

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

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the  
5 2017-2018 EXECUTIVE BUDGET ON  
6 ELEMENTARY AND SECONDARY EDUCATION

6 -----

7 Hearing Room B  
8 Legislative Office Building  
9 Albany, New York

9 February 14, 2017  
10 9:39 a.m.

11 PRESIDING:

12 Senator Catharine M. Young  
13 Chair, Senate Finance Committee

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

16 PRESENT:

17 Senator Liz Krueger  
18 Senate Finance Committee (RM)

19 Assemblyman Bob Oaks  
20 Assembly Ways & Means Committee (RM)

21 Assemblywoman Catherine T. Nolan  
22 Chair, Assembly Education Committee

23 Senator Carl L. Marcellino  
24 Chair, Senate Education Committee

25 Senator Diane J. Savino  
26 Vice Chair, Senate Finance Committee

27 Assemblyman Peter D. Lopez

28

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Elementary & Secondary Education  
2 2-14-17

3 PRESENT: (Continued)

4 Senator George S. Latimer

5 Assemblyman Steven F. McLaughlin

6 Senator Simcha Felder

7 Assemblywoman Shelley Mayer

8 Assemblyman Edward P. Ra

9 Assemblywoman Jo Anne Simon

10 Senator Michael H. Ranzenhofer

11 Assemblyman Al Graf

12 Assemblywoman Ellen Jaffee

13 Assemblyman Matthew Titone

14 Senator Velmanette Montgomery

15 Assemblywoman Barbara Lifton

16 Assemblyman Steven Otis

17 Assemblyman Anthony J. Brindisi

18 Senator Todd Kaminsky

19 Assemblywoman Nicole Malliotakis

20 Senator Gustavo Rivera

21 Assemblyman L. Dean Murray

22 Senator Patrick M. Gallivan

23 Assemblywoman Mary Beth Walsh

24 Senator Elizabeth O'C. Little

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3 PRESENT: (Continued)

4 Assemblywoman Rebecca A. Seawright

5 Senator Leroy Comrie

6 Assemblywoman Patricia Fahy

7 Assemblyman Carmen E. Arroyo

8 Senator Elaine Phillips

9

10

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 Executive Vice President

18 Christopher Black  
 Director of Legislation

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20 Michael Mulgrew  
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21 Cassie Prugh  
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6 Buffalo School District Dr. Edwin M. Quezada Superintendent		
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1                   CHAIRMAN FARRELL: Good morning. Good  
2 morning -- it's not a good morning.

3                   Today we begin the 10th in the series  
4 of hearings conducted by the joint fiscal  
5 committees of the Legislature regarding the  
6 Governor's proposed budget for fiscal year  
7 2017-2018. The hearings are conducted  
8 pursuant to Article VII, Section 3 of the  
9 Constitution, and Article 2, Sections 31 and  
10 32A of the Legislative Law.

11                  Today the Assembly Ways and Means  
12 Committee and the Senate Finance Committee  
13 will hear testimony concerning the budget  
14 proposals for elementary and secondary  
15 education.

16                  I will now introduce members from the  
17 Assembly, and Senator Young, chair of the  
18 Senate Finance Committee, will give us her  
19 members.

20                  I have with us the chair of the  
21 Education Committee, Cathy Nolan, and Rebecca  
22 Seawright is with us.

23                  Mr. Oaks.

24                  ASSEMBLYMAN OAKS: Yes, we've been

1           joined by Assemblymembers Nicole Malliotakis,  
2           Al Graf, Steve McLaughlin, and Peter Lopez.

3                   CHAIRMAN FARRELL: But before I  
4           introduce the first witness, I would like  
5           to --

6                   CHAIRWOMAN YOUNG: Wait, don't forget  
7           about the Senate.

8                   CHAIRMAN FARRELL: Oh, I'm sorry. Oh,  
9           my God, what did I do?

10                  CHAIRWOMAN YOUNG: Don't forget about  
11          the Senate.

12                  CHAIRMAN FARRELL: The bright red got  
13          my mind -- yes, Senator.

14                  CHAIRWOMAN YOUNG: Thank you very  
15          much.

16                  Good morning, and Happy Valentine's  
17          Day. I'm Senator Catharine Young, and I'm  
18          chair of the Senate Standing Committee on  
19          Finance.

20                  And I'm joined by my colleagues from  
21          the Senate. We have Senator Diane Savino,  
22          who is vice chair of the Senate Finance  
23          Committee. We have Senator Liz Krueger, who  
24          is ranking member. We have Senator Carl



1 Marcellino, who is chair of the Senate  
2 Standing Committee on Education. And we also  
3 have Senator George Latimer, who is ranking  
4 member on the Education Committee.

5 So thank you, Mr. Chairman.

6 Oh, and Senator Michael Ranzenhofer,  
7 who is a great Senator who hails from Western  
8 New York. There's a little plug there,  
9 Michael.

10 Thank you.

11 CHAIRMAN FARRELL: And we've been  
12 joined also by Assemblywoman Ellen Jaffee and  
13 Assemblyman Otis.

14 But before introducing the first  
15 witness, I would like to remind all of the  
16 witnesses testifying today to keep your  
17 statements within your allotted time limit so  
18 that everyone is afforded the opportunity to  
19 speak. And the clocks are on the side. And  
20 if you can keep your eyes on that, it will  
21 help.

22 I will now call the first witness,  
23 which is MaryEllen Elia, commissioner of the  
24 New York State Education Department.

1                   Good morning.

2                   COMMISSIONER ELIA: Good morning,  
3                   Chairs Young, Farrell, Nolan and Marcellino,  
4                   and members of the Senate and Assembly here  
5                   today.

6                   My name is MaryEllen Elia, and I am  
7                   the Commissioner of Education. I am joined  
8                   by Executive Deputy Commissioner Beth Berlin  
9                   and Senior Deputy Commissioner for Education  
10                  Policy Jhone Ebert.

