre-K in the

12 coming year. Have you taken a position on
13 that?

14 MS. PYLE: We are beginning
15 discussions with our superintendents and our
16 school districts, and we will get back to you
17 with data relative to whether they will
18 require additional funding or a change in the
19 distribution of the funds.

20 I'm assuming you're getting at the
21 local share issue and the supplant issue. We
22 will get back to you with further details on
23 that, because we certainly don't want to leave
24 the funds on the table and we believe they're

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1 critical to continued progress in our
2 districts.

3 SUPERINTENDENT CONTRERAS: I can tell
4 you that we would need to add 25 additional
5 classrooms for 450 students. And the annual
6 cost for those classrooms is approximately
7 \$5.1 million a year.

8 ASSEMBLYWOMAN MAYER: Okay. Well, as
9 you may know, in Yonkers parents were told
10 there would be a full-day pre-K and then a
11 week later told there would be not be full-day
12 pre-K. And I think we owe it to our parents
13 and our staff and our school system to either
14 provide adequate funding with the knowledge
15 that it's going to be consistent, or simply
16 not -- which would be unfortunate -- continue
17 to not offer full-day pre-K.

18 The other thing is, do you have a
19 proposal on capital financing for the Big 5?
20 You know, the method by which each district is
21 reimbursed is unique to each district and not
22 uniformly beneficial to every one of the
23 Big 5. And I just wonder whether you are
24 evaluating whether there couldn't be a better

♀

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1 way of encouraging and allowing districts to
2 rebuild very old infrastructure. The Governor
3 has not addressed that directly. I just
4 wondered if you are proposing that.

5 MS. PYLE: We're working closely with
6 Yonkers, because I think the problem is unique
7 to Yonkers at this point in time. Each of the
8 upstate cities are currently at some point
9 involved in major reconstruction initiatives,
10 but their issues are very different because
11 their reimbursement rates are different.

12 And it's something that I know is a
13 very serious concern for the Yonkers City
14 School District. We're working closely with
15 them to address that, and we'd be happy to
16 provide you additional information on that as
17 well.

18 ASSEMBLYWOMAN MAYER: Okay, thank you
19 very much.

20 MS. PYLE: You're welcome.

21 CHAIRMAN DeFRANCISCO: Thank you.

22 Anyone else? Thank you. Again, it's
23 not because of a lack of interest, it's that

24

we have a lot of speakers left. Thank you

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1

very much.

2

ASSEMBLYWOMAN NOLAN: We're still on

3

the first page.

4

CHAIRMAN DeFRANCISCO: We're finishing

5

the first page. We now have the 12:15

6

speaker, Council of School Supervisors and

7

Administrators, Ernest Logan and Mark

8

Cannizzaro.

9

(Discussion off the record.)

10

MR. LOGAN: Thank you, Assemblywoman

11

Nolan. To the chair, Senator Flanagan,

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Senator DeFrancisco, it's always a pleasure to

13

come to Albany to share the concerns of the

14

supervisors and administrators in New York

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City.

16

I'm Ernest Logan. I am not going to

17

read my testimony. And with me today is Mark

18

Cannizzaro, the executive vice president of

19

CSA, who was involved with the negotiations on

20

doing the 3012C with the State Education

21

Department and the New York City Board of Ed.

22

So we are here today just to talk about the

23

Governor's budget. I'm going to be real

24

brief; I know the day is long.

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343

1

A couple of issues. Universal pre-K.

2

We see this as a critical component of what

3

we've been doing in New York City for many,

4

many years. We've always had a robust early

5 education program, and, until the previous
6 administration gutted what used to be a real
7 public/private partnership on early childhood
8 education where we used community-based
9 organizations as well as the school system, we
10 used to have a very robust program.

11 So when the man was elected, one of
12 the first things that he talked about was
13 really building an early education program, a
14 universal pre-K program. And that goes back
15 to the time when Bill de Blasio was a city
16 councilperson as well as a school board member
17 in District 15. And then when he became the
18 public advocate, it became a serious issue for
19 him that we need to improve universal pre-K.

20 But having said that, we looked at
21 what the Governor proposed and we realized
22 that what the Governor proposed is totally
23 inadequate. John King, the commissioner, is
24 now proposing that it would cost \$1.6 billion

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1 to do universal pre-K statewide. So we
2 understand how problematic that is, coming to
3 the Legislature saying if we're going to do it
4 and do it well, we need to have the funding.

5 So we support the mayor's proposal
6 that the City of New York have the ability to
7 tax itself to provide the funding for full-day
8 universal pre-K and after-school programs for
9 middle-school students. We've worked for many
10 years in New York City on the issue of

11 middle-school education and how important that
12 is. But we realize that we've had so many
13 students who are what we call latchkey, who
14 have nothing to do after the school day is
15 over, so we've tried to strengthen our
16 after-school programs. But we realize if we
17 don't also strengthen the early childhood
18 piece, then we'll never make a dent in what
19 we're doing in New York City.

20 So we really want high-quality,
21 structured, certified teachers in our
22 universal pre-K program, but we also
23 understand -- because we presently have it
24 now, qualified supervisors in these programs

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1 right now. All of the members who supervise
2 city-funded early childhood programs that are
3 in the communities are all licensed and
4 certified by the State of New York to be
5 school leaders. That's what their
6 certification is, school-based leaders.

7 On Common Core we support the
8 Governor's panel to review and make the
9 necessary recommendations and corrective
10 measures. But we want this to move forward
11 because in June, once again, we will be
12 assessing students based on materials that
13 they have not learned. And so once again
14 we're testing children, yet we have not been
15 able to adequately provide them with the
16 instructional material or the support that

17 they need to do well at that.

18 So once again, we're assessing
19 students on the Common Core but we have not
20 fully implemented the Common Core. And you've
21 heard it today, whether we have materials or
22 don't have materials, we're talking about
23 curriculum. My members are really stressed
24 over the fact that they're asking teachers to

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1 go to the Internet to pull down materials to
2 teach for the children to learn.

3 And then the parents say: "well, how
4 come there's not a book for me that the child
5 is bringing home so I can work with them?"
6 well, there is no book. And so you hear
7 parents say sometimes, "why is the school just
8 giving them papers all the time?" well,
9 that's all we have are papers.

10 And we've discussed this internally
11 and with our members, that they say enough is
12 enough. Somehow we need to put a pause on
13 this assessment until we try to get this
14 rolled out correct. And you read the
15 newspaper articles about many of the things
16 where people never got the materials,
17 materials didn't show up. Students who needed
18 materials for ELLs did not get materials for
19 ELLs. Some people got math when they needed
20 ELL material. So it's a total mess there.

21 we believe that state aid needs to be
22 increased by \$1.9 billion. There's no way

23 around that. We're supporting the Alliance
24 for Quality Education on that issue. We

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1 believe that what has been put out as a state
2 aid measure is inadequate for what we need in
3 New York City and what we need in this state.

4 Now, the Governor also suggests having
5 something called the Teacher Excellence Fund.
6 As a school leader, I think we're really a
7 little annoyed now with all the games that
8 people play about incentives to make people do
9 a better job than what they're doing.

10 In New York City school leaders have
11 been, for the last 15 years, in this so-called
12 incentive game where highly effective school
13 principals and assistant principals can gain
14 up to an additional \$25,000 for meeting goals
15 and objectives where their schools are
16 identified as high-performing and receive --
17 it has not changed one iota how people do the
18 work, but it's been a way for the business
19 community to say, well, now we're going to
20 incentivize people doing this work.

21 We think that the Teacher Excellence
22 Fund needs to be scrapped, that that money
23 should be put into professional development
24 for not just teachers but also for school

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1 leaders. Because we failed to provide funding
2 for school leaders.

3 I just need to thank the Legislature
4 because last year for the very first time we
5 were able to get some funds out of the
6 Legislature to support professional
7 development for school leaders in New York
8 City and, in some part, Yonkers. And that's
9 how we worked on this, called our Executive
10 Leadership Institute. But we need to expand
11 that so that we can also build the
12 infrastructure out.

13 And the last part of this is that I
14 just need to say to you that we're willing to
15 work and make things happen for the children
16 of this state. But as educators, we need --
17 and I don't want anybody to take this the
18 wrong way, but we need you to give us the
19 money, hold us accountable for using it, and
20 let us do the work that needs to be done.
21 Because right now there's a lot of confusion.
22 And we're complaining about Common Core, and
23 we know that standards are important. But we
24 need to be able to be allowed to just meet

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1 those standards and do the work we need to do.

2 So I thank you and I await your
3 questions. And I know it's been a long day,
4 so . . .

5 CHAIRMAN DeFRANCISCO: Thank you.
6 You've had your say too?

7 MR. CANNIZZARO: I think he did a
8 great job, especially given the hour.

9 CHAIRMAN DeFRANCISCO: So do I. Thank
10 you.

11 Any questions? Thank you very much.
12 Appreciate it.

13 ASSEMBLYWOMAN NOLAN: Thank you. It's
14 always a pleasure.

15 MR. LOGAN: So I'll have to come back.
16 I get extra time next time.

17 (Laughter.)

18 ASSEMBLYWOMAN NOLAN: It's always a
19 pleasure, you know that. Always a pleasure,
20 thank you.

21 CHAIRMAN DeFRANCISCO: Jim Viola,
22 School Administrators Association of New York
23 State.

24 MR. VIOLA: Honorable members of the

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1 State Legislature, good afternoon. Thank you
2 for holding this hearing and thank you for
3 extending to the School Administrators
4 Association of New York State the opportunity
5 to present testimony.

6 In preparing the testimony we had
7 mixed feelings, actually, in terms of listing
8 the different types of positive rankings, such
9 as the B rating that we received from Quality
10 Counts again -- the same ranking, by the way,
11 that Massachusetts received -- and the
12 hundreds of high schools that are included in
13 the U.S. News and World Report listing of best
14 high schools. We had mixed feelings because,

15 quite frankly, those things don't totally
16 reconcile with our experience in talking to
17 school administrators and visiting school
18 districts around the state. What we see there
19 is fiscal stress, personal stress, and in many
20 cases planning for noncompliance in a way that
21 will have the least negative impact upon
22 students.

23 In terms of the proposed increase of
24 state aid amounting to \$807 million, it's

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1 disappointing and it's insufficient. We
2 strongly recommend an increased allocation of
3 \$1.9 billion. And this amount is not
4 extravagant. It will not be regarded as a
5 windfall by school districts. It's necessary
6 and it's appropriate.

7 It's appropriate in terms of
8 implementing the different planks of the
9 education reform set up by the State Education
10 Department, planks that are all, by and large,
11 unfunded mandates. It's necessary in order to
12 improve the achievement of students in
13 New York State. And it's necessary to avoid,
14 to avoid the costs of disenfranchising
15 students during the time in which we're making
16 this transition.

17 The property tax freeze is tantamount
18 to a "Vote No" proposition, and it exacerbates
19 the negative impacts that are laid out right
20 now in terms of the property tax cap.

21 We recommend phasing out the GEA as
22 soon as is practicable, in order to lead to
23 additional transparency and the
24 comprehensibility of state aid. We recommend

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1 that Foundation Aid, in order to promote and
2 improve educational equity from district to
3 district, that the Foundation Aid be revised
4 so that it's benchmarked against college and
5 career readiness, and that it also better
6 address the needs and support needed by small
7 rural school districts.

8 In terms of full-day UPK and
9 after-school programs, these are both smart,
10 they're strategic, but they're also not
11 mandated. And they are not what I think is
12 the most essential elements that need to be
13 implemented in all school districts in
14 New York State. It's somewhat tantamount to a
15 homeowner having a bad leaky roof and a bad
16 furnace, and saying "We're going to give you
17 money to fix the potholes in your driveway."
18 It doesn't make sense. It's not smart in the
19 long run.

20 In terms of supplemental compensation
21 for teachers, we're adamantly opposed to that.
22 It's a bad use of taxpayer money. It assumes
23 a level of validity and reliability and
24 inter-rater reliability in the state APPR

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1 system that quite frankly we don't think
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2 exists.

3 It would also encourage teachers who
4 receive an effective evaluation in their APPR
5 to appeal their decision, their
6 recommendation, so that they can work toward a
7 highly effective evaluation, thereby incurring
8 in the school district direct and indirect
9 costs by way of the APPR.

10 Just as importantly, in terms of a
11 study that was conducted by the Hamilton
12 Project in 2011, that study concluded that
13 there is no evidence that teacher incentive
14 programs improve student performance, and in
15 fact in some cases student performance
16 worsened. Nor does it improve the performance
17 of teachers.

18 In terms of the Common Core, SAANYS
19 remains in favor of the Common Core standards,
20 but it's got to be rolled out in a way that
21 makes sense, a smart way, with the curricula
22 in place, with the instructional standards in
23 place, with professional development so that
24 teachers and administrators understand the

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1 pedagogy that needs to go part and parcel with
2 Common Core implementation. But it should be
3 done in a way that is not high-stakes for
4 students, teachers and principals.

5 For 3-8, continue the rollout
6 including the Common Core curricula and
7 standards, including the Common Core-aligned

8 assessments, but use the assessments as a way
9 to gauge the extent of Common Core rollout
10 effectiveness, not to evaluate students,
11 teachers and principals.

12 We are extremely concerned about the
13 rollout of Common Core Regents examinations
14 this year. We're concerned about what that's
15 going to do in terms of having students
16 disengage and give up and drop out. So
17 therefore we support the Governor's proposal
18 for a Common Core panel. We support Senate
19 Bill 6009 in terms of requiring an audit of
20 the Common Core assessments and annual reports
21 by the Commissioner of Education to the
22 Governor and legislative leaders.

23 And also attached to the testimony
24 what you'll find is a letter from the

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1 Education Conference Board to the commissioner
2 of SED recommending an independent evaluation
3 of the state APPR system, along with the
4 commissioner's response.

5 In terms of personally identifiable
6 information, we support Senator Flanagan's
7 recommendation for a one-year delay. Since
8 New York State is a local-control state, what
9 we say is let them decide at the local level
10 what they want to do with their data. That's
11 the way it's been so far, and so far it's not
12 been problematic. We also recommend drop
13 inBloom. And we also want to express our

14 support for the safeguards that are in Senate
15 Bill 6007 and the O'Donnell bill, A6059A.

16 We support a ban on standardized
17 bubble testing for students in prekindergarten
18 to Grade 2. Actually, keep in mind that this
19 was never an issue until the State Education
20 Department implemented the new APPR
21 procedures. It was never an issue. And what
22 we feel is that Senate Bill 6008 does a pretty
23 good job in terms of framing what the issues
24 are, in terms of still allowing reasonable

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1 local discretion, professional discretion, on
2 the part of teachers, on the part of
3 principals in deciding the best ways to
4 evaluate young students, and it also respects
5 the collective bargaining agreements that are
6 already in place.

7 We also support the recommendation or
8 the implementation of a waiver provision from
9 the provisions of Section 4402 and 4403 of the
10 Education Law for special education programs.
11 We feel that this provides a real possibility
12 of meaningful mandate relief in a way that can
13 start off at the macro level -- districts,
14 maybe even consortiums of school districts and
15 BOCES. And to the extent it's determined to
16 not adversely impact students, in fact that it
17 actually enhances the programs and services
18 available to students, hopefully those waivers
19 could be scaled up down the road.

20 In the interest of saving time, I will
21 end my presentation at this point and take any
22 questions that you may have.

23 CHAIRMAN DeFRANCISCO: Thank you.
24 Senator Tkaczyk.

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1 SENATOR TKACZYK: I just have a quick
2 question. I first met you in the Syracuse
3 hearing that you came to with a couple of
4 folks, and the question came up there has the
5 State Education Department met with the
6 Educational Conference Board which you're a
7 member of. Has that happened? I know the
8 conference board had a number of
9 recommendations and suggestions and input they
10 wanted to give the State Education Department.
11 Has the board met with the Education
12 Department?

13 MR. VIOLA: Actually, approximately
14 three weeks ago Deputy Commissioner Slentz met
15 with the Education Conference Board to talk
16 about the platforms of the education reform.

17 However, I also have to tell you that
18 he began his engagement of us pretty much by
19 saying "we're going to be continuing with our
20 education reforms," and he ended the meeting
21 by saying "we're going to be continuing with
22 all of our education reforms."

23 He offered to share with us speaking
24 points that we could use in terms of the

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1 education reforms, but it seemed like a lot of
2 our recommendations really were not
3 recognized -- such as what we felt was the
4 department's pursuit of the data portal. We
5 felt it was yet another part of the
6 architecture that was just going beyond the
7 pale in terms of what should be expected and
8 what should be dealt with right now.

9 we recommended set it aside for right
10 now so that we can deal with all the other
11 stuff -- annual professional performance
12 reviews, the rollouts of the curriculum
13 instruction materials, the VD, all these other
14 things. But that did not seem to resonate.

15 SENATOR TKACZYK: Thank you.

16 CHAIRMAN DeFRANCISCO: Senator
17 Krueger.

18 SENATOR KRUEGER: Thank you.

19 were you here earlier when Michael
20 Mulgrew was testifying from the UFT --

21 MR. VIOLA: I was.

22 SENATOR KRUEGER: -- and he was
23 proposing that the state come up with a
24 centralized mechanism for curriculum that

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1 districts could then take and save,
2 conceivably, a significant amount of money and
3 time replicating the by and large same
4 efforts, especially in the world of Common
5 Core? Do you have a position on that?

6 MR. VIOLA: Yes. You know, early in
7 his tenure as commissioner, Commissioner
8 King -- and even before him, Commissioner
9 Steiner -- at Board of Regents meetings
10 remarked about how inefficient both in terms
11 of time, in terms of money it is for each of
12 approximately 700 school districts to go ahead
13 and develop their own curricula. And that it
14 made much more sense to have one body put
15 together a set of vetted quality curricula
16 that could be adopted and then move forward
17 with it. Quite frankly, we agree with that.

18 And quite frankly also, keep in mind
19 the timing in which Race to the Top and the
20 Common Core standards and curricula took
21 place. It took place in the heart of the
22 recession, the Great Recession. School
23 districts had no money budgeted to develop any
24 curriculum materials, so almost they were

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1 forced to do it, especially because the
2 unknown was what is the rigor that they had to
3 build into the -- the content is one thing,
4 but what is the level of rigor that had to be
5 put in there that was going to be consistent
6 with the rigor that students that were going
7 to be encountering in the assessments?

8 So that's why so many school districts
9 took the department at its word, waited for
10 their curricula, and we know the rest.

11 SENATOR KRUEGER: Thank you very much.

12 CHAIRMAN DeFRANCISCO: Thank you very
13 much.

14 The next speaker is Zakiyah Ansari,
15 Alliance for Quality Education.

16 ASSEMBLYWOMAN NOLAN: Thank you. I
17 just would also like to, with the school
18 administrators, ask that at some point they
19 come into our office. We don't really have an
20 opportunity to meet with you, we're not
21 familiar with your positions, we don't really
22 know what superintendents or supervisors you
23 represent. And I would suggest you give us a
24 call. All right? Thank you.

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1 We're really happy to see the Alliance
2 for Quality Education here today. Thank you.

3 MS. ANSARI: Good afternoon. I'm here
4 supported by my colleague.

5 MS. MARCOU-O'MALLEY: I'm Marina
6 Marcou-O'Malley. I'm the policy director.

7 MS. ANSARI: So I am going to read my
8 testimony. It's much shorter than other
9 folks', I guarantee.

10 So my name is Zakiyah Ansari. I'm the
11 advocacy director of the Alliance for Quality
12 Education. And I would like to thank Chairs
13 Farrell, DeFrancisco, Nolan and Flanagan for
14 the opportunity to testify in front of you.
15 I'm also grateful for the opportunity to stand
16 before you representing students, parents and
17 grandparents of students who attend New York's

18 public schools.

19 Over the years, I have been coming to
20 Albany to advocate that all students in this
21 state have access to a high-quality education.
22 Yet our schools continue to face a fiscal and
23 educational crisis due to inadequate state
24 funding. I am here today to ask you to stand

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1 with all of the students and parents across
2 the state, and with 83 members of the
3 Legislature, some of whom are part of this
4 hearing, and provide \$1.9 billion in new
5 school aid in order to prevent more cuts to
6 the classroom and actually start working on
7 improving education for our students.

8 If I'd have known eight years ago that
9 when I brought my then-11-year-old and
10 then-13-year-old here to Albany for the first
11 time to fight for the Campaign for Fiscal
12 Equity funding -- that they actually went into
13 the courtroom to hear the decision be made --
14 how historical that moment would be. And if I
15 had known that they would only see two years
16 of funding of that, and we as a state have
17 never kept our promise to ensure that we were
18 going to provide that additional funding, it
19 just tears me up, now that they're both in
20 college and have never really reaped the
21 benefits of the full funding of CFE.

22 This budget needs to include a down
23 payment on the Campaign for Fiscal Equity.

24 The state is \$7 billion, \$7 billion behind in

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1 CFE funding statewide. The Executive Budget
2 is wholly inadequate. The Legislature needs
3 to act now to get back on track with CFE
4 statewide.

5 There are two education systems in
6 New York State, as the Governor has said
7 before, one for the poor and one for the rich.
8 The inequality of educational opportunity in
9 New York State is staggering. This situation
10 has gotten worse, not better, in recent years.
11 This year's Executive Budget would only
12 perpetuate this inequality with the record low
13 school aid it provides to schools for
14 2014-2015.

15 On a school-year basis, the Executive
16 Budget only includes a \$608 million proposed
17 increase, with only \$323 million in restored
18 classroom aid for 677 school districts. This
19 budget would mean cuts on top of cuts. In
20 fact, it would produce the sixth consecutive
21 year of classroom cuts.

22 The evidence is clear. Last year
23 schools received almost a billion-dollar
24 increase in education funding, yet school

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1 districts across the state were forced to make
2 cuts to both educator positions and to
3 programs. Just last year, 42 percent of
4 school districts increased class sizes,

5 49 percent of school districts reduced
6 classroom teaching positions, and you have
7 some of the other statistics. Staggering.
8 School districts were forced to cut even the
9 most vital programs, such as extra help for
10 at-risk students, who are precisely the
11 students who should be receiving more help,
12 not less.

13 In a recent press conference we held
14 in reaction to the release of the Executive
15 Budget, Schenectady School District
16 Superintendent Laurence Spring said that
17 attendance in Schenectady schools skyrocketed
18 last year because they implemented a universal
19 free breakfast and free lunch program. On a
20 regular basis, in Schenectady they have
21 100 percent attendance during the five days
22 before food stamps are distributed. He said
23 at the press conference: "Our kids are
24 hungry."

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1 This one example speaks to the vast
2 need that exists in some of our schools. The
3 Executive Budget would force schools to choose
4 between whether to provide free breakfast and
5 lunch or offer music, art or physical
6 education. What choice is that? We should
7 not be putting superintendents and school
8 boards across the state in a position where
9 they have to choose which vital programs to
10 cut.

11 We are pleased that the Governor has
12 proposed to build on the state's universal
13 prekindergarten program by expanding it to
14 full-day. The Governor's proposal provides
15 only \$75 million in new pre-K funding this
16 year, in addition to renewing the \$25 million
17 in pre-K competitive grants from last year.
18 Last year the Governor capped New York City at
19 receiving no more than 40 percent of the
20 competitive grant funds. If the same
21 principle were to be applied to his new pre-K
22 initiative, New York City would receive no
23 more than \$30 million this year. After five
24 years, the Governor's plan would grow to be a

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1 \$475 million program statewide, and
2 \$142.5 million for New York City. Either way
3 you cut it, it's not enough.

4 This is far from universal and should
5 not be an excuse to block New York City from
6 paying its own way on pre-K expansion.
7 Mayor de Blasio's pre-K proposal would invest
8 \$340 million in pre-K this year and would
9 provide pre-K for 54,000 4-year-olds by
10 September and 77,000 by January 2016.
11 New York State should not stand between these
12 4-year-olds and quality pre-K. Our babies are
13 worth a \$3 a day habit of a soy latte, I
14 think.

15 When you compare Governor Cuomo's plan
16 with Mayor de Blasio's plan, it's no contest.

17 This year the de Blasio plan would serve more
18 than 11 times as many New York City children
19 as the Cuomo plan. And the de Blasio plan
20 does not cost the state a dime, leaving more
21 funds available for the rest of New York
22 State.

23 The best solution is to adopt
24 state-funded pre-K and to allow New York City

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1 to enact Mayor de Blasio's plan. We recommend
2 \$225 million in pre-K funding this year as
3 part of our \$1.9 billion school aid proposal,
4 because our children across New York State,
5 all our 4-year-olds, deserve to have
6 high-quality pre-K.

7 It is important to mention that while
8 providing pre-K, we must also adequately fund
9 schools so that we do not, we do not pit pre-K
10 against K-12 education.

11 At the same time that New York has
12 been making cuts and shortchanging schools,
13 New York State is one of 44 states that has
14 adopted the new Common Core standards. These
15 standards were supposed to raise the bar for
16 student achievement. We all agree that
17 setting high standards for our students is a
18 good thing -- because guess what, as parents
19 we have those high standards as well. But the
20 implementation has been far too rushed and has
21 placed too much focus on testing.

22 Unfortunately, while the bar for
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23 student achievement has been raised, schools
24 have been undercut by bad budgets and do not

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1 have the means to help their students meet
2 these new standards. In recent years, schools
3 across the state have lost over 35,000
4 educators and have been forced to cut or
5 eliminate many important programs, including
6 the very programs that keep our most
7 struggling students engaged in school, like
8 art, music, theater, athletics, and Advanced
9 Placement courses.

10 The highest-needs school districts
11 have been the most affected by inadequate
12 funding. The opportunity gap between wealthy
13 and poor schools continues to widen as
14 New York State is ranked 44th in educational
15 equity.

16 The New York State Comptroller
17 recently released a report detailing that
18 there are over 80 school districts in New York
19 in fiscal distress. This budget would not
20 only increase the severity of the fiscal
21 distress in schools, it would be devastating
22 to our education system and leave a generation
23 of students unprepared for the challenging and
24 competitive world that awaits them.

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1 Please, please stand with us and the
2 students, parents, and teachers of this state.

3 Increase education funding by \$1.9 billion,
4 including \$225 million in UPK, and allow
5 New York City to pay its way on quality
6 full-day pre-K and after-school programs for
7 middle schoolers with a 0.5 percent
8 increase -- 0.5 -- in personal income tax for
9 city residents earning over \$500 million.

10 And I just want to add, this year was
11 the first year -- I have an 8th-grader -- that
12 I was so frustrated with this testing, where
13 my son at 6:00 in the morning, before getting
14 ready for school, is sitting by the side of my
15 bed. And I wake up and I say, "what's wrong,
16 son?" And his hands on his head, he says to
17 me, "You know, I'm nervous about taking this
18 test. What happens if I don't pass? Will I
19 go on to the next grade?"

20 This is a boy who enjoyed learning
21 when he was in elementary school, who loves
22 art, who loves science. And his education
23 gets whittled down to a test where children
24 are praying with their classmates that they

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1 will pass together -- that they are getting
2 sick, they are vomiting. The stress is not
3 normal stress. This is not the way our
4 babies, our children should be educated. We
5 are sucking the life out of education in the
6 classroom, the joy of teaching from teachers.

7 And on top of that, we are making the
8 choice not to fully fund our schools. This is

9 a choice we are making. Because if we have a
10 \$2 billion surplus, guess where that money can
11 go? It can go to ensuring that every child in
12 New York State begins to be -- we begin to
13 restore programs, not just stay and hold the
14 line, but we begin to bring back those very
15 things into our schools.

16 So I'm hoping this Legislature, as
17 well as the Governor, will step up and stand
18 up for our children. Because enough is
19 enough. And as AQE has said, you know, no
20 more excuses. Thank you.

21 ASSEMBLYWOMAN NOLAN: Thank you very
22 much for very moving testimony.

23 You know the respect we have for AQE,
24 and I for you personally. And I have sort of

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1 been there with my own child. It is very
2 stressful, and I do feel angry with you that
3 the whole testing mania has put a tremendous
4 amount of stress on our children, and unfairly
5 so.

6 And it sort of steers them in a way,
7 as I said to the commissioner so many hours
8 ago, in a way that we don't want to see. When
9 you live in New York, you want to be able to
10 say to our children: You can become anything
11 you want to be, and we'll give you the help
12 you need to get there.

13 So I want to thank you. I don't know
14 if anyone has a question -- we're trying to

15 keep it moving here -- but I want to thank you
16 very, very much. And we continue to look
17 forward to working with you, as we do every
18 day. And we thank you for all the
19 interactions you have with our office. It's a
20 model for how other people should interact
21 with us. We appreciate it. Thank you.

22 MS. ANSARI: Thank you.

23 MS. MARCOU-O'MALLEY: Thank you.

24 ASSEMBLYWOMAN NOLAN: Our next

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1 witness, the National Institute for Early
2 Education Research at Rutgers University,
3 W. Steven Barnett, director.

4 And then I see our friend Steve
5 Sanders, and he's on the on-deck circle. As a
6 matter of fact, if you want, I'm a big
7 believer in panels. If you want to come down,
8 former Assemblyman Sanders, and sit with us,
9 Agencies for Children's Therapy Services and
10 the 4201 schools, just as we kind of linger
11 here with a few. We don't want people to feel
12 slighted. We can put two or three groups
13 right at the on-deck circle. Thank you.

14 PROFESSOR BARNETT: Good afternoon.
15 Thank you for inviting me to speak with you.

16 We ask a lot of public pre-K programs.
17 We expect them to foster academic success,
18 teach social skills, build character, provide
19 childcare. These big expectations are based
20 on the successes of real programs -- the Perry

21 preschool, Abecedarian, and other intensive
22 preschool programs over many years. In recent
23 years, however, evaluations of preschool
24 programs, including Head Start, which was

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1 mentioned earlier, have produced decidedly
2 mixed results, and some of those results have
3 been downright disappointing.

4 And that's why when we invest in
5 preschool programs we need to face some hard
6 facts. The outcomes that we want require
7 quality and intensity that don't come cheap.
8 Weak programs will have modest if any effects.
9 That's also why we need to pay special
10 attention to programs that have been found to
11 produce strong results.

12 So just down the road, one such
13 program is New Jersey's program in the Abbott
14 districts, where universal high-quality
15 full-day pre-K is provided to all
16 3-and-4-year-olds and has produced dramatic
17 gains. At about \$13,000 per child, it
18 provides well-qualified, adequately paid
19 teachers, a maximum class size of 15, a
20 support system of teacher coaches and
21 continuous improvement -- and that continuous
22 improvement process is very important --
23 focused on learning and teaching in cities
24 with high concentrations of poverty.

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1 our institute's recent follow-up study
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2 found this program to substantially increase
3 scores on state achievement tests at Grades 3,
4 4, and 5 while reducing grade repetition in
5 special education. So, for example, reducing
6 special education repetition from 19 percent
7 to 12 percent.

8 In 1997, New York launched what I
9 think is even a more ambitious preschool
10 program than New Jersey's model by creating
11 statewide universal pre-K. Unfortunately,
12 this program has periodically lost traction,
13 and the recent recession seems to have been
14 even more detrimental to its progress. So
15 today, fewer than half the state's 4-year-olds
16 attend UPK, and the percentage served in UPK
17 has actually gone down during the recession.
18 Worse yet, state funding per child in pre-K
19 hit its lowest level in a decade, adjusted for
20 inflation, in 2012. And that funding decline
21 puts the program's promised results at risk.

22 It's in this context that the recent
23 proposals to expand and strengthen UPK are so
24 heartening. In his budget address Governor

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1 Cuomo renewed the promise to provide quality
2 UPK in New York State, with the goal of
3 helping the program live up to its name of
4 "universal," and provide a full school day.
5 His budget proposal starts with \$100 million
6 in the first year and pledges to scale up
7 funding over five years.

14 permits rapid progress. The Legislature
15 should provide a secure funding mechanism so
16 that New York City and other districts can
17 move ahead as rapidly as they are able, to
18 extend access and ensure the effectiveness of
19 UPK. To do so is both good economics and good
20 education policy.

21 Thank you. I'm happy to take
22 questions.

23 ASSEMBLYWOMAN NOLAN: We'd like to be
24 able to follow up with you at another time.

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1 we really appreciate the insight and the
2 expertise. It's been a long day, and we have
3 a lot of witnesses. But I really am grateful
4 that you would come, and I hope that we can
5 develop a good working relationship with you.
6 Appreciate it very much.

7 PROFESSOR BARNETT: I'm happy to
8 provide information whenever you'd like to
9 follow up. Thank you.

10 CHAIRMAN DeFRANCISCO: Just very
11 quickly, how many years has the New Jersey
12 pre-K program been going on?

13 PROFESSOR BARNETT: Well, it ramped up
14 over time. We really didn't get serious about
15 this until 2000, 2001. It took us about eight
16 years to get quality where we wanted it,
17 because we took the existing programs that we
18 had, rather than creating new ones, and
19 developed that quality. Teachers had five

20 years to get their degrees and certification,
21 for example.

22 CHAIRMAN DeFRANCISCO: So when you say
23 it took eight years to gear up to the quality
24 program, that brought you to what, 2009?

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1 PROFESSOR BARNETT: You know, we were
2 pretty good by 2005.

3 CHAIRMAN DeFRANCISCO: Okay. And then
4 you've got studies on the results of your
5 program?

6 PROFESSOR BARNETT: We have studies
7 now through 5th grade. We're working on the
8 6th grade follow-up now.

9 CHAIRMAN DeFRANCISCO: Okay. I'd
10 appreciate it if you could send me your
11 studies. They would be helpful.

12 PROFESSOR BARNETT: I'd be delighted
13 to do that, Senator.

14 CHAIRMAN DeFRANCISCO: Thank you.
15 Anyone else? Thank you very much.

16 PROFESSOR BARNETT: You're welcome.

17 CHAIRMAN DeFRANCISCO: Steven Sanders,
18 Agencies for Children's Therapy Services, to
19 be followed by Bernadette Kappen, chairwoman,
20 4201 Schools.

21 MR. SANDERS: Good afternoon, Chairman
22 DeFrancisco, Chairwoman Nolan, in absentia,
23 Chairman Farrell and Chairman Flanagan,
24 members of this joint committee. I can't help

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1 but observe that it's now been 37 years that I
2 have sat on one or the other side of this
3 table, and I assure you it never gets old and
4 it never gets shorter.

5 CHAIRMAN DeFRANCISCO: So you know the
6 discomfort that we're now feeling right now.
7 And so would you please get to the point.

8 (Laughter.)

9 MR. SANDERS: That would be my
10 pleasure, Senator. I'm not going to read my
11 testimony. I'm not even going to ask that you
12 do read my testimony. What I am going to ask
13 is that Jocelyn Dax reads my testimony, and
14 I'll be very happy if she does.

15 Let me summarize the points I came
16 here to make, which are very important, I
17 think. There's been a lot of discussion
18 today, very important discussion, about
19 preschool special education. One of the
20 proposals that the Governor has made which has
21 not gotten a lot of attention, but it is
22 equally important, is preschool special
23 education. Preschool special education.

24 The Governor has made a few

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1 recommendations in that area which could
2 escape your notice, in a very long budget
3 looks a little bit innocuous, but I assure you
4 that the recommendations and the proposals and
5 the ideas that the Governor is putting forward

6 merits your very close consideration because
7 it can be very good or it can be very bad,
8 depending on how his proposals are carried
9 out.

10 It's called SEIT, S-E-I-T. SEIT
11 stands for Special Education Itinerant
12 Teacher. What that program is all about is
13 these are 4-year-olds, mostly 4-year-olds who
14 have learning disabilities or developmental
15 disabilities, who, because of their
16 circumstance, require services in the home.
17 The teacher or the therapist goes to the home
18 to provide the services to that child and also
19 to help parents with the knowledge and
20 information they need to help their disabled
21 or learning-impaired youngsters do better.

22 So the Governor has made some
23 proposals that deal with this program called
24 SEIT, three proposals, each a little bit

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1 different, each important, each requires your
2 thought.

3 The first proposal he makes that is
4 that we change the funding methodology for how
5 these SEIT programs are paid for by the state.
6 And the Governor has a good point. The way
7 SEIT programs and preschool special education
8 programs generally have been costed out and
9 providers have been reimbursed is a cumbersome
10 process. The methodology is oftentimes
11 inaccurate.

12 As I say, it's cumbersome, it's
13 wasteful. It costs the State Education
14 Department an enormous amount of dollars to
15 try to figure out literally on a provider-by-
16 provider basis how much reimbursement an
17 individual provider will get in Schenectady or
18 Yonkers or Long Island or New York City. Each
19 provider gets their own rate. If it resulted
20 in a precise rate based on the real costs of
21 that provider, maybe it would be worthwhile,
22 but it oftentimes does not.

23 So what the Governor is proposing,
24 which is worthwhile, is a regional rate. So

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1 you divide the state into a number of regions
2 and you calculate what is the average cost of
3 providing that SEIT service in that region,
4 and that is the rate that all of the providers
5 in that region will receive and they must
6 adjust to.

7 Some will be getting a little more
8 than they got before, others may be getting a
9 little bit less. But if the regional rate is
10 calculated properly -- and this is where the
11 rub is. What needs to happen for a regional
12 rate to work is that there needs to be a very,
13 very careful methodology and calculation for
14 determining what will be the rate of
15 reimbursement for all these providers within
16 this particular region. If it's not done
17 well, then the rate may not be sustainable.