11                  You have my full testimony before you.  
12                  I'll speak to a few slides, and then we'll be  
13                  happy to address your questions.

14                  Before I begin, I also want to welcome  
15                  several members of the Board of Regents who  
16                  are in the audience with us today, including  
17                  Chancellor Betty Rosa and Regents Young,  
18                  Cashin and Mead. Our board members are  
19                  dedicated people who care deeply about  
20                  creating and sustaining an education system  
21                  that works for all New Yorkers. I want to  
22                  thank them all for the work they do and for  
23                  being here today.

24                  Our first priority in this budget is

1 to ensure that our schools are fairly funded  
2 through significant investments in Foundation  
3 Aid. As you can see on Slides 2 and 3, the  
4 Regents have proposed a 2.1 billion increase  
5 in school aid, consisting of a \$1.4 billion  
6 increase in Foundation Aid, \$335 million to  
7 cover formula-based expenses, and  
8 \$290 million in investments that we believe  
9 are critical to address areas where gaps  
10 exist and where educational resources need to  
11 make a difference for our students.

12 Furthermore, the Regents and I urge  
13 you to sustain the Foundation Aid phase-in.  
14 We recommend a three year phase-in of the  
15 full amount.

16 Slides 4 through 9 highlight the  
17 investments we recommend. We urge you to  
18 make a significant down payment on universal  
19 pre-kindergarten by investing \$100 million  
20 for full-day seats.

21 By just about every measure, we know  
22 that high-quality early childhood education  
23 opportunities put students on a path to  
24 educational success, reduce special education

1       placements, and even increase the chances of  
2       a student eventually attending college. This  
3       is one of the best investments that you can  
4       make in this budget, and I look forward to  
5       working with you to make it a reality.

6               We commend the recent investments that  
7       have been made in pre-K. However, those  
8       investments have resulted in a siloed,  
9       fragmented system of seven separate  
10      pre-kindergarten programs. If you take a  
11      look at Slide 5, you can see the web of pre-K  
12      programs and their various requirements and  
13      parameters. If we were starting from  
14      scratch, this is not the system that we would  
15      have built, so let's work together to get  
16      this right.

17             We are pleased to see that the  
18      Executive Budget proposes a solution to this  
19      problem, and we urge you to align the  
20      existing state-funded pre-K programs into one  
21      allocational streamlined system so that  
22      communities do not have to compete against  
23      each other for this funding.

24             While efforts to expand pre-K to

1       3-year-olds are laudable, the state should  
2       first ensure that all 4-year-olds have a  
3       high-quality full-day pre-K seat before we  
4       further expand to 3-year-olds.

5               I also urge you to reject a provision  
6       in the budget that would cause school  
7       districts to lose pre-K funding if they  
8       convert full-day seats to half-day seats, or  
9       if they lose a full-day seat. This punitive  
10      approach benefits no one.

11             On Slide 7, we describe our request  
12      for dedicated funding to support English  
13      language learners. New York has a remarkably  
14      diverse student population. About 8 percent  
15      of the state's public school students are  
16      English language learners, and they speak  
17      over 200 different languages. While we have  
18      made progress serving the unique learning  
19      needs of these students, we know that much  
20      work remains. "Ever ELLs," a term we use to  
21      refer to students who at one point received  
22      ELL services, have just about eliminated the  
23      achievement gaps with their non-ELL peers on  
24      various measures, including meeting the

1 state's 80 percent graduation rate goal.

2           However, the graduation rate for  
3 current English language learners dropped  
4 this year to 26.6 percent, and we are focused  
5 on helping districts turn around these  
6 results. We've laid a good foundation with  
7 the modernization of Part 51 regulations that  
8 govern requirements for the education of  
9 ELLs.

10           This year we will focus on efforts to  
11 better support the inclusion of English  
12 language learners into general education and  
13 helping districts better support SIFE  
14 students -- that is students with interrupted  
15 formal education -- as they transition to  
16 schools in New York.

17           The Regents and I are firmly committed  
18 to these students, and we seek your support  
19 of our budget priorities aimed at making sure  
20 districts have the resources they need to  
21 help these students succeed.

22           On Slide 8, the Regents and I once  
23 again are requesting significant investments  
24 to expand Career and Technical Education

1 pathways. We recommend a \$60 million  
2 investment through changes to reimbursements  
3 for CTE programs that would support the  
4 creation of high-quality pathway  
5 opportunities.

6 Several years ago the Regents approved  
7 a 4+1 multiple pathways model which allows  
8 all students to substitute one of the social  
9 studies Regents exams with approved  
10 alternatives. Districts and BOCES need  
11 support so that their programming can catch  
12 up to the demands of the economic development  
13 in each community.

14 We have taken administrative actions  
15 to support the development of CTE programs  
16 by, for example, modifying certification  
17 requirements so that experts in fields from  
18 various trades can teach these classes.  
19 However, efforts to expand these programs  
20 will depend on additional support and  
21 funding.

22 As I travel the state, I have  
23 uniformly heard positive feedback about the  
24 multiple pathways model. Your one-house

1        budgets have included versions of those  
2        proposals recently, so let's work together to  
3        make sure this is the year these investments  
4        come to fruition.

5                As you can see on Slide 9, the Regents  
6        state aid proposal also requests \$30 million  
7        to create a Professional Development Fund.  
8        So let me point out to you there is no  
9        predictor as important to the students  
10       success as the quality of the teacher in  
11       front of them. As you know, we are moving  
12       forward with new learning standards. We need  
13       to avoid the mistakes of the past to make  
14       sure that teachers have the professional  
15       development support and resources to  
16       understand the standards so that they know  
17       how to deliver them in their classrooms.

18               During my travels around the state,  
19       many teachers have directly told me that they  
20       would like to have more and better  
21       professional development opportunities.