18 Services will suffer if the rate is not
19 sustainable.

20 So the key here is a regional rate can
21 work, but a comprehensive study has to be done
22 to determine what is the appropriate rate. We
23 know that costs in Western New York differ
24 from costs in Central New York that differ

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1 from costs on Long Island or New York City or
2 the Mid-Hudson Valley. So this has to be done
3 carefully. If it is, it may be a good idea
4 and I would endorse it.

5 The second thing that needs to be
6 discussed, the second proposal, is the
7 Governor suggests instead of receiving this
8 tuition rate -- every program receives a
9 tuition rate that is just based on a rate that
10 is developed for that school or that
11 program -- that instead it be done on an
12 attendance basis. So in other words,
13 providers would get reimbursed based on who
14 they serve. And it makes sense. I think it
15 makes sense, and I'm for that.

16 The caveat is that unlike other
17 programs -- and I would highlight Early
18 Intervention, Senator Tkaczyk knows a little
19 bit about that. Unless the reimbursement is
20 done promptly and without tons of red tape and
21 bureaucracy -- so in other words, you provide
22 the service, you bill for that service at the
23 regional rate, you get paid promptly, then an

24 attendance-based methodology makes sense. If

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1 this is laden with a lot of bureaucracy, then
2 providers are not going to get paid, they're
3 not going to be able to provide the services,
4 they're not going to be able to hire the
5 therapists, it won't work and we will repeat
6 the failures of Early Intervention that we saw
7 this past year, which I know you don't want to
8 see happen.

9 So I would urge on the second piece of
10 the Governor's proposal, if you accept it,
11 make sure that the payment to providers is
12 done reliably and promptly, just like any
13 other contractor who works for the state has a
14 right to receive and a right to expect.

15 That brings me to the third leg of the
16 Governor's proposal, which is problematic and
17 we oppose. The Governor is recommending that
18 for New York City and New York City only, that
19 with this regional rate that New York City,
20 the Department of Education of New York City,
21 be able to create a competitive RFP to
22 determine who will receive approvals, who will
23 have the contracts to do this SEIT work in
24 New York City.

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1 The problem is that a competitive bid
2 flies in the face of a regional rate. The two
3 ideas are inconsistent, they're incongruent
4 with one another. Moreover, competitive

5 bidding may work well for a construction
6 contract where you can negotiate labor, you
7 can negotiate material. But with special
8 education, you can't negotiate those things.
9 And what we don't want to see happen is
10 providers bidding against each other, in
11 essence trying to lowball their bid in the
12 hopes of getting a SEIT contract, and
13 consequently have to cut corners on services.
14 That doesn't make any sense.

15 What we do want is for all providers
16 to receive a fair rate determined by the state
17 through a comprehensive study by the State
18 Education Department which ought to be vetted
19 by the Legislature. What we don't want is to
20 have providers competing with one another
21 trying to figure out how they can cut corners
22 to get a contract -- which ultimately will
23 mean fewer services for kids, in this case in
24 New York City.

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1 So with those comments, and mindful of
2 the fact that I have remained within my
3 10 minutes, which I'm happy to have been able
4 to do, I hope you'll look at those three
5 proposals very carefully of the Governor's. I
6 hope someone reads the testimony, especially
7 Jocelyn back there, who's done a great job for
8 as many years as I've been doing this on one
9 side or the other of this dais, and I thank
10 you very much for your time and your

11 attention.

12 ASSEMBLYWOMAN NOLAN: We're giving a
13 test on it later, Steve. Thanks.

14 CHAIRMAN DeFRANCISCO: Thank you very
15 much. Questions? Thank you.

16 The next speaker is Bernadette Kappen,
17 chairwoman, 4201 Schools Association. On
18 deck, Literacy New York, Janice Cuddahee,
19 executive director.

20 DR. KAPPEN: Good afternoon. As you
21 said, my name is Bernadette Kappen. I'm the
22 executive director at the New York Institute
23 for Special Education in the Bronx, and I'm
24 here today with my colleague Tim Kelly from

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1 the st. Mary's School for the Deaf in Buffalo.
2 And we represent 11 schools around the state
3 that serve children that are deaf, blind and
4 severely physically disabled, some children
5 that are probably the most vulnerable in the
6 state. And we service, as I said, the entire
7 state.

8 We want to thank each of you for your
9 support over the years, and particularly in
10 the last several years, in some challenging
11 financial times. And we know that we have
12 some struggles ahead, but we believe that we
13 can be part of the solution in working with
14 the state. We try very hard to use the
15 funding that we receive in a responsible way,
16 that we know that we're using the taxpayers'

17 money to support the children that come to our
18 schools.

19 As you continue to work on the state
20 budget, we just have a few things that we'd
21 like you to think about related to children at
22 the 4201 schools. The Executive Budget is
23 recommending an increase of 3.8 percent in
24 school aid, and we ask that you consider a

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1 raise for our particular schools as well and
2 an increase that's commensurate with the
3 children's needs. We have not had any
4 increase in our funding for the last several
5 years, and we've actually had cuts in our
6 funding during the Deficit Reduction Plan.

7 We continued to be oriented towards
8 the children's achievement and making sure
9 that they are achieving. Children that come
10 to our schools, just so that you know, receive
11 Regents diplomas, advanced Regents diplomas,
12 and children that are more severely disabled,
13 they are learning to be productive citizens
14 when they leave our schools.

15 We have had an overall 9 percent
16 reduction in our payroll. We've worked very
17 hard with our schools to see where we'd be
18 able to cut back. And at the same time, we've
19 had a 4 percent reduction in funding for our
20 particular schools, and that's been since 2008
21 that this has occurred.

22 We are really excited about the Smart
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23 Schools Bond Act, and we ask you to think very
24 seriously about including the 4201 schools in

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1 this situation. Children that come to our
2 schools rely on technology on a day-to-day
3 basis. Children that are blind and visually
4 impaired, it's their only immediate access to
5 information in print and to be able to
6 communicate effectively in the school and out
7 of school. Children that are deaf and hard of
8 hearing also need to be able to have access
9 for communication purposes. Children that are
10 physically disabled or have multiple
11 disabilities, technology may be their primary
12 means of communication with people in the
13 classroom, to gain information as well as to
14 share their feelings with others.

15 So we see that our children are really
16 people that need to have technology. It's not
17 something that it would be nice and it
18 supports their education, it is their
19 education. So we ask you to really think
20 seriously about considering having the
21 children included in this Smart Schools Bond
22 Act.

23 Another area that we've been --

24 ASSEMBLYWOMAN NOLAN: Everyone likes

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1 that idea. We shouldn't interrupt, but
2 everyone likes the idea. We like that idea

3 about being part of the bond in technology. A
4 very good concrete suggestion, even at 4:30.
5 We appreciate that.

6 DR. KAPPEN: Thank you very much. And
7 the children will be really be able to improve
8 and grow and be more independent in the
9 future.

10 An area that I know that many people
11 have talked to you about over the last couple
12 of hours and probably during the year would be
13 related to the retirement system costs. This
14 is really an area that's been of great concern
15 for us. Our costs have almost doubled over
16 the last several years, and right now we're
17 having to pay for these retirement benefits
18 out of our program monies. And we really
19 would like you to think about how we might
20 have some relief in that area.

21 An area that's very important to many
22 of the schools for the Deaf would be the Deaf
23 Infant Program. This program is serving young
24 children and providing information and

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1 training to the parents of the children so
2 that they learn how to effectively communicate
3 with their child.

4 This is probably the most important
5 thing for the parent of a deaf child, though
6 we can start right from the beginning, that
7 they understand their child has the right to
8 communicate and there are ways to communicate

9 effectively with their child.

10 There has been really no increase in
11 this area, and over the last seven years the
12 funding has been flat. However, we have had
13 an increase in the number of babies that are
14 being served, from 88 to nearly 127 children.
15 And we ask you to really consider this,
16 particularly when we're thinking about how
17 important early intervention is to all
18 children, and particularly to children that
19 are deaf and hard of hearing. If they start
20 as little ones, the hope of having good
21 communication by the time they get to school
22 is much greater.

23 Four of our schools have residential
24 programs. And children come to our

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1 residential programs because of their
2 educational needs and also for distance, if
3 they're not able to go back and forth to their
4 homes. And we are asking also for you to
5 think about the costs of these programs that
6 run five days a week, 24 hours a day, and we
7 have to provide round-the-clock nursing care
8 for the children and other support to keep
9 them safe in their living situations.

10 And over the last seven years, again,
11 we haven't seen any change in the funding in
12 that particular area. And for some children,
13 residentially, I think is their saving point,
14 that they're able to have a total program,

15 particularly for some of the children that are
16 coming from very difficult situations.

17 Really, in closing, it's important for
18 us to thank the Senate and the Assembly for
19 the support they've given us over the years.
20 We feel that all the time, that people are
21 really supporting us, and we want to really be
22 part of whatever solution.

23 And in closing, there's a little quote
24 by an unknown author that says there two

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1 things that we can give our children in this
2 world. One is roots, and the other would be
3 wings. And I would say the 4201 schools, they
4 give the children the roots and each of you
5 give them the wings to be productive citizens
6 in New York State.

7 Thank you very much.

8 CHAIRMAN DeFRANCISCO: Question?

9 ASSEMBLYWOMAN NOLAN: Yes.

10 Assemblywoman Mayer is our chair of
11 Subcommittee on Students with Special Needs,
12 and she's stayed all this time, so I want
13 to turn it over to her.

14 ASSEMBLYWOMAN MAYER: I'll be brief,
15 thank you.

16 I want to thank you for your advocacy
17 and your very, you know, well-thought-out
18 suggestions here. And I agree with Chairwoman
19 Nolan that particularly on the bond, inclusion
20 in the bond provisions I think is something

21 the majority of us can be extremely supportive
22 of, as well the increase for increased
23 funding, which I think is long overdue.

24 I did want to thank you, all of you,

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1 for your hospitality in giving me the
2 opportunity to visit so many of your schools
3 and see firsthand what high-quality services
4 you bring to these people. And I just wanted
5 to thank you for your really very good
6 suggestions, which we'll take to heart.

7 DR. KAPPEN: Thank you so much.
8 Appreciate it.

9 CHAIRMAN DeFRANCISCO: Senator
10 Tkaczyk.

11 SENATOR TKACZYK: I just had a quick
12 clarifying question. Your testimony and what
13 you were saying sounds like you don't think
14 you're part of the Smart Schools Bond Act?

15 DR. KAPPEN: Yes. In the Governor's
16 budget he talks about the bond being available
17 to public schools, and we're not considered a
18 public school that would receive money in that
19 way. So that would be our ask, that there
20 would be some modification of that, that we
21 would be included.

22 SENATOR TKACZYK: Okay, thank you.
23 Clearly you should be.

24 CHAIRMAN DeFRANCISCO: Thank you.

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1 Senator Martins.

2 SENATOR MARTINS: Thank you. I want
3 to echo my colleagues in hoping that we can
4 amend, in knowing that we can amend the bond
5 act to include 4201 schools.

6 But I wanted to ask you specifically
7 about one of the 4201 schools that I didn't
8 really see much about in your report or in
9 your testimony. That's the Henry Viscardi
10 School, a special 4201 school that deals with
11 children that are severely, severely
12 physically disabled in ways that the other
13 4201 schools do not.

14 And I understand that there's a need
15 there. But Viscardi is uniquely situated, and
16 there are some special challenges that it is
17 facing, certainly during this year. I was
18 wondering if you could speak to that as we
19 consider options for this year's budget.

20 DR. KAPPEN: Children at the Viscardi
21 school have severe physical disabilities, and
22 I would say many of them have medical
23 health-related issues that some of the
24 children are on respirators, ventilators, and

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1 some come to school in ambulances. So they
2 have some unique needs related to the support
3 their children need.

4 And I know that the school has been
5 advocating for more support in the area of
6 one-to-one teacher aides and also nurses to
7 support the students in that particular

8 situation.

9 Also at the Lavelle School for the
10 blind, which is a school that services
11 children who are blind and visually impaired,
12 they also service many children that are
13 multiply disabled, not as medically fragile,
14 but many children that are in wheelchairs and
15 have unique learning needs as well.

16 So Viscardi, I think their population
17 is a little bit different. And certainly the
18 health and the medical situations are extreme
19 for them, and the communication and the
20 technology is critical, that many of these
21 children would not have a voice if it was not
22 for some type of electronic aid that would be
23 able to voice for them.

24 SENATOR MARTINS: And historically,

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1 just to follow up on that point, I understand
2 there's an issue because there's been an
3 interpretation from the City's Education
4 Department, where historically they've paid
5 for an aide to accompany the child to school
6 because they are so physically needy, whether
7 it's in an ambulance or private transport, and
8 stay with them during the day, and that
9 they've determined that they will no longer do
10 that. So there's a revenue stream necessary
11 to allow for these individuals to have the
12 aide available to them, or they can't
13 physically or practically go to school. Isn't

14 that correct?

15 DR. KAPPEN: That's correct. I think
16 that when we shifted from the direct
17 appropriation at our schools to the PPC that
18 we're currently under, I think there are many
19 situations where people interpreted the PPC as
20 a total package, so whatever they pay us
21 should cover all of that.

22 So I think that's some of the
23 difficulty that Viscardi has experienced in
24 moving to that particular area. And I think

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1 that the population of children at Viscardi
2 and all of our schools have changed over the
3 years. You know, I could say children that
4 come to the institute are blind or they have
5 emotional disturbance, but very few children
6 just have one disability anymore. So
7 Viscardi's are more physically disabled.

8 And I think in society that medicine
9 is saving many of these children, and at this
10 point we have to figure out how we're going to
11 provide good-quality education for them once
12 they're here, because they're entitled to
13 that. They deserve good education.

14 SENATOR MARTINS: Thank you.

15 Thank you, Mr. Chairman.

16 ASSEMBLYWOMAN NOLAN: Mr. Ra.

17 I know that Assemblyman Ra just
18 visited the Viscardi School, so I know he
19 wants to --

20 ASSEMBLYMAN RA: Yes, I did want to
21 echo some of what Senator Martins said. The
22 Viscardi School lies on the border of the
23 Assembly district I represent and in
24 Senator Martins' senate district.

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1 And you made a very important point
2 with regard to the bond act, and that's
3 certainly something I'd be supportive of.
4 Because I visited there over the summer, and
5 I'm going to be I think making arrangements
6 with Chairwoman Nolan to make another visit
7 over there. And what they're able to do with
8 some of these students because of technology
9 is really incredible. And it's giving those
10 students opportunities that they never would
11 have had, whether it be allowing to them to
12 interact and learn in new and different ways,
13 so that's certainly something that I'd be
14 supportive of.

15 But I had one question, and I think
16 this came up -- in the fall we had had a
17 roundtable with Assemblywoman Mayer, and
18 Chairwoman Nolan was there, and we were
19 talking about some of the various issues that
20 these schools have. And we're in I guess now
21 our third budget since, you know, that budget
22 a few years back when there was some major
23 changes in funding mechanisms and such. And
24 one of the problems we always hear about is

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1 cash-flow issues with getting funding in and
2 schools ending up having to take loans out and
3 all that stuff, even though they're owed
4 funding.

5 And I'm just wondering where some of
6 your institutions are in terms of getting the
7 funding they're supposed to get in a timely
8 manner.

9 DR. KAPPEN: That is an issue for the
10 schools. Most of the schools are having to
11 run on credit lines. And depending upon what
12 their own, say, ability is to get the credit
13 line renewed is a challenge for some of the
14 schools.

15 Right now we have individual contracts
16 with the school districts that send children
17 to us, and some districts are better able to
18 pay on a regular basis, others not. I mean,
19 all the districts eventually do pay, but I
20 think they have their struggles as well, so
21 that creates the cash-flow problem for us in
22 our particular schools. But there are schools
23 that do have pretty significant cash-flow
24 issues.

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1 ASSEMBLYMAN RA: Thank you.

2 ASSEMBLYWOMAN NOLAN: Thank you.

3 CHAIRMAN DeFRANCISCO: Thank you very
4 much. You may now leave.

5 (Laughter.)

CHAIRMAN DeFRANCISCO: Literacy

6
7 New York, Janice Cuddahee, followed by
8 Lori DeCarlo and Bill Wolff, who are sharing
9 the podium.

10 whenever you're ready.

11 MS. CUDDAHEE: Thank you. My name is
12 Janice Cuddahee, and I am the executive
13 director of Literacy New York. Literacy
14 New York is a network of 35 community-based
15 organizations providing primarily
16 volunteer-based adult literacy services in
17 Long Island and across upstate New York.

18 I want to thank you for the
19 opportunity to testify today. And I am
20 accompanied by Lisa Cardilli, who is the
21 executive director of Literacy New York
22 serving Fulton, Montgomery and Schoharie
23 Counties.

24 To begin, I want to thank the

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‡
1 Legislature for your continued support of
2 adult literacy education, especially that of
3 Assemblywoman Nolan, who since being appointed
4 chair of the Committee on Education has made
5 adult literacy a priority each year. And
6 thank you.

7 Literacy is critical to building
8 strong communities. Without literacy, adults
9 must follow others, wait for answers, and hope
10 for opportunities to come along. Literacy
11 leads. Literacy leads us to employment, it

12 leads us to independence and opportunities.
13 Literacy is the foundation of education. When
14 an adult reads, often his or her children
15 read. When families read, often our
16 communities are active and stronger. Literacy
17 leads us to achieve, and our organizational
18 commitment is to building literate communities
19 across New York State.

20 Literacy New York is proud to
21 celebrate 40 years of developing and
22 supporting organizational and program capacity
23 of a network of community and agency-based
24 programs on Long Island and across New York.

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1 We advocate and support the cause of adult
2 literacy at the local, state, and federal
3 levels, and we exist because there is a need
4 for these services. We strive to achieve our
5 vision that every New Yorker is literate.

6 The 2014-2015 Executive Budget
7 appropriates \$5.3 million for the Adult
8 Literacy Education program, ALE. While the
9 Executive Budget does not continue the
10 investment made by the Legislature last year,
11 it does, however, secure base funding for this
12 modest program. ALE funding provides the
13 necessary resources for adult literacy
14 providers to assist adults in advancing their
15 own literacy skills. LNY supports the
16 continuation of funding for ALE and encourages
17 the Legislature to invest an additional

18 \$1 million to support programs throughout the
19 state.

20 As you know, New York State has
21 replaced the GED with the Test Assessing
22 Secondary Completion, or the TASC. Over the
23 next few years, the TASC will be aligned with
24 the Common Core. It will be necessary for the

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1 adult education community to be trained on the
2 new examination and the Common Core to ensure
3 that adult education programs are ready to
4 prepare students to succeed and pass the exam.