22               Slides 10 through 24 describe our  
23       agency budget priorities. I'll speak briefly  
24       to a few of the priorities and ask that you



1 take some time to review the rest.

2 On Slide 11, we highlight a \$2 million  
3 budget request to update and modernize two  
4 important systems within the department. One  
5 is our state aid modeling system that  
6 produces the school aid runs and is written  
7 in the COBOL language. It is so outdated  
8 that only one person in the department is  
9 fully trained to operate it.

10 The second is our DOS platform-based  
11 facilities planning system, which we use to  
12 receive, track, review and approve all  
13 building and facility projects that require  
14 department approval -- which now also  
15 includes the Smart Schools Bond Act projects.

16 Both of these systems are outdated and  
17 the question is not if they will fail, really  
18 the question is when they will fail.

19 On Slide 12, we are requesting  
20 \$700,000 to create a special education  
21 provider data system. As you know, the  
22 department regulates and sets reimbursement  
23 rates for a large system of public and  
24 private providers that educate students with

1       the most severe disabilities. While we have  
2       several systems collecting data related to  
3       these programs, the systems were developed  
4       separately, and they cannot share information  
5       with each other.

6               We believe that with a uniform system  
7       we will not only be able to better serve the  
8       programs, but also enhance reporting about  
9       special education services. This is a  
10      relatively small investment that would help  
11      us improve both the service delivery for  
12      students with disabilities and our  
13      rate-setting process, which I know is very  
14      important to many of you.

15             As I mentioned earlier, the department  
16      is focused on the needs of ELL students, and  
17      our state aid proposal includes a funding  
18      request to help districts better serve these  
19      students. On Slide 16 we request funding to  
20      make improvements to our testing program to  
21      better serve English language learners.

22             I'd like to bring to your attention  
23      that as part of this budget proposal, we are  
24      requesting \$1 million to translate all the

1       required state assessments into the state's  
2       eight most common home foreign languages.

3               The final issue I would like to  
4       mention relates to the department's lack of  
5       operating resources from the state. SED is  
6       the most staff-deprived state education  
7       agency in the country, based on the broad  
8       scope of responsibilities that we have.  
9       Quite simply, the department's funding levels  
10      and our inability to fill positions that have  
11      been approved by the Legislature is no longer  
12      sustainable. We are at a point in too many  
13      offices where we simply cannot keep up with  
14      the work of serving districts, teachers, and  
15      your constituents.

16             On Slide 20 we request that you  
17      implement a 5 percent set-aside for  
18      administration and oversight within new  
19      programs. This is a common practice across  
20      the federal government and would allow us to  
21      keep up as our responsibilities grow.

22             I also request your assistance in  
23      helping us fill authorized but unfilled  
24      positions within the department. Every year,

1 as part of the state operations budget, you  
2 vote and approve an FTE level for state  
3 agencies. For several years now, our fill  
4 level has been flat at 2692 positions across  
5 all program offices and locations.

6 However, we require approval from the  
7 Division of Budget before we can fill  
8 positions even though we are well below our  
9 authorized FTE level. For several months we  
10 did not have approval to fill 280 of those  
11 positions, representing over 10 percent of  
12 our workforce, and that equates to about  
13 42,000 work hours per month. Although we  
14 appreciate the approval of 150 positions late  
15 yesterday, this is a problem that is not  
16 going away, and we need your assistance to  
17 make sure the department has timely access to  
18 the resources that you have approved.

19 We have a very committed staff that  
20 have worked diligently to keep up as best  
21 they can. Despite their efforts, the lack of  
22 staffing is a real problem that affects  
23 everyday New Yorkers, including pre-K  
24 students, disabled adults, and aspiring

1 teachers. In our Teacher Certification  
2 Office, for example, we had eight positions  
3 to fill. It takes us longer to review and  
4 approve certification requests for teachers,  
5 who are your constituents, that are waiting  
6 to start their jobs. Even with yesterday's  
7 approvals, two waivers were left unapproved,  
8 preventing us from bringing the office to  
9 full capacity.

10 Another example, the Office of  
11 Facilities Planning, which has significant  
12 and growing responsibilities related to the  
13 Smart Schools Bond Act. There are two  
14 positions in that office that we have not  
15 been authorized to fill.

16 In 2010, when our Early Learning  
17 Office oversaw \$399 million of UPK funding,  
18 we had 13 state-funded staff. Today we are  
19 overseeing \$828 million in pre-K programming,  
20 and the number of state-funded staff has  
21 dropped to 10. We need your help. And by  
22 supporting the department, you will be  
23 supporting your constituents in your  
24 communities.

1           In closing, I want to bring your  
2           attention to Slides 26 to 30, which puts in  
3           focus the urgency of work we do everyday at  
4           the department. Our students compete for  
5           jobs not only with their peers in New York  
6           and in other states, they compete globally.  
7           And objective results show that we are  
8           falling behind other nations in science,  
9           reading and math.

10           I want to draw your attention to  
11           Slide 29. In reviewing PISA results, there  
12           is a roadmap to address these challenges. As  
13           Amanda Ripley wrote about the results:  
14           "Generally speaking, the smartest countries  
15           tend to be those that have acted to make  
16           teaching more prestigious and selective;  
17           directed more resources to their neediest  
18           children; enrolled most children in  
19           high-quality preschools; helped schools  
20           establish cultures of constant improvement;  
21           and applied rigorous, consistent standards  
22           across all classrooms."

23           The path forward parallels the agenda  
24           we've laid out today and includes supporting

1           and developing teachers and principals,  
2           providing resources to our high-needs  
3           communities, and investing in early childhood  
4           education. I'm very proud of the teaching  
5           and learning I see in schools throughout the  
6           state. I trust that our educators and  
7           students can continue to rise to the  
8           challenge. They need your help to do so. As  
9           I've mentioned before, our K-12 schools are  
10          our most important infrastructure to develop  
11          our workforce and workforce pipeline. And  
12          ultimately, great schools are our best  
13          economic development strategy.

14                 So let's work together to make sure  
15          this budget provides the resources and  
16          supports our students' need to succeed.

17                 Thank you, and I look forward to your  
18          questions.

19                 CHAIRWOMAN YOUNG: Thank you.

20                 CHAIRMAN FARRELL: Thank you very  
21          much.

22                 Mr. Oaks, you have someone?

23                 ASSEMBLYMAN OAKS: Just to let you  
24          know that we've been joined by Assemblyman Ra

1           and Assemblywoman Walsh.

2                   CHAIRMAN FARRELL:   Senator?

3                   CHAIRWOMAN YOUNG:   Thank you.   We've  
4           been joined by Senator Simcha Felder, Senator  
5           Todd Kaminsky, and Senator Gustavo Rivera.

6                   CHAIRMAN FARRELL:   Now to begin, Cathy  
7           Nolan, Assemblywoman and chair of Education.

8                   ASSEMBLYWOMAN NOLAN:   Thank you,  
9           Mr. Farrell and my colleagues.   I just want  
10          to say briefly, as a -- I have some  
11          questions, but I just want to thank  
12          Commissioner Elia.   And I really believe I  
13          speak for many members, I hope most members  
14          if not all the members of the Legislature,  
15          that, you know, your accessibility, your high  
16          visibility, your going around the state, your  
17          listening to teachers and families and  
18          students has made such a key difference in I  
19          think generating support for education but  
20          also taking down the temperature a little.  
21          It's been a very contentious couple of years.  
22          And the fact that Chancellor Rosa is here  
23          today, with a number of members of the Board  
24          of Regents -- Regent Mead, Regent Cashin,



1       Regent Young -- makes I think a very positive  
2       statement to everybody here in the  
3       Legislature.

4                You know, these hearings, my  
5       colleagues, are very unique because the rest  
6       of the Article VII finance hearings review  
7       the executive agencies and the performance of  
8       the executive agencies. Education is very  
9       unique in our state because -- because we  
10      appoint the members of the Board of Regents,  
11      who then appoint the Commissioner of  
12      Education -- you have a slightly different  
13      relationship both with the Legislature, we  
14      need to take more ownership of that, and also  
15      with the executive agencies.

16               So I just want to say, on behalf I  
17      think of many, what a real great high-energy  
18      performance you've had and we're glad to have  
19      you back again this year.

20               I do have a question that -- but I  
21      want to talk a little bit about Foundation  
22      Aid first off. I want to make it clear that  
23      any repeal of Foundation Aid in this budget  
24      by the Executive is entirely -- it's just

1           completely unacceptable. We cannot go  
2           forward after a court case, after 20 years of  
3           work and effort, to have a system of  
4           education funding that is about wheeling and  
5           dealing and not about aligning funding with  
6           need, letting the funding go to the children  
7           that have the most needs. And we cannot walk  
8           away from that. And I'm sorry to say there  
9           are portions of this proposed Executive  
10          Budget that very much do that.

11                 But I want to focus on what the  
12          Regents have proposed, which is the  
13          Foundation Aid formula moving forward. The  
14          amount you're looking at for this year would  
15          be a phase-in of \$1.47 billion, is that  
16          correct?

17                 COMMISSIONER ELIA: Yes, that's  
18          correct.

19                 ASSEMBLYWOMAN NOLAN: All right. And  
20          then of that, it would be -- the formula that  
21          we are currently using that the Regents and  
22          the State Ed department -- prior to your  
23          tenure, obviously -- developed focuses on  
24          what? Maybe you can just enlighten all of us

1       a little bit about why that formula follows  
2       need and just talk a little bit about the  
3       component parts.

4               COMMISSIONER ELIA:  So there are  
5       several factors included in the formula.  And  
6       I think the important thing is that in fact  
7       as we're doing the formula work, we know that  
8       it's important to make sure that the formula  
9       itself is relevant.  We suggested and the  
10      Executive Budget included some shifts in the  
11      formula that we think would update it.

12             Number one, we looked at the way we  
13      would determine the students that are at most  
14      high need, and so that has been updated based  
15      on the requirements of the free and reduced  
16      lunch programs and the data that we have  
17      related to that.  We also have looked at and  
18      said that there are other formula pieces that  
19      can be shifted, and we're doing that.  The  
20      Executive Budget also included those, and I  
21      think it's noteworthy to know that.

22             But the basis for the Foundation Aid  
23      and that formula itself is included as a  
24      portion of the way that we have developed the

1           structure for the Regents budget. So the 1.4  
2           that you mentioned that specifically is the  
3           Foundation Aid, we made a suggestion and our  
4           budget reflects a three-year phase-in of  
5           Foundation Aid. And we think that that is an  
6           appropriate way to look at the growth as we  
7           move forward -- understanding constraints  
8           that might be part of this budget, but as we  
9           move forward, a three-year phase-in of full  
10          Foundation Aid was what was suggested by the  
11          Regents.

12                 And the portion that we have is the  
13          expense-based aid for \$335 million.  
14          Certainly we know expense-based aid gets paid  
15          to the districts after the fact. And we  
16          believe that it's important to include that  
17          as well.

18                 And what you heard about the key  
19          investments that the Regents and the State Ed  
20          Department have identified is very critical  
21          in moving education forward here. But we are  
22          supportive of maintaining the Foundation Aid,  
23          and our suggested budget includes a  
24          three-year phase-in of that.

1                   ASSEMBLYWOMAN NOLAN: I want to also  
2                   ask -- and it's funny, as she's just coming  
3                   in, Assemblywoman Arroyo -- but I do want to  
4                   ask about the Regents' very strong  
5                   recommendation, which certainly has my  
6                   support, as do your other Engage NY budget  
7                   recommendations, for \$100 million for English  
8                   language learners. I think it's such a  
9                   critical part of what we're doing. I don't  
10                  know if every colleague has -- you know, I  
11                  have the privilege, as chair of the  
12                  committee, of reading everything you guys  
13                  send me, those telephone-directory-sized  
14                  books that we get in the mail and online.