5 For 40 years, LNY has trained tutors
6 and educators of adults. We have long
7 understood that investing in evidence-based
8 professional development around content and
9 andragogy is essential for the success of
10 adult learners. LNY therefore supports the
11 Board of Regents' recommendation of \$5 million
12 for the support of professional development
13 for educators of adults.

14 As a volunteer and community-based
15 network, LNY knows that recruiting, training,
16 and supporting volunteer tutors and affiliate
17 staff is a critical component to our
18 organization. Our traditional face-to-face
19 affiliate trainings offer multi-week workshops
20 with multi-hours one or more weeks for a
21 series of weeks. This model has allowed many
22 of our programs to provide training two,
23 three, four times a year, and that's pretty

24 much it. Potential volunteers must wait until

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1 another scheduled training to participate.

2 Many opt to be involved in other volunteer
3 opportunities if the timing isn't right.

4 What we are currently doing is our
5 training workshops do not meet the enormous
6 need that exists across New York State to
7 train tutors. In addition, program staff
8 requires training to support these as well,
9 To address these challenges, LNY has begun
10 development of an online platform, Intake to
11 Outcomes, for both learners and volunteers,
12 from intake to program outcomes. The Intake
13 to Outcome system will equip volunteer
14 literacy programs to train and support
15 volunteers, to assess and target instruction,
16 and to manage tutors and learner program data.

17 The first phase of this system
18 includes research-based volunteer tutor
19 training with core content delivered in a
20 distance training format. The online tutor
21 training workshops will offer rolling
22 admission and give volunteers the flexibility
23 to cover training materials on their own time
24 with the online support of literacy staff.

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1 The training will be interactive, it will
2 incorporate video demonstrations, and it will
3 allow for consistency and quality across the
4 state.

5 In addition, Intake to Outcomes online
6 training will reduce material and training
7 costs. With an investment in Intake to
8 Outcomes, we are sharing services, reducing
9 costs, and increasing access to evidence-based
10 training. We increase the opportunity for
11 more adults to have access to the training.

12 LNY hopes that the Legislature will
13 consider supporting this initiative. We
14 believe \$100,000 will enable us to launch our
15 Intake to Outcomes initiative and provide
16 54 counties in New York State increased access
17 to quality training and support, ultimately
18 leading to enhanced student outcomes. Our
19 goal is to serve more students across the
20 state better.

21 I'm going to ask Lisa Cardilli, who is
22 again the executive director of Fulton,
23 Schoharie, and Montgomery Counties, to say a
24 few words about her program.

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1 MS. CARDILLI: Literacy New York's
2 work in developing the online platform Intake
3 to Outcomes is absolutely critical to
4 individual affiliates. It provides quality
5 and consistency of service to our adult
6 learners across the state, plus offers
7 nationally recognized training and
8 unprecedented support for our professional
9 staff as well as our thousands of volunteers.

10 Because of LNY's work, the network
Page 329

11 annually complies with all national and state
12 reporting benchmarks, and in some categories
13 we exceed the benchmarks. This means that
14 more of our adult learners are achieving their
15 goals of obtaining their high school
16 equivalency diplomas, getting jobs, becoming
17 citizens and otherwise becoming more
18 productive members of our society.

19 It's so important to understand that
20 this essential work, the instruction is done
21 by volunteers across our state. Our
22 volunteers include business leaders,
23 professionals, retired teachers, clergy and
24 others. As a result of providing access to

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1 leaders in the field of adult education,
2 Literacy New York affiliates are trained in
3 nationally recognized learning disabilities
4 curricula, including the Learning to Achieve
5 curriculum.

6 This means that the one in five adults
7 in my community who are reading below a
8 fifth-grade level -- and that's one in five
9 adults statewide -- are reading words,
10 sentences, paragraphs and pages for the very
11 first time. People like Joan, a 50-something
12 mother of two, grandmother of eight, who
13 dropped out of high school at age 16. It
14 simply was too much; her learning style didn't
15 meet the classroom, and the social pressures
16 of high school were too great. She went right

17 to work in a nursing home and worked there for
18 decades until it closed its doors a few years
19 ago. She started to look for work, and she
20 realized that her experience wasn't enough.
21 She needed her high school diploma.

22 As many adults do, she went to local
23 adult education provider and was turned away.
24 Why? Her reading and math scores were just

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1 too low. She was reading below a fifth-grade
2 level and didn't qualify.

3 She came to us, we began working with
4 her one-on-one. I'm so pleased to report that
5 after several years of this work, in June of
6 2013 Joan got her GED. That's typical of the
7 work of our volunteers across the state.

8 For these reasons and so many more, it
9 is apparent to me as well as my colleagues
10 across the state that we simply could not do
11 the quality important work that we do without
12 the support, the resources, the training and
13 access that Literacy New York provides.

14 Thank you so much.

15 CHAIRMAN DeFRANCISCO: Thank you very
16 much.

17 ASSEMBLYMAN OAKS: Just a quick
18 comment just to thank you for the
19 transformational work you do. And I really
20 appreciate how you use volunteers to make a
21 difference in people's lives.

22 And three of the chapters you
Page 331

23 represent are within my district, and I know
24 all of us look forward to the continued

¶ 410

1 successes you have. Thank you.

2 MS. CUDDAHEE: Thank you.

3 MS. CARDILLI: Thank you.

4 CHAIRMAN DeFRANCISCO: Thank you.

5 Coalition of Special Acts Public
6 Schools, Lori DeCarlo, together with the
7 853 Schools Coalition, Bill Wolff.

8 On deck is Mr. Sanchez and Ms. Zuber
9 from the Ossining Union Free School District.
10 If you'd start coming down, Ossining.

11 MS. DECARLO: I think it's official,
12 we need to change the greeting from "good
13 afternoon" to "good evening."

14 MR. WOLFF: We declared that we'd come
15 down together and go quickly, and I'm going to
16 go first.

17 Good afternoon. I'm Bill Wolff, the
18 executive director of the LaSalle School here
19 in Albany and the president of the New York
20 State Coalition of 853 Schools. Along with
21 the system of Special Act public schools, the
22 853 network provides what is often the last
23 opportunity a small number of New York's most
24 vulnerable children have for an education.

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1 As you probably know, the 853s are not
2 private schools or charter schools or

3 independent schools. We are a unique and very
4 effective and frankly commonly misunderstood
5 extension of the system of public schools that
6 ensure free and appropriate education for all
7 of New York's children.

8 I'm grateful for the opportunity to be
9 here and pleased with the increasing awareness
10 of the valuable role played by 853 schools in
11 our state, not only on the part of each of you
12 but also on the part of your colleagues
13 throughout the Legislature. And thank you.
14 Your advocacy has proven to be an essential
15 factor in the progress we've witnessed over
16 the last year.

17 Just yesterday the State Education
18 Department began to issue certified tuition
19 rates for 2013-2014, and for the first time in
20 five years there was an allowance, albeit
21 small, but a very important allowance for the
22 growth in expenses in direct care personal
23 services that have been unavoidable in the
24 operation of our programs. Thank you very

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1 much.

2 I've been the CEO at LaSalle School
3 for nearly 20 years. For longer than those
4 20 years, our programs have been funded by a
5 tuition methodology system that's widely
6 accepted by SED, by the Division of the
7 Budget, by our schools, and more recently by
8 many of you, upon your closer examination, to

9 be in need of reform. Most describe it as
10 broken.

11 And a year ago at this same joint
12 budget hearing a call went out for the reform
13 of the methodology that drives the funding of
14 853s and Special Acts. A great deal of work
15 has taken place since last year, and in
16 November the Regents approved a plan developed
17 by SED leadership, in collaboration with the
18 providers and others, that if implemented will
19 begin the process of critically important
20 reforms of that tuition methodology. In my
21 experience we've never had something like this
22 so substantial so close to being in our hands,
23 and I'm respectfully asking -- I'm actually
24 pleading -- for your support of the

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1 implementation of this proposal.

2 Key among the elements of the proposal
3 is a feature that would index allowable
4 increases in our tuition to certain regional
5 growth factors. This indexing is essential
6 because our tuition funding is not directly
7 linked to school aid. Meaning that decisions
8 by the Legislature and the Executive to
9 increase school aid do not result in increases
10 in our tuition or our operating funding.

11 So for years the kids served in our
12 schools have not had the benefit of any
13 increases in funding that their counterparts
14 served directly in the public schools have

15 clearly benefited from. The proposal will
16 help to fix this. We've taken our share of
17 hits. I'm not suggesting that we shouldn't,
18 you know, face cuts and face tightening in
19 budgeting, but this will help us greatly.

20 Children served in 853s and special
21 Act schools represent less than one-half of
22 1 percent of the school-age children in
23 New York. It's the rare child that gets to
24 our level of programming, and it usually means

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1 that everything else has been tried and what
2 has been tried has not worked.

3 In our programs the frightening
4 trajectories that the lives of these very
5 challenged children are on is often changed
6 dramatically. Last June, 13 LaSalle students,
7 our entire senior class, who a few years prior
8 had been given no doubt a very slim chance of
9 graduating, all received diplomas and 11 of
10 them were Regents diplomas. Without 853
11 schools -- not just LaSalle, but 853 schools
12 around the state -- graduation for those kids
13 and many others would not have been possible.

14 So again, thank you for your attention
15 to my complete testimony, or our joint
16 testimony we submitted. And in closing, let
17 me express my continuing enthusiasm for the
18 recent progress which I've said would not have
19 been possible without the Legislature. And
20 now, to avoid losing the ground we've gained,

21 your support for the proposal developed by SED
22 for the reform of the methodology so that our
23 schools can have an opportunity to achieve
24 stability is a wise investment. Thank you.

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1 MS. DECARLO: I'm Lori DeCarlo,
2 superintendent at Randolph Academy, a Special
3 Act school district in Western New York that
4 has two campuses, one near Buffalo and one
5 near Jamestown.

6 As an officer of the Coalition of
7 Special Act Schools, I'm here to join with
8 Bill in requesting your support for proposed
9 legislation that will add a growth index to
10 our tuition rate methodology. This reform
11 represents a significant first step in
12 correcting a flawed rate methodology that we
13 operate under.

14 I am also here to ask that the
15 Special Acts and the 853s be included in the
16 Smart Schools Bond Act. That act aims to
17 ensure that all students have access to the
18 latest technology needed to compete on the
19 global stage. Our students deserve the same
20 access.

21 Our schools have as great or possibly
22 a greater need for the fiscal support to
23 accomplish this goal. As schools, we must
24 also be equipped to implement online testing

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1 for state assessments in the near future, and
Page 336

2 many of our schools are ill-equipped with the
3 hardware and even the broadband signal to do
4 so.

5 To illustrate our need for technology
6 as well as our unique mission, I'd like to
7 tell the stories of two students.

8 Nick is a senior attending a
9 Special Act school as a day student. He came
10 to placement following a lengthy pattern of
11 truancy that culminated in a long-term
12 suspension due to a discipline issue in his
13 home school. Upon enrollment, this bright
14 young man was found to be undercredited and
15 entirely disengaged from academics. Frankly,
16 he was as at-risk as one could be, at risk of
17 dropping out of school.

18 Within weeks he formed connections
19 with caring staff in the small school setting.
20 His attendance began to improve. His teachers
21 implemented a blended learning model that
22 incorporated online coursework with one-on-one
23 tutoring. This was to help him catch up and
24 recover the high school credits that he was

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1 missing. The online software model provided
2 weekly monitoring reports to the teacher and
3 to Nick. His motivation began to soar, and he
4 made amazing academic progress.

5 It is now one year later, and Nick is
6 on track to graduate with a Regents diploma
7 this June. And he has plans to enter the

8 military.

9 Rochelle is another example of why
10 this fiscal support for the Special Acts and
11 853s is vital. She was adopted at age 10, but
12 the trauma of early childhood abuse and
13 abandonment left a lingering impact. Rochelle
14 struggles with depression and anxiety that
15 significantly impacted her academic progress
16 where she attended a high-needs rural school
17 district.

18 When she enrolled as a day student at
19 a special Act school, this fragile teen found
20 the support needed to thrive academically.
21 She is now a senior on track to graduate with
22 a Regents diploma this June. But her plans to
23 attend community college are fraught with fear
24 and anxiety.

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1 To help overcome this, a transition
2 plan was developed whereby Rochelle is dually
3 enrolled in a course at the local community
4 college during her last semester of high
5 school. School staff accompany her to the
6 college course to provide the encouragement
7 and support she needs to even have the
8 strength to enter the classroom. This is
9 building a bridge to support her
10 post-secondary goals.

11 On the practical side, all of
12 Rochelle's college work, the homework must be
13 done online. And there's no Internet access

14 in her home. It's essential that the
15 special Act school where she attends have the
16 technology available to help her do so.

17 Technology, coupled with the supports
18 of a small school setting, has turned the
19 lives of these two teenagers around. To
20 continue this life-changing work, the
21 special Acts and the 853s desperately need the
22 growth index to be added to our rate-setting
23 methodology, and inclusion in the
24 Smart Schools Bond Act.

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1 In closing, I'd like to thank you for
2 your long-standing support of our programs and
3 our students. We appreciate the commitment
4 that you have demonstrated over time by
5 engaging with us and identifying remedies that
6 will improve the rate methodology and bring
7 strength to our programs. Thank you for this
8 opportunity.

9 CHAIRMAN DeFRANCISCO: Thank you.

10 ASSEMBLYWOMAN NOLAN: Shelley had a
11 question.

12 CHAIRMAN DeFRANCISCO: Oh, okay. Go
13 ahead.

14 ASSEMBLYWOMAN MAYER: Okay. One, is
15 the effective date of the 3 percent increase
16 that DOB certified, is that for the current
17 fiscal year or the next fiscal year?

18 MR. WOLFF: It's retroactive, begins
19 on July 1st. So it's the 2013-2014 school

20 year.

21 ASSEMBLYWOMAN MAYER: Okay. And the
22 second question is, on the growth index that
23 you're proposing, have you costed out what
24 that would cost for the next budget year?

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1 MS. DECARLO: There's no impact on the
2 next budget year. Referring school districts
3 would pay the increase. In the next fiscal
4 year, there would be a \$20 million impact.

5 ASSEMBLYWOMAN MAYER: Okay. Thank
6 you.

7 CHAIRMAN DeFRANCISCO: Senator
8 Flanagan.

9 SENATOR FLANAGAN: Just quickly, Bill.
10 I haven't had a chance to talk to you. I hope
11 Robert is doing well and --

12 MR. WOLFF: He is. I just talked to
13 him the other day. He's still at Schenectady
14 Community College. He's working like crazy,
15 and he's going to be that cook at McDonald's,
16 hopefully soon, but he's getting there.

17 SENATOR FLANAGAN: If you think of it,
18 just tell him I was asking for him.

19 MR. WOLFF: I will. I will.

20 SENATOR FLANAGAN: And you were kind
21 and gracious in your assessment of some of the
22 work that's been done. Also important to
23 recognize, and both of you understand this,
24 that people like Lisa Timoney and Beth Berlin

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1 in SED, they're people who do the daily work,
2 and they have been extremely helpful. We have
3 a lot of things we still need to do, but --

4 MR. WOLFF: When I said others, there
5 are lots of others --

6 SENATOR FLANAGAN: Yeah, there are
7 lots.

8 MR. WOLFF: And folks at State Ed
9 genuinely looked very carefully at this, with
10 the Division of Budget, you know, right there
11 offering input. And we appreciate the work of
12 the Budget on this, absolutely.

13 SENATOR FLANAGAN: Okay, thanks a lot.

14 MS. DECARLO: Thank you.

15 ASSEMBLYWOMAN NOLAN: We have one
16 more. You've done such a good job you have
17 sparked the interest, even with everyone a
18 little tired. One of our newer colleagues,
19 Ray Walter, and he's been really patient. And
20 I apologize, I didn't recognize him right
21 away, so I apologize for that.

22 ASSEMBLYMAN WALTER: That's okay.

23 ASSEMBLYWOMAN NOLAN: Thank God Bob
24 Oaks and Ed Ra are here.

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1 ASSEMBLYMAN WALTER: That's right.
2 Well, thank you. Appreciate your
3 testimony and for being here and hanging in.
4 Gateway-Longview and the Lynde School in
5 Williamsville is in my district, and I

6 received a letter and they're certainly
7 advocating and following up on what you're
8 saying there.

9 In addition to the indexing of the
10 growth in the annual tuition, the other
11 recommendation that they mentioned was that
12 that would permit the schools to establish a
13 fund balance to address any unforeseen
14 fluctuation in expenses. That continues to be
15 a priority, and is that something that we
16 should also address?

17 MS. DECARLO: Yes, that is identified
18 in our written testimony.

19 ASSEMBLYMAN WALTER: Great. And so
20 you are by law not allowed to carry a fund
21 balance within your operating budget?

22 MS. DECARLO: Right.

23 MR. WOLFF: Basically that winds up
24 being -- has an adverse impact on any of the

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1 foregoing rates. You know, if you try to
2 reserve funds for emergencies or rainy days or
3 otherwise, yeah. Capital reserve or anything
4 like that that we can't do.

5 ASSEMBLYMAN WALTER: Okay. It seems
6 like a pretty straightforward fix. Thank you.

7 ASSEMBLYWOMAN NOLAN: I look forward
8 to continuing to work with you. We really
9 have enjoyed developing the relationship.
10 Thank you very much.

11 And Assemblywoman Mayer, thank you for

12 your steadfast leadership on our Subcommittee
13 on Students with Special Needs.

14 MR. WOLFF: Yes, the creation of your
15 subcommittee is terrific, absolutely terrific.

16 ASSEMBLYWOMAN NOLAN: It's making a
17 difference.

18 Next we have the Ossining Union Free
19 School District, Raymond Sanchez, and I know
20 some people with kids. And then will be the
21 New York Library Association, the School
22 Business Officials, the School Superintendents
23 and the School Boards.

24 Thank you.

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1 SUPERINTENDENT SANCHEZ: Well, good
2 evening. I'm Ray Sanchez, superintendent of
3 schools, and I'm joined by our assistant
4 superintendent for business, Ms. Alita Zuber.

5 I want to begin by thanking the
6 members of the State Legislature for this
7 opportunity to speak on behalf of the Ossining
8 School District. I also want to publicly
9 acknowledge and thank the parents, students,
10 board members and staff that took the time to
11 be here as well, and some of them are here
12 still in the audience.

13 You know, our focus here is to discuss
14 and share why the Ossining School District is
15 so unique. And I just want to share some of
16 the specific facts related to our school
17 district, some of the items that we feel are

18 our pride and some of the challenges that
19 we're facing.

20 First of all, we serve 4700 students
21 of a very diverse population. That being
22 said, that represents an increase of
23 17 percent since 2008, or a total of
24 660 students. As we project and look forward

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1 to 2021, we anticipate an additional
2 400 students just between our middle school
3 and high school.

4 Last year, Intel named our high school
5 the number-one school for math and science in
6 the nation. As has been discussed, we are
7 committed to early childhood and have been
8 since 1987. We have a pre-K that serves
9 approximately 250 students, and we actually
10 have a privately funded program that looks to
11 serve students from zero to three, and have
12 served over 2400 students since 2002. All
13 that with state aid being frozen as it relates
14 to pre-K for the past five years.

15 we have dual language programs that
16 focus on biculturalism, biliteracy and
17 bilingualism. We are partnering with local
18 universities to look to align our curriculum
19 to form a P-TECH model. We very much support
20 the athletics and the arts. In fact, our
21 community was named the best community for
22 music education for the third year in a row.
23 And we've had approximately 70 scholar-athlete

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teams over the past four years.

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1 Moving forward, we're looking to
2 support our community through such initiatives
3 as the Community Learning Center, which looks
4 to leverage some of our local businesses,
5 municipalities and nonprofit organizations to
6 provide services for our community members and
7 our students.

8 With that, we've seen many, many
9 challenges and changes to our community.
10 We've seen an increase in students living in
11 poverty by 27 percent, a 35 percent increase
12 in free and reduced lunch students, a
13 23 percent decrease in adjusted gross income
14 per pupil, and a 7 percent decrease in
15 property value per pupil as well.

16 We've had to make some very difficult
17 cuts to our programs. In fact, while we're
18 seeing increases in enrollment, we've
19 decreased over a hundred positions over the
20 past four years. We've cut library media
21 specialists from our elementary schools.
22 We've reduced teaching assistant hours across
23 our district. And all our elementary programs
24 have been eliminated.

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1 With that, I'd like to turn it over to
2 Ms. Zuber, who will discuss a little bit more
3 of the finances.

4

MS. ZUBER: Good afternoon -- good
Page 345

5 evening. I just want to point out that
6 Ossining School District is the only public
7 school district here outside of the Big 5, so
8 I think that deserves some recognition about
9 how important we feel this issue is. We also
10 have several parents and board members that
11 are still here that have been waiting all day
12 because they value this issue as much as we
13 do.

14 The thing that I want to point out the
15 most is the issue of Foundation Aid. I don't
16 want to talk about Foundation Aid from the
17 perspective of it needing to be changed or to
18 be funded even more, but from the perspective
19 mostly of the fact that Foundation Aid has
20 this hold-harmless clause that is harming
21 Ossining.

22 Often when we are asked about revenue
23 or we're asked to increase our revenue, they
24 often ask us: "Well, what are your expenses?

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1 Have you reduced your expenses?" I want to
2 point out that before the tax cap came into
3 play we have been reducing our tax levy
4 increases significantly. In fact, if you look
5 at Graph 1 you'll notice that our tax levy
6 increases were in the double-digit range; now
7 they're down to 2.92 percent. In both the two
8 years that the tax levy cap has been in place,
9 we've stayed under the tax cap.

10 So we have a revenue problem, we don't

11 have an expense problem. And I'll explain to
12 you why. If you look at Graph No. 2, you'll
13 notice that in 2007-2008, when Foundation Aid
14 was first established, New York State actually
15 said that they would give us \$2,343 per
16 student, according to the formula. As you
17 know, the formula identifies student need. It
18 also identifies community wealth.

19 And again, if you note, our community
20 wealth is declining and our students'
21 needs are increasing. In fact, like
22 Mr. Sanchez said, we have a 35 percent
23 increase in the number of students looking for
24 free and reduced lunch and a 27 percent

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1 increase in the number of students living in
2 poverty since 2007-2008.

3 So Foundation Aid was established in
4 order to help students in need, and it was
5 also established to provide extra support for
6 communities that can't afford to pay
7 additional. So in 2007-2008, like I said, we
8 should have received \$2,343 per pupil.
9 Instead, again looking at Graph 2, the middle
10 bar is what we actually received, which is
11 \$1500 per pupil. So already we started off at
12 a deficit of \$793 per pupil.

13 If you look at 2014-2015 our
14 projections, based on the increase in
15 enrollment -- and our enrollment continues to
16 increase -- is that the state should be giving

17 us about \$3,800 per pupil. Instead, it will
18 probably be giving us \$1546 per pupil based on
19 the trends that we've received over the past
20 eight years. So if you notice, \$1546 per
21 pupil is actually lower than the amount that
22 we received in 2007-2008.

23 And as you can also see, the gray bar
24 at the bottom just makes the problem even

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1 worse and exacerbates itself, compounds
2 itself, to the point where we were at a
3 negative \$793 per pupil, now we're at a
4 negative \$2,259 per pupil.

5 I think what concerned me the most,
6 and I have to thank organizations like AQE and
7 SSFC, in looking at all of the data for
8 Foundation Aid for the schools in New York
9 State, what I found was there are many school
10 districts that are very wealthy in our
11 community that are receiving twice as much
12 Foundation Aid as they should be receiving
13 according to the formula. In fact, the
14 minimum amount of Foundation Aid that a school
15 district can receive is \$500 per pupil.
16 There's a school district in our county that
17 is receiving \$900 per pupil and has been
18 receiving that amount for a long period of
19 time.

20 Again, because our enrollment is
21 increasing, we're seeing a decrease in the
22 amount per pupil.

23 So again, we also have sustainable
24 savings that we have addressed. And because

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1 we're not only looking at getting more
2 revenue, we're looking to cut our expenses.
3 And we've in fact changed the trajectory of
4 our major expenses, including health,
5 including administrative costs as well as our
6 transportation costs.

7 So if you look at the graph at No. 3,
8 you'll notice that in 2009 -- and these are
9 actual expenses taken from Open Book
10 New York -- you'll notice that our actual
11 expenses for our administration or general
12 government was 11.2. In 2012-2013, we're down
13 to 10.7. For health, in 2009 we're 11.1 and
14 now we're at 11.4. You'll note that there was
15 a large spike of \$15.6 million, and under a
16 tax cap environment you know that's not
17 sustainable. Our transportation costs in 2009
18 were \$6.9 million, and now we're down to
19 6.6 million.

20 So we've in fact reversed the
21 trajectory of our expenses increasing, and
22 what we're asking is that you actually change
23 the trajectory as well by increasing the
24 amount of Foundation Aid that Ossining should

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1 be receiving based on the formula. So we're
2 asking that you unfreeze the hold-harmless

3 provision in the law and allow school
4 districts like Ossining that have seen a
5 significant increase in the number of students
6 as well as student needs, and as well as a
7 decrease in wealth of the community, by
8 providing us with the 66.5 percent Foundation
9 Aid. If Foundation Aid was phased in
10 according to the legislation, Ossining should
11 receive next year an additional \$7.5 million.

12 So again, I just wanted to make it
13 clear that we've done everything in our power
14 to reduce expenses. We've reduced our
15 energy -- we're looking to do an energy
16 performance contract. We received \$1 million
17 in competitive grants. We've worked with our
18 teacher and administrator associations to stay
19 within Triborough. We saved \$1.2 million over
20 12 years by refinancing bonds. And we also
21 were able to get the community to improve a
22 \$41.5 million capital project that does not
23 increase the tax levy.

24 So we've done all that we can to

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1 reverse expenses and in fact reverse the
2 trajectory of expenses, and what we're asking
3 is that you provide us with the Foundation Aid
4 that we're entitled to for the students that
5 are supposed to serve. And once again, we're
6 just asking for the 66.5 percent amount of
7 Foundation Aid that should be received in
8 2014-2015, which equates to an additional

9 \$7.5 million.

10 CHAIRMAN DeFRANCISCO: Thank you.

11 Okay, you're on. Are you the person
12 who requested the Ossining District to be on
13 the agenda?

14 ASSEMBLYWOMAN GALEF: No, I didn't
15 request, but I'm very glad that they are here.

16 Sandy Galef, and I represent the
17 Ossining Community.

18 But I think what came to mind was the
19 fact that Ossining is within a very wealthy
20 county. Westchester County has more wealth
21 than anywhere, and yet within that sits
22 pockets, and I look at Shelley Mayer there
23 representing the Yonkers district. I
24 represent Ossining and Peekskill. There are

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1 places within our county where the needs are
2 very, very great. And when you take the
3 Foundation Aid and don't let it run its course
4 when you have particularly an increase in
5 population, as they have, it's such a
6 disservice to our children.

7 So I think they presented a very good
8 case. And I know there are other communities
9 probably that are in a similar situation as
10 yours; maybe you could discuss a few of them.

11 MS. ZUBER: I want to point out that
12 Ossining is one of eight school districts in
13 New York State that has seen an annual
14 increased enrollment and is also underfunded.

15 Ossining is the eighth-lowest-funded school
16 district in New York State for Foundation Aid,
17 some numbers that we obviously aren't proud
18 of.

19 So again, we represent a very small
20 minority of school districts that are
21 underfunded with Foundation Aid and also have
22 seen annual increased enrollment. In
23 particular my school district where I live,
24 they closed the school because the enrollment

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1 has gone down. There's other school districts
2 that have been able to do the same thing. But
3 Ossining can't do that, and we in fact project
4 an additional 400 students going forward, so
5 the numbers are not declining.

6 So as we have more students enrolling,
7 the numerator gets bigger. If the denominator
8 doesn't get any bigger, then we have a problem
9 with the per-pupil cost that you've seen that
10 have exacerbated to a funding level of about
11 40 percent.

12 SUPERINTENDENT SANCHEZ: So I just
13 want to add that obviously through attrition,
14 that provides its own savings. So obviously
15 decreases in student population leads to less
16 need for staff.

17 Again, as noted before, we're seeing
18 increases and we're going in the wrong
19 direction. We're cutting staff while we're
20 seeing more and more students. And this isn't

21 a bubble, these are real students that are --
22 as I noted earlier, we anticipate another
23 400 students just between our middle school
24 and high school alone.

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1 And I think earlier on and throughout,
2 the theme has been there's been a lot of
3 discussion about early childhood. We've seen
4 a stable amount of state aid of \$850,000 that
5 hasn't changed. So as the costs continue to
6 increase as relates to prekindergarten, our
7 general budget has had to absorb those set
8 costs. So we're not shying away from our
9 commitment. We value it. In fact, we've
10 developed other programs to serve our students
11 even at an earlier grade or earlier ages, from
12 zero to 3. But we're reaching a point where
13 some of the same programs that I shared with
14 you and highlighted are becoming a challenge
15 to maintain.

16 CHAIRMAN DeFRANCISCO: Thank you.

17 Thank you very much.

18 SUPERINTENDENT SANCHEZ: Thank you.

19 CHAIRMAN DeFRANCISCO: And the next
20 speaker is Jeremy Johannesen, New York Library
21 Association.

22 On deck is Michael Borges, School
23 Boards Association.

24 MR. JOHANNESSEN: Good evening. I'd

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1 like to thank all the members for this
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2 opportunity to speak to you.

3 I'm not going to read my testimony to
4 you and am just going to make a few brief
5 remarks because I know that each of you are
6 library supporters.

7 And you're familiar with our refrain:
8 Libraries are education. They deliver
9 educational opportunities at every stage of
10 life. Every time a New Yorker sets foot into
11 a library, they are embracing the opportunity
12 to better themselves. Libraries bridge the
13 digital divide, providing access to
14 information infrastructure. And in nearly
15 three-quarters of New York's communities, the
16 public library is the only source of free
17 Internet access.

18 Libraries fuel economic development
19 and have stepped up to serve as job placement
20 and career training centers and even serve as
21 small business incubators. In the wake of
22 Superstorm Sandy, libraries stepped up and
23 served as first restorers, helping to bring
24 the communities back to normalcy following the

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1 disaster. Libraries are also models of
2 efficiency. The library systems structure
3 delivers, according to the State Education
4 Department, a return on investment of over
5 7-to-1 for every dollar invested.

6 But the meat of the issue here today
7 is that library aid in New York State is

8 woefully underfunded in the New York State
9 budget. Library aid, as stipulated in
10 Education Law, should be at \$102 million, and
11 in the Executive Budget the Governor cut us
12 back to \$81.6 million, which is 1997 levels.
13 The investment in libraries is so small that
14 even if it were fully funded it would still
15 represent only one-tenth of 1 percent of the
16 state budget.

17 So I'm calling on you all and asking
18 for your support in putting a place a
19 multiyear, tiered commitment to funding
20 libraries at 21st-century levels so that they
21 can live up to the potential that they hold
22 for bettering the lives of every New Yorker.

23 CHAIRMAN DeFRANCISCO: Thank you.

24 And for you and the next few speakers,

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1 the order in which you're placed in this
2 hearing means no disrespect. It's just that
3 sometimes when scheduling takes place, things
4 happen. And so I just want to make sure you
5 all know that.

6 So I appreciate it. I'm with you a
7 hundred percent, and I'm sure that's true for
8 everybody that's bold enough to be here.

9 ASSEMBLYMAN OAKS: We do have a quick
10 question from Mr. Ra.

11 ASSEMBLYMAN RA: Just quickly. And I
12 don't know how much this really is a question,
13 but obviously, again, we're kind of fighting

14 from behind on the library issue. I agree
15 with everything you said about the services
16 the libraries provide.

17 And there's a bit of irony, I think,
18 to it, because libraries have demonstrated
19 that kind of shared, cooperational, efficient
20 model that we seem to be looking for from a
21 lot of other entities. So there's a little
22 bit of irony that unfortunately we seem to be
23 fighting from behind each year with regard to
24 the budget.

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1 But I think especially in this time,
2 be it with all the things going on in
3 education, be it the job market out there and
4 people looking for resources, whether it be to
5 use a computer or go to books, you know,
6 libraries seem to be more important than ever
7 even though we're seeing such an influx of,
8 you know, using different technology, whether
9 it's iPads, E-readers. There's still a value
10 to a brick-and-mortar place where there's
11 books but also all the other resources that
12 come along with it.

13 So I just wanted to lend my support
14 too. Hopefully I get that restoration again
15 in the budget this year, and hopefully we'll
16 reach a time that we can be looking for
17 additional funding rather than trying to just
18 get a restoration. But thank you for your
19 patience today, because it is a very important

20 issue I know to all of my colleagues.

21 MR. JOHANNESSEN: Thank you very much,
22 Assemblyman. I couldn't have said it better
23 myself.

24 CHAIRMAN DeFRANCISCO: Thank you.

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1 Michael Borges, executive director,
2 New York State Association of School Business
3 Officials, to be followed by Robert Lowry.

4 Looks like Mr. Borges is a split
5 personality here; we've got a few of you came
6 up. Oh, you've got the School Boards
7 Association?

8 MR. BORGES: Yes. I'm Mike Borges
9 with the School Business Officials.

10 MR. LITTLE: Dave Little, School
11 Boards.

12 MR. LOWRY: Bob Lowry, from the
13 Council of School Superintendents.

14 CHAIRMAN DeFRANCISCO: Boy, that's
15 great. Thank you. Just for that, we're going
16 to get more funding for all your
17 organizations.

18 (Laughter.)

19 MR. BORGES: Great. Well, thank you
20 for sticking around to hear us speak.

21 And I want to especially thank my own
22 Senator Tkaczyk for mentioning our report this
23 morning that got released about school
24 insolvency.

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1 Just briefly, I know since the hour is
2 late and the time is limited, I just want to
3 go briefly over the Governor's proposal.
4 Basically the \$603 million increase in school
5 aid is really composed of a \$323 million
6 restoration of GEA, so no new money there,
7 which leaves about \$1.3 billion left to
8 restore. Which, if you go with \$323 million,
9 is another four or five years' worth of
10 restorations. The remaining 603 is
11 \$280 million or more for expense-based aids,
12 which is really reimbursing school districts
13 for expenses that they incurred the previous
14 year. Again, no new money for operating
15 costs.

16 There is \$74 million allocated to an
17 undefined fiscal stabilization line. This
18 compares to the \$203 million last year that
19 the Governor put in for fiscal stabilization.

20 The Executive Budget proposal on the
21 property tax freeze again only seeks to cap
22 our local revenues and not our expenses. And
23 we're still waiting for details on how that
24 would work and how it would be implemented.

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1 The \$2 billion technology bond act,
2 the Smart Schools Bond Act, we support the
3 intent, but it would make more sense and cost
4 taxpayers less to fund these technology
5 purchases by increasing hardware and

6 technology aid categories. It makes no sense
7 to borrow money to pay for iPads or tablets
8 that have a shelf life of three to five years.

9 Pre-K initiative. Again, another
10 worthy initiative, and given unlimited
11 resources, something the state should invest
12 in. But given our current state of limited
13 resources and tax caps and cuts in aid, we
14 need to invest in K-12 first, restore all the
15 GEA, fully fund Foundation Aid, and before
16 embarking on any new initiatives, we should
17 invest in K-12.

18 The tax cap, as someone else had
19 mentioned earlier, is going to be 1.46 percent
20 for the coming school year, further reducing
21 local resources for our schools --
22 particularly hard given that the expected
23 increase in TRS is going to be between 6 and
24 9 percent. Increases in healthcare costs are

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1 expected around 7 percent. And I just read
2 the other day that natural gas costs have
3 doubled in the last couple of weeks. And the
4 lady from Buffalo, one of our members from
5 Buffalo mentioned the fact that their entire
6 state aid increase was going to be taken up by
7 their pension costs, Barbara Smith from
8 Buffalo.

9 The Executive Budget also fails to
10 address the Building Aid interest rate
11 recalculation which will cost school districts

12 approximately \$26 million. About 500 school
13 districts statewide will lose out on
14 \$26 million in building aid because the
15 Governor did not omit the rate recalculation
16 like he did in the previous year. Last year
17 we were able to secure a two-year moratorium
18 on recalculating the interest rate, which
19 saved school districts about \$32 million.

20 Included on our handout is our school
21 aid proposal, which calls for about
22 \$2.6 billion in additional school aid and
23 mandate relief over the next year, although we
24 phase out the GEA over three years and phase

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1 in the Foundation Aid Formula over the same
2 time period.

3 In our handouts we also have our
4 report about school insolvency, which examines
5 recent data that puts in perspective the
6 threat of both fiscal and educational
7 insolvency that many school districts face.
8 In the report it shows that 261 school
9 districts had reductions in fund balances,
10 544 school districts lost staff, and most
11 troubling are the 206 school districts who
12 have lost staff and fund balances during that
13 three-year time period.

14 During the last five school years
15 between 2008-2009 and 2012-2013, schools lost
16 10 percent of their professional staff and
17 3 percent of their pupils. And this kind of

18 rate of attrition is not sustainable.

19 Also, in terms of mandate relief,
20 again as many other folks have mentioned,
21 there is minimal if any mandate relief in the
22 Governor's proposal. And lots of
23 recommendations are out there, small to large,
24 which we think the Legislature should consider

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1 as a way of reducing our expenses.

2 Again, thank you for again for giving
3 me the opportunity to speak, and I'll turn it
4 over to Bob next.

5 MR. LOWRY: Well, thank you.

6 Chairwoman Nolan, Chairman DeFrancisco
7 and other members of the Legislature, I'm Bob
8 Lowry, deputy director of the New York State
9 Council of School Superintendents.