15                 But you might want to talk a little  
16                 bit about why that's so critical, because I  
17                 think people have to realize in a global  
18                 world, and our globalized state, children are  
19                 coming in from all over the world. And to  
20                 me, it's such a marvelous, wonderful thing,  
21                 because it's an opportunity for children to  
22                 interact together. I always say my own son,  
23                 who is a student in a public school, has  
24                 received a wonderful education just in his

1       social maturity, you know, as a person  
2       because he knows people from everywhere. And  
3       he can -- when he goes into business one  
4       day -- hopefully he will not go into  
5       politics, he'll go into business -- he will  
6       be able to work and deal with everyone. So,  
7       you know, to me it's so wonderful.

8               But maybe you can talk a little bit  
9       about English language learners.

10              COMMISSIONER ELIA: Absolutely.

11              I think there's a number of data  
12       points that are extremely important that are  
13       the basis for this recommendation to you as  
14       well as to the Executive. So if you look at  
15       the 3-8 assessment data that we had,  
16       specifically the group of English language  
17       learners are those students that need to have  
18       the most support.

19              In 2014, the Regents approved changes  
20       in the regulations that updated the  
21       regulations related to supporting students  
22       who were English language learners or SIFE  
23       students -- that is, students with  
24       interrupted education who come to this

1 country --

2 ASSEMBLYWOMAN NOLAN: I don't mean to  
3 interrupt, but I also just want like a  
4 number. Like we have 3 million students in  
5 public schools. How many English language  
6 learners do we have in our state?

7 COMMISSIONER ELIA: We have 8 percent  
8 of our public school students across the  
9 state speaking 200 languages. And so as they  
10 come in and they're working with our teachers  
11 across the state, it's absolutely critical  
12 that we address the needs that they have. We  
13 have the 3-8 assessments that show that they  
14 need specifically that support in English  
15 language as well as in mathematics.

16 But also I want to point out to you  
17 our recent graduation rate. We had wonderful  
18 success with students who had been in the  
19 English Language Learner Program and exited;  
20 that is, the Ever ELLs. They had been in it,  
21 but they are out, and they were one of the  
22 groups that had the highest graduation  
23 rates -- in fact, above 80 percent.

24 However, those students that are still

1           in the English Language Learner Program  
2           across the state have much work to be done to  
3           support them. And I think it's absolutely  
4           critical. The two data points that we have  
5           clearly point to the needs of that particular  
6           population, and it's absolutely critical that  
7           we work to support them.

8                     So our work does include opportunities  
9           for the \$100 million to be used for  
10          supporting teachers in strategies that will  
11          support those students better, to include  
12          family engagement programs, to provide  
13          services to our ELL students, particularly  
14          our new ELL students, and the SIFE students  
15          that come that have had interrupted education  
16          and need to catch up even further.

17                    So we feel that's an extremely  
18          important investment.

19                    ASSEMBLYWOMAN NOLAN: Thank you very  
20          much. I just want to pledge again our  
21          support, my support, for trying to get you  
22          the resources you need to run the department.  
23          I certainly feel, over my tenure, very, very  
24          bad that we have not. I said it to



1           Chancellor Tisch, I said it to Chancellor  
2           Bennett, I'm saying it now to Chancellor  
3           Rosa: We will try to do better by this  
4           important department so that you can provide  
5           the services that you need. It's been a  
6           frustrating thing. We've not been as  
7           successful as I would like. But I just want  
8           to pledge again our support, my support, to  
9           try to get you the resources you need to run  
10          the State Education Department, such an  
11          important and historic branch of our state  
12          government.

13                   And you should not be unfairly  
14          penalized because you're not an executive  
15          agency, the way some others are, which  
16          receive, say, 50 percent, 60 percent,  
17          80 percent of their funding from state levy  
18          dollars. And you're our State Education  
19          Department, and what is it, 8 percent of your  
20          staff is paid --

21                   COMMISSIONER ELIA: Yes.

22                   ASSEMBLYWOMAN NOLAN: I mean, it's  
23          terrible. Terrible. It shouldn't be. So we  
24          have to work to better that.

1           And my last quick thing with my last  
2           seconds, I just want to reinforce -- we  
3           didn't get a chance to talk about it today --  
4           my support for adult education. Sometimes  
5           it's a little bit forgotten in terms of all  
6           that big elementary/secondary money, but you  
7           also have such responsibilities for that and  
8           for getting people a high school diploma at  
9           any stage of life.

10           And, you know, we were able to tour  
11           some facilities that are literally teaching  
12           adults to read. You know, we take it for  
13           granted, those of us who read all the time  
14           for a living, but there are people that --  
15           and people born in this country who cannot,  
16           as adults, read, and it always breaks my  
17           heart.

18           So I appreciate -- I know your deputy  
19           is here from that department as well, and we  
20           appreciate your leadership on that.

21           COMMISSIONER ELIA: Well, I think it's  
22           particularly important when one of the  
23           proposals that we have in front of you is for  
24           the Bridge program. The bridge program is

1 paralleled off of LaGuardia High School in  
2 New York City that has done a magnificent job  
3 of supporting students who don't have a high  
4 school diploma but want to come back and  
5 further their education. And the program  
6 that we're suggesting would allow that to  
7 occur. We want to put in some pilots around  
8 the state and support that population who did  
9 not end up with a diploma, whether they were  
10 English language learners or whether they  
11 were from other states or whether they were  
12 from New York State, but they want to become  
13 part of our workforce now. And the Bridge  
14 program that we've modeled off of LaGuardia  
15 is a great program that I think would help  
16 whatever communities were able to put that in  
17 as a pilot.