10 With my testimony is a copy of a
11 report we released two weeks ago -- you should
12 have already received it -- titled Not Out of
13 the Woods. It's our third annual survey of
14 superintendents on financial matters. And the
15 title reflects the conclusion that despite the
16 state aid increases of the last few years, too
17 many districts are worried about either
18 financial or educational insolvency or both,
19 and too few have been able to restore cuts to
20 programs, damage to programs over the last
21 several years.

22 Our survey shows over the next four
23 years, over a third of superintendents

24 anticipate that their districts could become

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1 financially insolvent, and over 43 percent say
2 their districts could become educationally
3 insolvent, unable to fund all the state and
4 federal instructional and student service
5 requirements.

6 we also have a chart showing that,
7 again, despite the state aid increase this
8 year, in 19 categories of programs and
9 services more superintendents anticipate a
10 negative impact on those areas than a
11 positive, except in one area, school safety --
12 and most of the positive responses are from
13 the Lower Hudson Valley, the area across the
14 border from Newtown, Connecticut.

15 For the third year in a row, 40
16 percent of superintendents anticipate a
17 negative impact from their budget on extra
18 help for students who need it.

19 with the improvements in the state
20 fiscal outlook, with the state aid increases
21 of the last two years, I think some optimism
22 was starting to develop that perhaps there was
23 light at the end of the tunnel, that we could
24 begin to make some progress in reversing the

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1 damage of the last two years. Unfortunately,
2 the Governor's budget doesn't do enough to
3 help districts either with near-term
4 challenges of putting together budgets for

5 next year or the longer-term challenges that
6 many of them worry about.

7 Even with the increase this year, over
8 60 percent of the districts in this state
9 would get less help than in 2008-2009, six
10 years in the past. And if you leave out
11 Building Aid, the figure rises to over
12 80 percent.

13 It's true, as the Governor has said,
14 that enrollment has gone down in many
15 districts, but other things have gone up. The
16 Consumer Price Index has increased by
17 2.2 percent a year. The contribution rate for
18 the Teachers Retirement System has more than
19 doubled. Health insurance premiums for the
20 state, those have gone up by 4 percent a year.
21 And also mandates, teacher evaluation and
22 principal evaluation mandates and the
23 Common Core.

24 The Governor's budget would increase

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1 basic school aid that appears on the school
2 aid runs by \$603 million, or 2.9 percent. The
3 seven statewide education groups, including
4 our three plus NYSUT and the PTA, SAANYS and
5 the Big 5, have said \$1.5 billion would be
6 needed to just to maintain current services
7 given the limits on the ability to raise money
8 locally created by the property tax cap. So
9 we see an increase of \$1.5 billion as needed,
10 again, just to maintain current services.

11 We oppose the Governor's property tax
12 freeze proposal. It would make more sense to
13 start to phase in a circuit breaker instead as
14 a way to provide targeted help to the people
15 who most need help. The freeze would put
16 local leaders in a no-win position. Either
17 they would have to forgo revenues, ask for an
18 override and -- either have to forgo asking
19 voters for an override of the tax cap to give
20 them the revenues they may see as needed to
21 preserve opportunities for students, or ask
22 their residents to forgo the rebates that
23 would create the freeze, almost assuring that
24 their budget would be voted down and then they

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1 wouldn't be able to raise their tax levy at
2 all.

3 We also think the proposal to require
4 districts to participate in a shared services
5 or consolidation plan with other districts,
6 led by the largest district and their BOCES,
7 doesn't make sense. We support efforts to
8 streamline voluntary consolidation to promote
9 more sharing of services in regional high
10 schools, but many districts have already
11 exhausted the opportunities that are out there
12 to share services, and eight out of the last
13 10 attempts to consolidate districts have been
14 voted down.

15 We do support efforts to expand pre-K,
16 and the technology bond issue might do some

17 good. We share the observation that some of
18 the technology that districts need to buy now,
19 it isn't appropriate to fund through bond
20 issues. But it could do some good, and it is
21 welcome that the bond issue would support
22 construction of pre-K space.

23 The last thing I'll say is I've been
24 involved with education policy for over

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1 25 years; I've never seen the level of discord
2 that we have right now. The Governor has
3 called for a panel to review implementation of
4 the Common Core. We appreciate the efforts by
5 Senator Flanagan and Assemblywoman Nolan
6 convening hearings on issues related to the
7 Regents reform agenda. The Governor's panel
8 could provide a vehicle for focusing the
9 discussion to ensure that we get thoughtful,
10 constructive solutions developed and put on
11 the table.

12 We do think that one of the reasons
13 why we got here is that policymakers didn't
14 listen to practitioners in the field, so it
15 would be important for this panel to include
16 practicing educators and school district
17 leaders and to listen to what they have to
18 say.

19 I do want to thank you for your
20 efforts in support of improving the
21 rate-setting process for the 853 schools and
22 for your past support, and we look forward to

23 working with you and with our colleagues to
24 produce a budget that does address the

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1 long-term challenges that our school districts
2 are still facing.

3 MR. LITTLE: I'm Dave Little from the
4 School Boards Association.

5 I think perhaps the best way that I
6 can encapsulate the negotiations that are
7 before you is by the analogy that I heard day
8 before yesterday about the veterinarian and
9 taxidermist that went into business together,
10 the sign out front saying "Either way, you'll
11 get your dog back." With all due respect,
12 personal respect to the Governor, I think from
13 a public policy standpoint the Executive
14 Budget proposal that he's put before you for
15 consideration would leave us with a dead dog.

16 You know, we've got an analysis by the
17 Educational Conference Board that we're all
18 members of that would indicate that simply
19 without any additions whatsoever, simply to
20 roll over existing programs and services by
21 cost, from this year to next year, takes
22 \$2.2 billion. With a 1.4 percent tax cap
23 imposed on school districts that are able to
24 raise \$700 million, that leaves \$1.5 billion

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1 for the state if they're to stay at the cap.
2 The Governor has proposed \$608 million. He's

3 proposed a couple of hundred million for
4 extraneous programs -- perhaps worthwhile
5 programs -- beyond that, but \$608 million
6 directly to support that \$1.5 billion that's
7 needed for next year.

8 Quite honestly, that's not a plan for
9 building what he describes as world-class
10 schools of the future, that's a plan for
11 systematically decommissioning our public
12 educational system.

13 We have tremendous efforts ongoing out
14 there to try and address this. Shared
15 services. And yet the proposals when taken in
16 aggregate that he's proposed are tremendously
17 destructive. The property tax relief proposal
18 makes great sense, except that you're
19 presupposing that districts, as they have in
20 the past, would stay at or below the cap. The
21 cap to date has been an extremely effective
22 mechanism of restraining school spending.
23 Virtually no school districts statistically
24 are successful in going over the cap, and at

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1 the same time school districts that stay below
2 it have historically been successful in their
3 budget votes.

4 So to take that amount and say that
5 we're going to reward taxpayers in districts
6 that stay at the cap, and then systematically
7 have an amount of money that's less than half
8 of what's required to allow them to get to the

9 cap with their current programs, presupposes
10 that you're going to cut programs and services
11 at a tremendous rate.

12 It's in my mind disingenuous to
13 presuppose that school districts would be able
14 to do that when the chart that you'll see in
15 our testimony -- you can see your own areas,
16 the areas that you represent, and virtually
17 all areas of the state show that school
18 districts are being funded at 2008-2009
19 levels. Quite honestly, what that means is
20 that your local taxpayers have borne the whole
21 brunt of the burden of increases for five
22 years. And that's with the tax cap. And
23 school districts were self-imposing a tax cap
24 before there was a statutory one.

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1 so the program for a \$2 billion bond
2 act, as speculative as that is -- and despite
3 the fact that it uses the exact same method of
4 financing that the Governor criticized as
5 creating a \$10 billion deficit -- that would
6 be helpful. Certainly money for pre-K and
7 money for after-school and money for teacher
8 bonuses would all be helpful in the overall
9 scheme of things.

10 But the fact of the matter is that
11 none of it makes any sense if you can't pay
12 for the things that you've got already. Why
13 would we have universal pre-K at the expense
14 of cutting half-day and full-day kindergarten

15 programs and send kids home? The plan doesn't
16 make sense as it's written. You've done a
17 good job in the past of trying to synthesize
18 those initial efforts into a final product.
19 We would ask that you make that effort again
20 this year.

21 One thing that I would say in support
22 of the Governor's proposal, the one mandate
23 relief proposal that he includes, flexible
24 waivers for special education. That would be

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1 in compliance with federal law; it makes
2 perfect sense. We have a duplicative and
3 costly system in New York State. As the son
4 of Russell Sage's director of special
5 education, I can tell you that the way that we
6 do things is costly beyond belief to my
7 colleagues around the country. We don't
8 provide services any better, but we provide
9 them in a much more costly manner. And I
10 would ask you to take a look at that and
11 support that recommendation.

12 Thank you.

13 CHAIRMAN DeFRANCISCO: Thank you. So
14 I take your remark as if the patient dies or
15 the dog dies, it's not going to do much good
16 to give them pre-K instruction. Well, I don't
17 know if --

18 MR. LITTLE: Yeah, that's where we
19 are.

20 CHAIRMAN DeFRANCISCO: -- that's a

21 good analogy or not. But in any event, are
22 you basically saying if you had your druthers,
23 all those special packages; whether it's
24 \$100 million for pre-K, whatever it is for

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1 competitive grants, for Teachers of Excellence
2 and all that stuff, it's more important at
3 this point to use those dollars because of the
4 crisis to either eliminate the Gap Elimination
5 or to drive more money to the Foundation Aid?

6 MR. LITTLE: Much as I hate to admit
7 it, I surpass Bob's years. This is my
8 30th year either working in the Legislature or
9 working on education with all of you. And I
10 will tell you, I've never seen a five-year
11 period of time that has been any more -- I
12 don't want to say destructive, but as --

13 CHAIRMAN DeFRANCISCO: Okay, but
14 what's the answer? We'd love to hear the
15 preamble, but what's the answer?

16 MR. LITTLE: Yes.

17 MR. BORGES: Yeah. Competitive grants
18 don't work for school districts.

19 MR. LITTLE: We've got to pay for what
20 we've got before we start paying new things.

21 MR. BORGES: Exactly.

22 MR. LOWRY: And that's the predominant
23 reaction from our members, is this is great
24 stuff, but what about the basics?

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1 And the pre-K proposal, that would be
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2 for districts to opt in. I think in order for
3 districts to opt in, they want to be assured
4 that the funding for pre-K is going to be
5 sustained, but also the funding for what comes
6 after: kindergarten, first grade and second
7 grade. So I don't think you're going to be
8 successful phasing in pre-K without taking
9 care of --

10 CHAIRMAN DeFRANCISCO: And I'm not
11 suggesting that you're against pre-K or
12 anything like that, but I'm just saying
13 that --

14 MR. BORGES: If we had to prioritize,
15 would we prioritize K-12 spending over pre-K
16 spending? I would say yes.

17 CHAIRMAN DeFRANCISCO: Or a new
18 program. Okay, thank you.

19 ASSEMBLYWOMAN NOLAN: Mr. Walter has a
20 question.

21 ASSEMBLYMAN WALTER: Thank you.

22 You know, the Governor has put forth
23 that the property tax is the most onerous tax
24 in the State of New York and says that the

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1 cause of that, during both the State of the
2 State and the budget presentation, was the
3 number of local governments that we have.

4 It always seemed to me that the number
5 of state mandates that we had drove our
6 property tax, but -- so I'd really like to
7 hear from you. Do you see an opportunity to

8 consolidate and share services that would have
9 significant savings to our property tax, which
10 school tax is the largest part of that? Or in
11 reality is it the state mandates that are
12 driving your cost?

13 MR. LITTLE: We've been sharing
14 services at a dramatic rate for the past five
15 years. There are some school districts that
16 even share superintendents at this point, and
17 other school officials.

18 There's been tremendous resistance
19 thus far in the Legislature to address the
20 concept of regional high schools, which is a
21 middle ground between the mergers and
22 consolidations that have been largely rejected
23 by the vast majority of communities that have
24 proposed them.

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1 Regional high schools is a concept
2 that is 40 to 50 years old and successfully
3 used in other states. We haven't been able to
4 try and figure out a construct that makes it
5 work. There are certainly opportunities for
6 further shared services, but at some point you
7 have to figure out whether or not you're going
8 to sustain what you have or provide the
9 opportunities through mandate relief to do
10 something else.

11 Neither the Governor nor the
12 Legislature has provided that mandate relief
13 thus far to an extent that makes any kind of

14 financial replacement for the kind of aid that
15 we need to move forward.

16 MR. BORGES: There actually are three
17 regional high schools operating in actually
18 Nassau County which work fairly well. And
19 it's beyond my understanding why the Regents
20 proposal for regional high schools hasn't
21 really moved forward, because I think we could
22 all endorse the idea of regional high schools
23 as being the less threatening and the easier
24 thing to achieve, as opposed to consolidation.

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1 As Bob was saying, I think the last
2 four votes on consolidation of school
3 districts went down in flames, and in large
4 part because our schools, our communities
5 didn't want to lose their identity, and, two,
6 always one of those communities see their tax
7 levies go up and other one goes down.

8 So until there's a way of addressing
9 the inequities of the merger, you're going to
10 see a lot more of those consolidations fail.

11 MR. LOWRY: I'd say the consolidations
12 that have been pursued, the idea of regional
13 high schools, those are more about preserving
14 opportunities for children than reducing
15 costs.

16 There probably are further
17 opportunities for savings in shared services,
18 administrative services, and we ought to
19 pursue them. But central administrative

20 spending, according to the State Education
21 Department, is 3 percent of district budgets.
22 You know, if we were creating a state from
23 scratch we wouldn't have 700 school districts.
24 But in fact, 29 states have more school

‡ 462

1 districts relative to enrollment than we do.
2 That's not the reason why our spending is so
3 high. It is the mandates.

4 ASSEMBLYWOMAN NOLAN: Bob Oaks.

5 ASSEMBLYMAN OAKS: Just a quick
6 question.

7 You were talking before about some of
8 the challenges in funding the universal pre-K
9 proposals and whatever. Have you had any
10 sense yet from your membership of, should the
11 funding be there, how many might take
12 advantage of it? You raise the concern of
13 worrying would it be available in the future
14 and whatever. But are these districts even in
15 a position to take advantage of it at this
16 point because of so many of the other
17 uncertainties in their funding?

18 MR. LITTLE: There are a few that
19 would be in a position to do that. But there
20 is universal skepticism about the longevity of
21 the funding.

22 I think they only need to go as far as
23 Foundation Aid. The basic funding for school
24 districts, there's not a penny of an increase

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1 in Foundation Aid in this budget. So when you
2 don't have an increase in that, why would you
3 expect to have funding in perpetuity for a
4 brand-new program?

5 MR. BORGES: Not every school district
6 in the state has full-day kindergarten. So I
7 think before you go to pre-K you might want to
8 make sure that every school district in the
9 state at least offers full-day kindergarten.

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MR. LITTLE: And there's a
transportation issue. And the construction
issue. To have the facilities associated with
school districts to provide pre-K is based on
the speculative proposition of a statewide
bond proposition that in itself assumes that
there would be support from the highly
populated areas of the state that already have
broadband access and generally have access to
computer hardware for their kids.

So the success of that bond
proposition, you know, I would say is tenuous
at best. And to base the construction of the
facilities you need for a \$1.5 billion
operating proposal for pre-K to me is tenuous

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at best.

ASSEMBLYMAN OAKS: I'd asked the
commissioner this morning on early childhood,
saying maybe would a better proposal be to
lump pre-K through 2 and allowing some of

6 those resources that we're trying to focus on
7 early education so that local districts might
8 be able to make some determinations on going
9 to full-day kindergarten, et cetera.

10 MR. LITTLE: Assemblyman, all I would
11 tell you about that -- and certainly from an
12 operational standpoint the flexibility would
13 be welcome. But in saying that we need to pay
14 for what we have first, we also recognize that
15 in many areas there's tremendous need for
16 universal pre-K. There are young students
17 that are dramatically in need of an improved
18 environment to be able to be successful later
19 on.

20 ASSEMBLYMAN OAKS: Thank you.

21 CHAIRMAN DeFRANCISCO: Senator
22 Krueger.

23 SENATOR KRUEGER: Thank you,
24 gentlemen. I will get back to you with

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1 questions; I just want to thank you all for
2 incredibly thorough testimony, the three
3 different documents that you submitted.

4 And there's a lot of discussion here,
5 but obviously the highlighted theme is when
6 you look at how much money has been removed
7 from the educational system over the last few
8 years, you all find yourselves desperate and
9 your school districts desperate. And I don't
10 think it's really a debate about the pros and
11 cons of UPK, but rather the need to have the

12 education funds to do what you're trying to do
13 with statistically so much less than what you
14 were anticipating having at this point in
15 history.

16 And I'm just curious because the other
17 side of the Governor's argument is if he uses
18 this freeze and circuit breaker to require
19 shared services, that it will all work out
20 within three years. So I'm wondering, have
21 you also, because you've done incredible work
22 here, evaluated can you reduce the number of
23 school districts in three years, could you
24 have a lot of savings that way?

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1 MR. LOWRY: Most of the money in is
2 the buildings, the schools, it's not in the
3 central offices. And as David says, we have
4 districts sharing superintendents now --

5 MR. BORGES: Business officials.

6 MR. LOWRY: -- business officials.

7 I was in the Binghamton area last
8 Thursday evening. Basically the BOCES is
9 operating all the business offices for all the
10 districts, as I understand it.

11 MR. BORGES: Central business offices.

12 MR. LOWRY: Yeah, a central business
13 office. So that kind of thing is going on.
14 It is a way to save money.

15 But again, most of the money is in the
16 school buildings. And as we said, voters --
17 often it's the case that school district

18 leaders, superintendents and boards, are ahead
19 of the community, saying, you know, we need to
20 look at consolidation. And often it's more
21 about preserving opportunities for kids than
22 about lowering taxes.

23 But eight out of the last 10 attempts
24 to merge districts have been voted down. And

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1 I think all of the mergers that have been put
2 up for votes since the start of the school
3 year have been rejected. So voters are
4 resistant to doing that.

5 And again, most of the money is in
6 instruction, 75 percent of school spending is
7 instruction. I would say, you know, there has
8 been consolidation that's gone on. It's
9 consolidation of school buildings. I think in
10 districts with over 5,000 students, over
11 29 percent of them have closed at least one
12 school building in the last three years,
13 according to our survey. So that that's going
14 on.

15 I think people are looking for ways to
16 avoid affecting instruction and other student
17 services. But again, that part of the school
18 budget, central administration, is small to
19 begin with.