18 ASSEMBLYWOMAN NOLAN: Thank you.

19 COMMISSIONER ELIA: Thank you.

20 CHAIRMAN FARRELL: Thank you.

21 We've been joined by Assemblywoman  
22 Carmen Arroyo.

23 And Senator?

24 CHAIRWOMAN YOUNG: Thank you.

1                   Senator Carl Marcellino, chair of the  
2                   Senate Education Committee.

3                   SENATOR MARCELLINO: Thank you very  
4                   much, Senator.

5                   Commissioner Elia, I wanted to  
6                   congratulate you and thank you very much for  
7                   the cooperation that you and your staff over  
8                   at State Ed have certainly supplied myself  
9                   and my staff. Whenever we've asked questions  
10                  and whenever we've had information that  
11                  required calling over there, we've always  
12                  gotten a response and it's been prompt and  
13                  it's always been accurate.

14                  So I thank you for that. You do and  
15                  are doing an excellent job, in my opinion.

16                  COMMISSIONER ELIA: Thank you.

17                  SENATOR MARCELLINO: Some years ago --  
18                  some of you may know that Cathy was a former  
19                  student of mine at Grover Cleveland High  
20                  School. And our old principal had said to  
21                  me, you know --

22                  ASSEMBLYWOMAN NOLAN: Hard to believe,  
23                  but true.

24                  (Laughter.)

1                   SENATOR MARCELLINO: My old principal,  
2                   who was the longest-serving principal in the  
3                   history of the city, said to me one day, he  
4                   says, "You know, that Nolan kid, she's going  
5                   to go into politics." And I said, "Nah,  
6                   she's too smart for that."

7                   (Laughter.)

8                   SENATOR MARCELLINO: I'm not sure  
9                   which one of us turned out to be correct, but  
10                  the working relationship has been a good one.

11                  ASSEMBLYWOMAN NOLAN: Thank you.  
12                  Thank you so much. Thank you.

13                  SENATOR MARCELLINO: You've made a  
14                  presentation here and you've made a case for  
15                  about 2-plus billion dollars in aid to the  
16                  schools. The Governor is offering, in his  
17                  budget, about a billion dollars, give or  
18                  take. Why isn't the Governor's number  
19                  enough?

20                  COMMISSIONER ELIA: Well, I think, you  
21                  know, I've tried to point out some of  
22                  the voids that we have in the particular --

23                  SENATOR MARCELLINO: Could you hit the  
24                  really salient points? I know you did. But

1       can you hit the really salient points, the  
2       key ones that make the fact that the billion  
3       is not enough?

4               COMMISSIONER ELIA:  Okay.  So if you  
5       look at the budget that we've proposed, we're  
6       actually saying that not only is a phase-in  
7       of the Foundation Aid a necessary thing -- so  
8       we took the amount of Foundation Aid that  
9       is -- right now can be calculated, which is  
10      done through our systems, and we divided that  
11      in three.  And that's a portion of what we're  
12      talking about for Foundation Aid.

13             And when you look at the investments  
14      that we see in the Executive Budget, there  
15      are some very -- I think some major voids  
16      that are existing, first of all.  If we're  
17      going to push for quality pre-K across the  
18      state, the Governor's budget calls for a \$5  
19      million investment in that.  We have already  
20      seen across the state that those children who  
21      come into a quality pre-K program and have  
22      that, they have experienced more success in  
23      our elementary grades, in 1 through 3.  And  
24      we saw this past year that we had a

1 substantive growth in our third grade in  
2 their assessments.

3 So the point of saying that we're  
4 going to put \$5 million in is an investment,  
5 but it is not enough. And across the  
6 state -- if you look at page 5, you can see  
7 the vast array of programs -- with the  
8 \$5 million, the Executive Budget calls for  
9 that to go out in an RFP. Even though there  
10 are some shifts that are made to give that  
11 initially to those students who are most in  
12 need, it's really a critical thing to put  
13 funding into that program.

14 The other thing I want to point out is  
15 specifically the Governor's budget doesn't  
16 address some of the other key things that we  
17 think are extremely important, driven by data  
18 that we have, and that is English language  
19 learners and the work that we have to do with  
20 English language learners. Let me say that  
21 that is affecting districts all over the  
22 state, the supports and the help that they  
23 need to make sure that those students can be  
24 successful.

1           It is an important opportunity, and I  
2           want to laud Cathy Nolan's point about the  
3           fact that we ought to celebrate the fact that  
4           we have diversity in this state, and support  
5           those students and families to the best  
6           extent that we can. And his budget does not  
7           address that, and we believe that's a very  
8           critical point.

9           And let me point out one of the other  
10          key things -- and you and I, Senator  
11          Marcellino, have had these conversations,  
12          individually and in groups that you've put  
13          together out on Long Island and here in  
14          Albany. Specifically, there were some errors  
15          made in the speed with which we moved out new  
16          standards and new assessments in New York  
17          State. And one of the key areas that was not  
18          addressed in that previous rollout was the  
19          work that needs to be done with teachers and  
20          with principals in training them to be ready  
21          to deliver new standards.

22          You and I were also, with  
23          Assemblywoman Nolan, we were on the  
24          Governor's Task Force on Common Core, with



1       the recommendations that came out of that,  
2       and specifically those recommendations called  
3       for some changes that we at the State Ed  
4       Department are working to develop. But one  
5       of the key things in there was the constant  
6       discussion that we heard across the state  
7       from teachers and principals of the great  
8       need to support teachers in their classrooms  
9       every day.

10           The Governor's budget does not include  
11       that. And I think it is an extremely  
12       important factor if we are to do the things  
13       that are necessary to right this ship of  
14       New York State's education and the quality  
15       reforms that have been put in place, the  
16       supports that we need for separate  
17       populations, to help our teachers and  
18       principals get to be where they need to be.