20 MR. LITTLE: Study after study says
21 that there's no real fiscal savings in trying
22 to merge school districts, particularly in
23 New York State where you have to level up the

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contracts of the employees within the

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1 district. Our money is in people, you know.

2 So if you're trying to do the merger
3 to expand educational opportunities and you're
4 trying to retain the people and half of the
5 people are making less than the others and
6 you're going to increase their salary to the
7 new entity, the savings that you have for the
8 few administrators that you lose in the
9 process is more than offset by that as well as
10 the increased transportation that you have for
11 schools.

12 The really succinct answer to your
13 question is we can't get there in the third
14 year because we can't get there in the first
15 year. With \$608 million, we can't keep
16 districts under the cap. Okay? And
17 everything is predicated on that.

18 MR. BORGES: Actually, one of the
19 reports you were talking about, Syracuse
20 University did a study two or three years ago
21 which looked at school district consolidation,
22 and they found that in school districts of
23 less than 1500, it made sense. But over 1500,
24 it made no economic sense to merge.

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1 So there's no savings involved in
2 merging school districts of a certain size.
3 And we want to kind of go with what the
4 Syracuse University study --

5 CHAIRMAN DeFRANCISCO: And when
6 Syracuse University speaks, people listen.

7 MR. LITTLE: We certainly do.

8 (Laughter.)

9 CHAIRMAN DeFRANCISCO: Senator
10 Tkaczyk.

11 SENATOR TKACZYK: I just wanted to
12 thank all of your organizations for the work
13 that you do and the amount of time you put
14 into helping us understand the system we're in
15 with the education funding.

16 And I was glad to see this this
17 morning. I mean, this is the kind of data we
18 need to understand before we make these
19 decisions. So I appreciate the amount of work
20 and effort to get this out today and help us
21 understand the impact this budget is having
22 and the past five years have had on our school
23 districts. I wanted to thank you.

24 CHAIRMAN DeFRANCISCO: And I thank

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1 your efforts on consolidating the three
2 speakers into one time slot.

3 ASSEMBLYWOMAN NOLAN: And I saw that
4 there was a sort of a theme there of the road
5 traveled. I don't know if that was an
6 intentional one, but thank you.

7 MR. BORGES: I just want to point out,
8 though, that we did drop off at the beginning
9 of January the School District Fact Book with
10 the maps and --

11 SENATOR TKACZYK: I didn't get that.

12 ASSEMBLYWOMAN NOLAN: It was very
13 helpful.

14 MR. BORGES: I dropped it off at your
15 office this morning, so you should have gotten
16 it. If you haven't gotten it, please don't
17 hesitate to contact us, because it's very
18 valuable information.

19 ASSEMBLYWOMAN NOLAN: The next is
20 Fight Crime: Invest in Kids. Craig Apple,
21 Albany County sheriff; F. Michael Tucker, the
22 president and CEO of the Center for Economic
23 Growth; and Major General Michael Hall,
24 retired, U.S. Air Force. which we're always

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1 very honored to have people who served our
2 country be with us.

3 we have still quite a few other names
4 on this list. If someone wants to leave their
5 testimony, come down and see the staff and
6 we'll work it out as best we can. And we
7 really want to thank you and thank the
8 colleagues; I know I see some still in the
9 room and appreciate it very much.

10 (Discussion off the record.)

11 SHERIFF APPLE: First of all, thank
12 you for hanging in there on something that's
13 very important to us.

14 Thank you, members of the committee,
15 for giving us the opportunity to testify
16 today. We are members of Fight Crime: Invest

17 in Kids; America's Edge; and
18 Mission: Readiness, a family of organizations
19 known as the Council for a Strong America that
20 leverages the voices of unique and often
21 unexpected messengers in support of proven
22 investments in children.

23 I am Albany County Sheriff Craig
24 Apple, and I'm a member of Fight Crime: Invest

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1 in Kids, with a membership of more than 260
2 law enforcement leaders and crime survivors
3 across the state. I'm here today to talk
4 about pre-K and after-school programs.

5 We thank policymakers for elevating
6 these issues. Programs have long been
7 underfunded and fail to serve a majority of
8 the children. It's time to commit to both
9 initiatives and provide access to high-quality
10 programs to all children in this state,
11 especially those most at risk.

12 The pre-K connection is simple: Pay
13 now or pay later. We currently spend
14 \$2.8 billion a year on the incarceration of
15 about 66,000 people. A solid investment in
16 pre-K would lead to better performance in
17 school, fewer high school dropouts, and
18 ultimately fewer crimes committed and a
19 reduction in the number of prisoners.

20 While we applaud the Governor for his
21 commitment to universal full-day high-quality
22 pre-K, his proposed \$100 million investment

23 for the first year of implementation falls
24 short of our Executive Budget request of

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1 \$225 million. We ask for at least 225 from
2 the state to support local districts to add
3 new high-quality full-day pre-K seats.

4 The same holds true for after-school.
5 A real investment will make a big difference
6 in the lives of thousands of children who will
7 find stability and skill-building in
8 high-quality programs. We're asking for an
9 investment of \$9 million in quality
10 infrastructure in fiscal 2014-2015, in
11 preparation for five years of investment
12 beginning with \$160 million in fiscal
13 2015-2016.

14 That's the key: These programs must
15 be high-quality, and we must invest the
16 appropriate resources in them to ensure this.
17 As my colleague Michael Tucker will tell you,
18 businesses understand quality, and we must
19 insist on it for our children. We need to
20 stop the cycle of incarceration, and by
21 investing in our children I believe it's a
22 step in the right direction. We need to keep
23 our kids interested, educated, and watch them
24 thrive, not strive.

¶ 474

1 Thank you.

2 MR. TUCKER: Thank you. I'm Mike

3 Tucker, the president of the Center for
4 Economic Growth, the regional economic
5 development organization here in New York's
6 Tech Valley. I'm also a member of America's
7 Edge, a group of 150 business leaders from
8 across the state. We believe that we can
9 strengthen business by improving investment in
10 our children.

11 As Sheriff Apple has said, businesses
12 work hard to provide quality goods and
13 services for their clients and customers. Any
14 investment in early learning, whether it's in
15 pre-K or childcare, must ensure the highest
16 quality to ensure that this child is taken
17 care of. If it does not, we will not only do
18 our children a disservice, but we will not
19 receive a suitable return on the state
20 taxpayers' investment.

21 That return is \$1.86 for every dollar
22 spent in the early learning sector, more than
23 the revenues from construction, retail,
24 manufacturing, transportation and utility

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1 investments. And that's money that stays in
2 our local communities. I urge you to keep
3 that in mind as you work with your colleagues
4 on economic development strategies throughout
5 the state.

6 In addition to early learning, I'm
7 here today to talk about business leaders'
8 commitment to models along the education

9 continuum that help students develop the
10 skills needed in the private sector while
11 increasing student engagement, graduation
12 rates, and enrollment in postsecondary
13 training and education.

14 Seven in 10 new jobs created in
15 New York State between 2008 and 2018 will
16 require some type of formal education beyond
17 high school. Fourteen of the 25 fastest-
18 growing occupations in our state will require
19 postsecondary education. And we will face a
20 deficit of 350,000 mid-level skilled workers
21 if current education and market trends
22 continue.

23 If we are truly to leverage the
24 investment that New York State has made in the

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1 technology sector in our state, we need to
2 ensure that we continue to invest in a strong
3 educational continuum that will ensure we have
4 the workers for tomorrow. We believe that in
5 order to close this skill gap, New York State
6 should continue to invest in models that
7 strengthen communication, collaboration and
8 critical STEM skills and promote college and
9 career readiness, like the Common Core. While
10 we agree that the implementation has not been
11 perfect, we believe we must stay the course
12 and we must all come together to develop a
13 workable plan to implement these higher
14 standards.

15 We are willing to lend our expertise
16 in the effective implementation of Common Core
17 with you and others throughout the state in
18 order to ensure that children are well
19 prepared for the challenges and demands of
20 employment in the 21st century.

21 I thank you, and I know that General
22 Hall will now speak to those demands as well.

23 MAJ. GENERAL HALL: Thank you, Mike.
24 I'm Major General (Retired) Mike Hall, a

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1 member of Mission: Readiness, retired admirals
2 and generals dedicated to ensuring the success
3 of our young people.

4 Let me pick up on Mike's remarks about
5 Common Core first and then circle back to
6 pre-K. While there are other major
7 disqualifying factors, including being
8 overweight and having a criminal record, poor
9 educational achievement is one of the biggest
10 reasons why an estimated 75 percent of all
11 young Americans are unable to join the
12 military. Even among those who graduate from
13 high school in New York, 21 percent of those
14 seeking to enlist in the Army cannot join
15 because of low scores on military entrance
16 exams for math, literacy and problem solving.
17 Common Core is important as a strategy to help
18 raise this achievement by our young people.

19 For years each state has had its own
20 particular educational standards and tests to

21 assess student achievement. As a result,
22 there's a lot of confusion about how
23 students are doing. And the military has no
24 objective way to compare applicants from

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1 different states and has to use its own
2 assessment tool.

3 Also, for children in military
4 families, frequent moves can be unnecessarily
5 complicated by variations in school standards
6 and academic experiences. Many nonmilitary
7 children are also mobile and can be negatively
8 affected by this variation as well. In fact,
9 more than 2.5 million children moved out of
10 their home counties in 2011, and at-risk
11 children -- those who are poor and from
12 single-parent families -- are more likely to
13 have frequent moves.

14 That's why the Department of Defense
15 Education Activity, along with 45 states, the
16 District of Columbia, and four U.S.
17 territories, has adopted the Common Core.

18 Whether students choose to go into the
19 military or not, they need to be prepared for
20 whatever they do upon graduation. Not having
21 enough young people educationally fit to
22 serve, this is in fact a major threat to
23 national security. And while they are
24 unprepared for success in school and life

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1 early on -- which brings me back to the
Page 387

2 importance of pre-K -- high-quality learning
3 education programs can help reverse all three
4 of the primary disqualifiers to military
5 service: obesity, criminality, and the lack
6 of education. And again, whether they
7 ultimately choose to serve or not, pre-K helps
8 close the achievement gap and prepares
9 children for productive lives.

10 On behalf of Sheriff Apple,
11 Mr. Tucker, and our collective member
12 organizations, I thank you for the opportunity
13 to testify today and look forward to New York
14 State moving forward and providing
15 high-quality educational programs to all of
16 our children. Our organizations stand in
17 support of the Believe in Children Campaign.
18 A budget request which includes funding for
19 childcare is attached to our testimony. We'll
20 be happy to receive any questions you may
21 have.

22 CHAIRMAN DeFRANCISCO: Thank you.

23 Senator Tkaczyk.

24 SENATOR TKACZYK: I just wanted to

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1 thank you all for being here, especially our
2 Albany County Sheriff Craig Apple. I mean,
3 you could be doing other things, and I just
4 want to thank you for coming here and sharing
5 your thoughts. It's much appreciated.

6 SHERIFF APPLE: Thank you. It's
7 important to us.

8 (Discussion off the record.)

9 CHAIRMAN DeFRANCISCO: Thank you very
10 much. Appreciate it.

11 MAJ. GENERAL HALL: Thank you.

12 CHAIRMAN DeFRANCISCO: Catholic
13 Conference, last call. Citizens Committee for
14 children, last call.

15 New York Association for Pupil
16 Transportation, Peter Mannella. Oh, you're
17 consolidating? And John Corrado, New York
18 School Bus Contractors Association.
19 Excellent. Government consolidation.

20 MR. MANNELLA: Good evening, Senators,
21 Assemblymembers. I was going to thank you for
22 allowing us the opportunity to be here, but I
23 think I'll thank you instead for sticking it
24 out this long. It's a long day for all of

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1 you.

2 Our more than 600 members who are
3 engaged in the transportation of 2.3 million
4 children each day are proud of New York
5 State's tremendous school bus safety record.
6 We also want to call to your attention tonight
7 our efforts that we've taken to improve
8 efficiency in school transportation
9 operations, including school bus route
10 reassessments, longer walking distances for
11 children, reductions in fuel consumption,
12 including through reduced idling, sharing
13 services among and between districts,

14 adjusting school bus stop frequency and
15 distances, and increasing student loading
16 levels, among others.

17 Before I get fully into the testimony
18 I want to offer this evening, I want to pause
19 and share a moment of history with you. In
20 1939, 75 years ago this April, Dr. Frank Cyr,
21 a Columbia Teachers College professor and a
22 Stamford, New York, resident, convened a group
23 of educators and safety engineers to discuss
24 the safe transportation of school children.

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1 As a result of his work, National School Bus
2 Chrome, or what we know today as school bus
3 yellow, became the official color of school
4 buses in America, earning Dr. Cyr the title
5 "Father of the Yellow School Bus."

6 In recognition of this 75th
7 anniversary, we encourage you to celebrate the
8 yellow school bus and to visit the
9 transportation operations in your home
10 districts to learn a little bit more about
11 what we do to keep our children safe.

12 Regarding the overall state aid
13 package, we recognize that the Governor's
14 proposal includes an increase in state support
15 for schools, but we join with the Education
16 Conference Board and the Board of Regents to
17 call for an increase of at least \$1.5 billion
18 in school aid for the coming fiscal year. An
19 increase is needed that begins to restore the

20 extremely deep cuts that schools have dealt
21 with over the past several years to benefit
22 the state's overall health.

23 Regarding School Transportation Aid,
24 we recommend to the Senate and Assembly that

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1 you accept the Governor's proposal for School
2 Transportation Aid, which actually provides a
3 reimbursement for expenses that schools
4 incurred in the prior year, this year
5 increasing slightly by \$89 million over the
6 prior year. The cost of transporting a
7 student in New York is approximately \$675 per
8 year per student. That number could be
9 significantly lower if we could achieve relief
10 on several of the unproductive mandates that
11 we've identified and include later in our
12 statement.

13 We're pleased also that the Executive
14 Budget proposal continues to provide \$400,000
15 in state funding for the School Bus Driver
16 Safety Training Program. At a cost of
17 17 cents per student in this state, this
18 program needs to be continued and we recommend
19 that you include continued funding for the
20 program in the budget that you adopt
21 ultimately.

22 The topic of prekindergarten has come
23 up several times today. We have little to say
24 about how you dispose of the proposals that

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1 are out there, but this is an important
2 development and we're here to share with you
3 that there are significant issues, including
4 funding to support transportation for children
5 who are in pre-K programs that must be
6 addressed to ensure that children in those
7 programs are provided the safest and best ride
8 possible. These include support personnel,
9 safe loading and unloading procedures, proper
10 use of safety seats and safety vests, student
11 safety drills for younger children, driver
12 training, length of routes, parent
13 involvement, and distances for those children
14 to be transported.

15 The universal pre-K program expansion
16 is significant and demands our mutual
17 attention to the issue of safe transportation
18 for all UPK students. Currently no funding is
19 available to support school district
20 transportation of prekindergarten students.

21 Under the topic of school bus security
22 and protection -- which is not dealt with
23 specifically in the budget, but we need to
24 call your attention to it -- I remind you that

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1 tomorrow is the anniversary of the killing of
2 a school bus driver on January 29, 2013, when
3 a resident from Midland, Alabama, boarded a
4 school bus and demanded that the school bus
5 driver, Charles Albert Poland, turn over

6 children to him. When Driver Poland refused,
7 the man shot Poland four times and killed him.

8 This tragic event underscored the
9 potential vulnerability of school buses. It
10 forced all of us to ask serious questions
11 about the steps that we take to ensure the
12 security of our school buses, our drivers, and
13 mostly our children.

14 After taking time to assess the bus
15 itself and obstacles to enhancing security, we
16 recommend that the state budget allow school
17 districts to utilize Transportation Aid
18 funding and/or Safe-NY funding for purposes
19 such as constructing security fencing,
20 lighting and surveillance systems. All of
21 which are included, by the way, in recent
22 recommendations by the Transportation Security
23 Administration.

24 Under the heading of school bus

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1 equipment costs, after long-standing advocacy
2 before you for new school bus safety
3 equipment, we encourage you to advance a
4 top-to-bottom cost/benefit assessment of
5 school bus equipment that is mandated in
6 New York under the Vehicle and Traffic Law
7 that exceeds federal motor vehicle safety
8 standards. If such an undertaking is
9 successful, it could enable a lowering of the
10 costs per school bus while assuring parents
11 and students that their bus is as safe as

12 possible.

13 Another topic, GPS systems. Currently
14 school districts in New York State cannot
15 claim the cost of installing GPS-based
16 telematic systems that allow them to manage
17 their school buses and monitor them for
18 security reasons. Other states allow this to
19 happen. We've provided language in our full
20 testimony that allows for such technology to
21 be eligible under Transportation Aid, and we
22 recommend inclusion of that language in the
23 adopted budget.

24 As referenced earlier, NYAPT has

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1 offered our state's leadership an extensive
2 mandate relief wish list that we calculate
3 could result in some \$200 million worth of
4 savings. A sampling of the mandate areas
5 includes inefficient handling of special
6 education transportation requirements,
7 duplicative and costly fingerprinting
8 requirements for school bus drivers, extended
9 travel distances for nonpublic and homeless
10 students, costly lack of coordination of bell
11 times and annual school calendars, and
12 mandated use of backlit school bus signage on
13 school buses.

14 We urge you to look at the full list
15 which is provided in our testimony and to
16 discuss with us, work with us on ways that we
17 might be able to implement some of those

18 relief measures.

19 We are eager to pursue discussions
20 with the Legislature and the Governor on all
21 these issues. The yellow school bus, an icon
22 in our society for 75 years, provides access
23 for our students to their constitutionally
24 protected education. The bus is an integral

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1 part of the school day for more than
2 2.3 million children in New York. It's
3 incumbent on all of us to assure those
4 children and their families that their
5 school bus ride will be safe.

6 I look forward to any questions you
7 may have, and I want to introduce my colleague
8 Mike Martucci.

9 MR. MARTUCCI: Thank you. My name is
10 Michael Martucci. I am a board member of the
11 New York State School Bus Contractors
12 Association and an owner of Quality Bus
13 Service. I am here today in place of John
14 Corrado.

15 First of all, thank you again for
16 having us and waiting this long in the day to
17 hear our ideas.

18 Just a little bit on the positive
19 impact that the private school bus operators
20 have had here in New York State. Currently we
21 transport a little more than half of the
22 2.3 million school bus riders that we have
23 here every day. School bus contractors assist

24 in saving \$200 million of transportation costs

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1 each year to school districts. On average,
2 we're able to help school districts realize
3 savings of 20 percent in the operations in
4 which we engage in those public/private
5 partnerships.

6 Manhasset School District, for
7 example, on Long Island saved over \$1 million
8 of transportation costs by utilizing the
9 services of a private contractor, which
10 clearly was essential money that they were
11 able to deliver back to the classroom.