19           And I think you can see that when they  
20       are given support, we have in those  
21       particular districts seen great supports for  
22       students.

23           So I think those are some key areas  
24       that are not included in the Governor's

1           budget that are important for all of us in  
2           New York.

3                   SENATOR MARCELLINO:   The English  
4           language learners, the kids that have been  
5           coming in, over the past three years, the  
6           statistics that I've seen, approximately  
7           200,000 a year over the last three, and I  
8           think about 220,000 in this past year  
9           alone -- how many of those young people  
10          require what I would call significant  
11          remedial work?  I can't believe they're all  
12          coming in on grade level with abilities.

13                   COMMISSIONER ELIA:  Well, I mean,  
14          let's face it, no matter where a student  
15          comes from and no matter what their past  
16          education has been, if they don't speak  
17          English, they're at a disadvantage in  
18          learning in our classrooms.  And we need to  
19          support them as they develop their skills in  
20          English but also in their content area.

21                   And so as we're doing this, I think  
22          it's critical to make sure that the kinds of  
23          regulations -- like Regulation 154 that  
24          supports English language learners in many

1 areas relating to teacher certification,  
2 relating to teacher supports in the  
3 classroom, to connections to their families  
4 and their communities -- making sure -- and  
5 one of our requests is to make sure that we  
6 have translations of our exams so that  
7 students who have knowledge in their own  
8 language can translate that to our systems.  
9 All of those things are necessary.

10 And as you pointed out, a number of  
11 districts that I've talked to in your area  
12 have students that come in with interrupted  
13 language and education. Those students need  
14 to have intense support in classrooms, but  
15 they also need -- besides learning English,  
16 they need to keep -- they need to move  
17 forward in content area subjects.

18 So the kinds of supports that are  
19 necessary require us to support districts  
20 across the state to do that.

21 SENATOR MARCELLINO: Finally -- thank  
22 you. And if I may jump quickly to a slightly  
23 different topic, the Smart Schools Bond Act  
24 funding.

1           It's my understanding there are  
2           approximately 168 school districts that have  
3           not received an answer to their proposal and  
4           are awaiting their funding. I'm assuming,  
5           from what I heard before when you opened your  
6           statement, manpower -- or person power --  
7           I've got to be careful -- people power is  
8           your problem, or one of your problems. What  
9           else is a problem there that's holding us  
10          back?

11           COMMISSIONER ELIA: Well, let me point  
12          out -- I just want to give you the numbers as  
13          of now.

14           So we have 118 projects that are in  
15          State Ed waiting for the reviews to be done  
16          to move forward. We have 26 projects that  
17          were moved out of State Ed that now are in a  
18          position of being reviewed in other agencies.  
19          As you well know, the Division of Budget as  
20          well as SUNY have a role in a supporting  
21          movement forward on the bonds -- on the  
22          approval of the bond program.

23           We have 19 that are ready to be  
24          approved by the committee when the next

1 meeting is held by that committee. We do not  
2 schedule that, that's scheduled by the  
3 Division of Budget. There was a period of  
4 time where there were no meetings. They now  
5 have started again, and we had a number of --  
6 that were approved.

7 So the total number of approved  
8 projects is 144, or 47 percent of the  
9 projects that have been submitted to us  
10 actually have been approved.

11 So I think it's -- you know, one of  
12 the things that we want -- and I know that  
13 you can understand this -- we have programs  
14 that have been put in place with much thought  
15 and support for education. One of them is  
16 the Smart Schools Bond Act. There is no  
17 other state that I know of that has been  
18 thoughtful enough to put funding in place to  
19 get schools across their state up to the  
20 point where they need to be to deliver  
21 instruction using technology to the point  
22 that we have.

23 However, we have a very antiquated  
24 facilities tracking system which requires an

1 enormous amount of opportunities for our  
2 staff to track, as opposed to approve. So if  
3 we were able to get funding to support an  
4 updated system that spoke to each other, that  
5 could give constant feedback on issues that  
6 need to be cleared by the districts before we  
7 can move forward on a project, it would be  
8 very helpful not only for our construction  
9 projects but for the Smart Schools Bond  
10 projects.

11 So the work that we're doing is moving  
12 them forward. And yes, as I gave you those  
13 numbers, 47 percent of those that have been  
14 submitted to us have been approved and have  
15 moved forward; 38 percent are still with us  
16 and we're moving them forward, but we have  
17 work to do to improve that.

18 The same department that approves all  
19 the construction projects going on in your  
20 districts across the state is the same --  
21 that's the same department that does the  
22 Smart Schools Bond. So it's important for us  
23 to get as efficient as we can. We have  
24 decreased by half the time that it took for

1           us to get approvals for all of those  
2           projects. But we still have too long of a  
3           wait. And we want to get better at that, but  
4           it requires your support.

5                     SENATOR MARCELLINO: Well, thank you  
6           very much for your time. I know my time is  
7           up. But I would just state that if my office  
8           can be of any assistance in, for lack of a  
9           better word, goosing the system to get things  
10          out of other agencies that are being held up  
11          for whatever reason, give us a call.

12                    COMMISSIONER ELIA: Thank you.

13                    CHAIRMAN FARRELL: Thank you very  
14          much.

15                    We've been joined by Assemblywoman  
16          Jo Anne Simon.

17                    CHAIRWOMAN YOUNG: Thank you. And  
18          we've been joined by Senator Patrick  
19          Gallivan.

20                    CHAIRMAN FARRELL: Next to question,  
21          Mr. Lopez.

22                    ASSEMBLYMAN LOPEZ: Thank you,  
23          Chairman.

24                    Commissioner, welcome. Glad to see

1           you again. And actually we have -- our  
2           Windham students are here. My wife is back,  
3           and she's taking in your testimony as well.  
4           So glad you're here.