12 Turning to this year's Executive
13 Budget, Governor Cuomo has challenged our
14 school districts to be more efficient, and
15 I've come here today with one very simple
16 single budget initiative that could save
17 taxpayers here in New York, in our
18 cash-strapped districts, \$12 million a year.

19 Currently New York and our school
20 districts pay local and state sales tax on the
21 purchase of every school bus that's purchased
22 by a private school bus operator. It's hard
23 to believe, but at the end of the day any
24 school district that's utilizing the services

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1 of a private contractor is indirectly funding
2 the sales tax on the fuel, maintenance, parts
3 and vehicle itself purchased by the private
4 operator.

5 We are here today to offer a
6 cost-saving solution rather than ask you for
7 any additional money or funding. And really
8 we believe that it's just time to end this
9 silly budget merry-go-round. By exempting
10 school buses from sales tax, we're simply
11 following something that the Governor and the
12 Legislature had realized in the mid-1990s when
13 coach buses were exempt from sales tax. Coach
14 buses were exempt from sales tax because of
15 the public and environmental benefits
16 associated with riding a bus. And it only
17 seems logical that school buses should receive
18 the same treatment.

19 As I conclude my remarks, I know that
20 every dollar of savings is important. And we
21 believe that this initiative would not only
22 save school districts and again prevent the
23 continuation of this budget merry-go-round,
24 but put savings back where it belongs: in our

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1 classrooms.

2 Thank you again for the opportunity to
3 speak, and we look forward to working with you
4 as we move forward.

5 CHAIRMAN DeFRANCISCO: Just a
6 question.

7 The \$12 million in savings, are you
8 going to be reducing your fees for bus service
9 by \$12 million so the savings go to the state
10 rather than you?

11 MR. MARTUCCI: Excellent question.

12 CHAIRMAN DeFRANCISCO: I thought it
13 was a very good question.

14 (Laughter.)

15 MR. MARTUCCI: First, looking back,
16 certainly we're not asking for any sales tax
17 back on vehicles that we already have
18 purchased. That's gone. But moving forward,
19 it will help us control our costs and help us
20 mirror the Governor's --

21 CHAIRMAN DeFRANCISCO: I gotcha. I
22 got the point. I got the point.

23 And you're happy with the budget?

24 MR. MANNELLA: We are happy with the

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1 transportation aid budget, yes.

2 CHAIRMAN DeFRANCISCO: Well, if we
3 knew you were both happy, we would have had
4 you first today. Because you're the first
5 one, we waited all this time to find someone
6 who's relatively pleased.

7 Any questions?

8 MR. MANNELLA: And we yield back a
9 minute.

10 CHAIRMAN DeFRANCISCO: Anyone else?

11 All right, thank you. We're getting
12 down to the nitty-gritty.

13 ASSEMBLYWOMAN NOLAN: We're on a roll.

14 And I do want to thank you for having
15 a happy note, because I'm getting a little
16 giddy up here from the hour. So thank you

17 very much. Thank you.

18 CHAIRMAN DeFRANCISCO: United Jewish
19 Appeal Federation.

20 ASSEMBLYWOMAN NOLAN: Darcy Hirsh.
21 Darcy?

22 CHAIRMAN DeFRANCISCO: Oh, she is
23 here. You want to team up with the Orthodox
24 Union?

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1 MS. HIRSH: Sure thing.

2 ASSEMBLYWOMAN NOLAN: And then the
3 final witness will be Marian Bott from the
4 League of Women Voters.

5 I hate to ask this, because we really
6 don't want to stay too much longer, but is
7 there anyone in the audience remaining that
8 has been overlooked or is there any issue we
9 need to address?

10 CHAIRMAN DeFRANCISCO: I object.

11 (Laughter.)

12 CHAIRMAN DeFRANCISCO: Thank you.

13 Whenever you're ready you can start.

14 MS. HIRSH: Good evening. Thank you
15 all for sticking around tonight to hear the
16 two of us speak about nonpublic schools, and
17 particularly the Jewish schools.

18 Thank you, Senator DeFrancisco,
19 Chairwoman Nolan, Chairman Flanagan, honorable
20 members. My name is Darcy Hirsh, and I'm
21 director of day school advocacy at the United
22 Jewish Appeal Federation of New York, a

23 philanthropy that raises over \$200 million
24 annually from about 60,000 donors in New York

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1 City, Long Island and Westchester. We operate
2 over a hundred health and social service
3 agencies and help people worldwide. We have a
4 very strong investment in Jewish education and
5 believe that every willing family should be
6 able to afford a quality Jewish education.

7 And I have worked with Jeff here and
8 with the leadership over the last couple of
9 years to help secure additional funding for
10 nonpublic schools and appreciate your support,
11 particularly for the mandated service and CAP
12 reimbursements that we have seen over the last
13 couple of years, in addition to the nonpublic
14 schools safety program, the \$4.5 million that
15 were included in the budget last year that
16 have been so meaningful both to the schools
17 and to families who are thrilled to know that
18 the state is interested in helping to keep
19 their children safe and secure.

20 we are very pleased with the
21 Governor's Executive Budget proposal, which
22 includes a 3.8 percent in CAP and mandated
23 services reimbursement, and also \$4.5 million
24 again this year to fund the school security

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1 initiative. The CAP funding is \$14 million
2 short of the \$59 million in expenses accrued

3 by the nonpublic schools in the 2012 school
4 year, and we hope to work with you to ensure
5 that those additional funds are included in
6 the final budget.

7 We also praise Governor Cuomo for the
8 additional funding for universal pre-K as well
9 as his Smart Schools initiative, which we hope
10 that the nonpublic schools will be able to
11 participate in equitably.

12 Lastly and most importantly, we ask
13 that the Education Investment Tax Credit bill
14 be considered to be included in the final
15 budget. This bill, which many of you may be
16 familiar with, would allocate \$250 million
17 worth of tax credits to be available to donors
18 to both private school scholarship
19 organizations and entities that serve public
20 schools.

21 The goal of this program is to drive
22 private investment into education in New York
23 state in general by providing an incentive for
24 donors to contribute both to public and

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1 private school entities. As high as
2 50 percent of children at Jewish schools are
3 on some sort of scholarship aid. Families are
4 struggling to afford tuition, and schools
5 often will admit needy students at the risk of
6 covering costs, whether it's providing
7 competitive teacher salaries and benefits or
8 keeping up with up-to-date technology. And so

9 we believe that the Education Investment Tax
10 credit bill would really drive much money into
11 scholarships, and thus alleviating this issue
12 for the private schools.

13 Thank you for your consideration. I'd
14 be happy to answer any questions.

15 MR. LEB: All right, thank you very
16 much. I have "good afternoon" in my notes,
17 but I'm going to say "good evening," I'm going
18 to take the liberty of saying "good evening."
19 And thank you very much for sticking around to
20 hear us out; we really appreciate it.

21 Good evening, Chairman DeFrancisco,
22 Chairman Flanagan, Chairwoman Nolan, Senator
23 Krueger, Assemblyman Goldfeder, Assemblyman
24 Oaks, Assemblyman Ra --

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1 CHAIRMAN DeFRANCISCO: And everybody
2 else.

3 MR. LEB: Everybody. I want to make
4 everyone feel special. But seriously, thank
5 you very much for sticking around and hearing
6 us out.

7 I would love to say ditto to what
8 Ms. Hirsh just said and call it an evening,
9 but I'm a little bit more complicated than
10 that. So I'll make it very quick.

11 The Education Investment Tax Credit
12 that we mentioned, I think that will be a
13 great idea for us to be able to pass. I know
14 that there are some issues with it, but

15 hopefully we can work through that after
16 negotiations.

17 By the way, I represent the Orthodox
18 Union Advocacy Center and the Orthodox
19 Union-Teach NYS Initiative. Our sole priority
20 in Albany and New York City is to advocate on
21 behalf of nonpublic schools and all the
22 parents and the 125,000 or so Jewish students
23 that attend those schools.

24 We are very, very pleased, we're very

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1 happy, for the most part, with the budget.
2 The mandated services reimbursement, we have
3 full funding, we have payment towards the
4 arrears, which is about \$7 million this year
5 in the Governor's Executive Budget proposal.
6 CAP, as Darcy mentioned, is about \$14 million
7 below where it should be, so that would put us
8 at a full funding level, \$14 million, which
9 would be very much appreciated.

10 The Governor was kind enough to
11 include in his proposal \$4.5 million for
12 security funding, which puts us at \$9 million
13 in correlation with the Safe Act that was
14 passed last year that benefited public schools
15 but not nonpublic schools. So for us it's
16 really an issue of parity, of just having
17 things like safety and technology and all
18 other essential issues be provided to public
19 school students and private school students.

20 Because our mentality is that it

21 doesn't make a difference if you attend public
22 school or private school -- if you're a
23 student, if you're a child in a school, you
24 should be able to have access to the same sort

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1 of essential services that are made accessible
2 to all public school students.

3 And our concern is that the \$2 billion
4 Smart Schools initiative will leave out the
5 nonpublic schools. We're concerned about
6 that. We would hope that as, you know, we're
7 all paying for the bond, so we would all have
8 access to those funds, as well as the UPK.
9 UPK is a great program, it provides an
10 essential service to all children, all
11 students, and we are hoping as well that
12 anything that's made available to public
13 school students as far as UPK is concerned is
14 made available to nonpublic school students as
15 well.

16 And that's really all I have to
17 comment on. So I'd be happy to answer any
18 questions as well, and I thank you all very
19 much for your time.

20 CHAIRMAN DeFRANCISCO: And thank you
21 for the patience. I know it would have been
22 an ecumenical presentation, because I've got
23 the feeling the Catholic Conference had the
24 same priorities as you had. So thank you very

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1 much for your patience.

2 MR. LEB: Thank you very much for your
3 time.

4 CHAIRMAN DeFRANCISCO: And now for the
5 featured speaker, last of the evening, League
6 of Women Voters, Marian Bott.

7 ASSEMBLYWOMAN NOLAN: And let me just
8 say to you we're going to follow up with you
9 on some of these issues, obviously. And also,
10 speaker Silver had really worked hard, we had
11 a childcare credit that we did a while ago,
12 and I don't see it in your list. But we'll
13 follow up on some of the issues that we care
14 about.

15 Thank you very much.

16 CHAIRMAN DeFRANCISCO: And thank you
17 for your patience.

18 ASSEMBLYWOMAN NOLAN: And thank you
19 for all of the work that you do. I know that
20 the League is a volunteer group, and to stay
21 this many hours and be with us, you know, we
22 really appreciate it. Thank you very much.

23 MS. BOTT: Well, I'm looking forward
24 to the first part of this discussion. I'm

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1 Marian Bott; I'm the education finance
2 specialist for the New York State League of
3 Women Voters. Barbara Bartoletti is there
4 behind me; she's our legislative director.

5 I'm going to take my comments out of
6 order because of the prior speakers, because I
7 want to make sure that all of you know that

8 the League not only opposes but vehemently
9 opposes the tax credit proposal.

10 And just for the record, I just want
11 to make sure that you all know the bill
12 numbers that I'm talking about are S4099 -- I
13 think I have that one memorized. And the
14 Assembly Bill -- and I understand it's in
15 discussions to amend it, but there's also an
16 Assembly counterpart that's not quite the
17 same, a Cusick bill.

18 Our reasons, among others, are that
19 the League has long opposed the use of
20 taxpayer dollars for private purposes. We
21 believe that taxpayer dollars belong in public
22 schools.

23 So just to make sure that the audience
24 understands that a tax credit is a different

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1 kettle of fish than a tax deduction. We all
2 contribute to the charities of our choice.
3 What the Foundation for Opportunities in
4 Education, otherwise known as FOE, and the
5 Coalition for Opportunities in Education,
6 otherwise known as COE, led by the
7 Brighter Choice people, have now done -- and
8 it has been reported on their Form 990,
9 although we can't see their most current
10 Form 990 -- very clearly they have targeted
11 the notion that they're going to use their
12 combined powers as a 501(c)3 and a 501(c)4, a
13 well as a 527 PAC, and basically use their

14 legal powers to use, to the maximum extent
15 possible, their not only grassroots lobbying
16 percentage allocation but also their direct
17 lobbying contributions.

18 If you want to know more about this,
19 David McKay Wilson has reported on it in the
20 press in the last few weeks.

21 The point is that the motivation for
22 this bill is not clearly to benefit the
23 students that the taxpayers of New York are
24 trying to desperately to support. So I just

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1 want to make very clear how the League stands
2 on that, and we're going to fight this bill.

3 CHAIRMAN DeFRANCISCO: I think you're
4 pretty clear.

5 MS. BOTT: Good.

6 Now, the only other thing I want to
7 talk about is anything that we didn't talk
8 about today that has numbers in it. So the
9 first thing we didn't talk about today that
10 has numbers in it is what do people pay for a
11 good-quality private-school preschool program
12 in New York City.

13 I have with me a document from the
14 brand-new Avenues School in New York City,
15 which is a pre-K through 12 school. The
16 tuition is \$41,650. The tuitions for ongoing
17 schools in Liz and my senatorial district are
18 between \$35,000 and \$40,000.

19 So just for the record, when a

20 student's parents can afford to send their kid
21 to a good school and they don't want their kid
22 in a public school in New York City, not only
23 do they pay that \$35,000 to \$41,000 tuition,
24 but they also will donate their tax-deductible

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1 contributions to helping the scholarship
2 students in that school. So that wasn't
3 mentioned earlier.

4 Now, you all love when I bring up STAR
5 because you claim it's not part of your
6 committee's purview. But just as a reminder,
7 and for the record, STAR comprises 17 percent,
8 \$3.4 billion, 17 percent of the budget that
9 we're now considering.

10 We are cheering that the Governor has
11 put property tax credits on the table. I've
12 been discussing a little bit with the staff of
13 the Empire Center how we might redefine
14 ability to pay. So I pulled up the financial
15 aid application -- FAST, Financial Aid for
16 School Tuition -- for the Avenues School to
17 see what it is that they want to know from
18 families who are asking for aid.

19 So it's a comprehensive approach.
20 It's not just one line item, it's not just
21 your personal income. It's a variety of
22 factors that reflect upon your family's
23 ability to pay.

24 This is what we should have in a

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1 property tax circuit breaker. We should phase
2 out STAR, we should have a property tax
3 circuit breaker that targets not who's going
4 to get reelected but who really needs the
5 property tax relief so that we can more
6 efficiently use our tax dollars.

7 I think that's the last number, there
8 may be one more. Let me just double-check.

9 Oh, the Tax Commission reported that,
10 which is progress, 70 percent of the taxing
11 jurisdictions in this state have actually
12 reformed their assessment and collection
13 procedures. That means 30 percent of them
14 have not. That means almost 300 taxing
15 jurisdictions still have outmoded and unfair
16 and erratic valuations of property. And we
17 saw how much that hurt Long Island. I believe
18 it was one of the Long Island newspapers,
19 during our hearings, during the Education
20 Reform Commission hearings, had a big display
21 of all the disparities that were pointed out
22 when a certain taxpayer would go and ask for
23 tax relief and then his or her neighbor did
24 not.

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1 So we need to clean up assessment and
2 collection. We need to do a better job of
3 that. That's the strong League position.

4 Pre-K. I noted on the Byram Hills
5 school website that they have a community

6 pre-K membership program for \$45. This is a
7 very wealthy community. I believe the
8 Governor's children went there. In
9 Westchester County -- I live, for example,
10 dually in New York City and in Rye,
11 New York -- we have a private pre-K program
12 that's \$7500 a pupil. There's one in
13 Scarsdale that's \$5700 a pupil.

14 The numbers that are being talked
15 about for high-needs children who really need,
16 frankly, in many cases much more one-on-one
17 attention, these numbers are lowballed. What
18 we're talking about in terms of what we should
19 be doing for a pre-K program, the Governor's
20 program is -- I'm sorry, it is a lowball
21 number.

22 And as to Mayor de Blasio's
23 suggestion, I live in the district -- if you
24 want us to contribute, I think there are very

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1 few people -- I agree with what Liz said
2 earlier, there will be very few people who can
3 justify saying that less fortunate children
4 don't deserve the same thing that you go to a
5 charity auction and spend or go on a vacation
6 or whatever.

7 I think that we can do this, but we
8 have to make sure that we don't say that
9 \$7,111 -- which I think is what I calculated
10 while I was sitting waiting. I think that's
11 what John King was saying. He was saying

12 \$1.6 billion, and you take that times the
13 number of the students in the whole state that
14 might use the program, and I think that number
15 calculates at \$7,111. And that's almost
16 \$5,000 less than they're spending in
17 New Jersey. So we have to be careful about
18 those numbers.

19 And I'm sorry to keep you late, but I
20 just wanted to get those numbers out there.

21 ASSEMBLYWOMAN NOLAN: We appreciate
22 it. Believe me, we were just kind of laughing
23 because we thought for a minute some other
24 people had walked in to testify, but that's

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1 not the case.

2 Do we really have a question on this
3 side? Assemblyman Goldfeder.

4 ASSEMBLYMAN GOLDFEDER: I just want to
5 thank the League of Women Voters, and
6 appreciate all the efforts you do.

7 But I want to be very clear, because I
8 know that you were very clear about your
9 feelings in the presentation. But the parents
10 of non-public school students pay taxes as
11 well, and they want to make sure that their
12 children are getting the best possible
13 education.

14 And while I'm a proud supporter of
15 public school education, I'm also proudly
16 supporting the bill that you discussed
17 because, as a parent of private-school

18 students, I want to make sure that my kids are
19 getting the best education. And I'm going to
20 do everything that I can.

21 I look forward to the debate that
22 you're going to bring to the conversation.

23 MS. BOTT: I just want to make sure, a
24 tax credit is a completely more generous

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1 provision than a tax deduction.

2 And not only that, but the bill itself
3 doesn't count -- over and above \$250 million,
4 the bill does not count the uncounted expenses
5 for the supplies.

6 ASSEMBLYWOMAN NOLAN: These are really
7 serious issues that could be a hearing in
8 themselves.

9 I have to ask, we really weren't going
10 to take any questions. I know Phil asked, and
11 I -- I think we're ready to wrap up. We
12 appreciate everyone's patience. Does that
13 summarize our Senate colleagues?

14 CHAIRMAN DeFRANCISCO: Thank you.
15 Okay, thank you.

16 Thank you, Stenographer. You were
17 excellent.

18 ASSEMBLYWOMAN NOLAN: And the clock,
19 the people who handle the clock in ways and
20 means, we thank you.

21 CHAIRMAN DeFRANCISCO: Everything was
22 wonderful, and we'll see you here tomorrow at
23 10 a.m.

24

ASSEMBLYWOMAN NOLAN: Thank you. We

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thank the staff. And, Senator, it's been a

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pleasure. And thank you, each and every

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person.

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(Whereupon, the joint budget hearing

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concluded at 6:42 p.m.)

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