5                     Commissioner, a couple of things  
6           quickly. In the Foundation Aid -- and I know  
7           we had a conversation about fully funding it  
8           and the issue of projecting, carrying on with  
9           the multiyear. My honest observation is that  
10          even within the formula, there are certain  
11          key areas where schools are struggling. And  
12          even fully funded, I'm concerned that not all  
13          schools will be -- still will be created  
14          equal, particularly high need, low wealth,  
15          inner city and rural, in particular.

16                    And I see the drivers, cost drivers.  
17          You mentioned English language, second  
18          language learners as a cost driver. I would  
19          add to that poverty and special education  
20          needs.

21                    And my question for you is, do you  
22          see, in the budget as proposed, the  
23          opportunity for every student to have the  
24          same access to a quality education? Open



1 question.

2 COMMISSIONER ELIA: So I think that  
3 you've hit on something that's very  
4 important. The Foundation Aid, it's  
5 important to make sure that it's been updated  
6 and that we're using data and numbers that  
7 are current as it's calculated.

8 And also, I think that as we move  
9 forward, we have to look at ways that we can  
10 make sure that those districts and schools  
11 are getting the resources that they need to  
12 be able to support students in their  
13 districts.

14 And you have identified, I think,  
15 Member Lopez, a critical need to make sure  
16 that the distribution of the funding is done  
17 based on great need. And at this point in  
18 time, I think that the budget has been -- the  
19 proposal for the budget has supported, in  
20 fact, doing that. We've updated the budget,  
21 and the Executive office and their  
22 departments have included some of those  
23 suggested changes. I think there's more work  
24 to be done.

1           And as you've pointed out, we have  
2           many places in the state that need more  
3           resources, and they are not receiving the  
4           resources that they need. The Foundation Aid  
5           phase-in will help those districts, but we  
6           have to constantly be looking at ways to  
7           improve the distribution of the funds.

8           ASSEMBLYMAN LOPEZ: And again,  
9           that's -- my concern is, particularly on  
10          those three cost drivers, I'm not sure if  
11          we're heading in that direction. And that's  
12          why I'm looking for your guidance and  
13          experience there.

14          COMMISSIONER ELIA: Well, there is no  
15          question that the Regents have been focused  
16          on equity and making sure that those  
17          districts and schools within large districts  
18          that have great need are receiving the  
19          resources that they need. And so that is  
20          something that I think, as you pointed out,  
21          is very important for us to do. And we are  
22          certainly not there yet.

23          ASSEMBLYMAN LOPEZ: I'm going to shift  
24          gears quickly. Again, we've had some

1 conversation about the loss of the local  
2 diploma and about the issue of getting people  
3 to work right from school. And the concern  
4 many of us have remains with the issue of not  
5 having a diploma if someone is not in the  
6 Regents track, having certification. And the  
7 real world employability -- my concern is how  
8 do we work towards using the term "diploma"  
9 as one aspect.

10 The other aspect is, even within the  
11 Regents, is there an opportunity to  
12 strengthen the career and technical aspect so  
13 that someone can be job-ready and still get  
14 through the Regents program if they do pursue  
15 the Regents track?

16 COMMISSIONER ELIA: So in our  
17 conversations I know you're aware of the  
18 changes that the Regents have approved and  
19 that we have made to allow students to have  
20 access to opportunities towards receiving a  
21 diploma.

22 And let me say that I think that we  
23 have opened up the opportunities for students  
24 with disabilities to do that. And the

1 suggestions in the proposal that's in front  
2 of you that relate specifically to the  
3 expansion of CTE programming is very  
4 important. And so that will open up  
5 opportunities for that 4+1 option that we  
6 have.

7           And last year, as we discussed, the  
8 Regents opened up the superintendent's  
9 determination for students who had taken  
10 coursework and were unable to pass a Regent  
11 in that coursework -- specifically, a student  
12 with disabilities. However, they had passed  
13 the course and they had content knowledge  
14 enough that they could sign off as a  
15 superintendent that they determined that they  
16 should receive a local diploma.

17           Statewide, we had 418 of the students  
18 across the state that received a local  
19 diploma under a superintendent's  
20 determination.

21           So we believe that by looking  
22 carefully at the options that we make  
23 available to our students with disabilities  
24 particularly, or students who want to make

1           sure -- and maybe they are not focused on the  
2           Regents exams as such, but want the  
3           opportunities to become certified in a  
4           particular career -- those have also been  
5           offered as the 4+1 option.

6                       So right now, we have approved  
7           assessments that can be used for students to  
8           graduate with a Regents diploma and allowing  
9           them to have a career and technical external  
10          assessment that then puts them right in line  
11          to be able to have a job as they leave high  
12          school.

13                      ASSEMBLYMAN LOPEZ: Thank you,  
14          Commissioner.

15                      CHAIRMAN FARRELL: Thank you.  
16          Senator?

17                      CHAIRWOMAN YOUNG: Thank you very  
18          much.

19                      And Commissioner, it's always great to  
20          see you. And I too want to sincerely thank  
21          you for everything that you do for the  
22          students in New York. And it's great to see  
23          you travel about the state. And I know  
24          you've been to Western New York many, many

1 times. In fact, you hail from there. So  
2 it's great.

3 COMMISSIONER ELIA: That's it.

4 CHAIRWOMAN YOUNG: So I did want to  
5 follow up on a couple of things. And we've  
6 had quite a discussion today on the ELL  
7 students, and you mentioned Part 54 in the  
8 regulations that were created by the State Ed  
9 Department.

10 I just want to give you a little bit  
11 of feedback that we're getting from some of  
12 the districts. This was an unfunded mandate,  
13 because it's very difficult, according to the  
14 districts, to find teachers who are  
15 dual-certified in foreign languages and in a  
16 particular topic area. So in many cases,  
17 what they're having to do is hire a foreign  
18 language teacher and they're having to hire a  
19 social studies teacher, a math teacher,  
20 whatever it is, so they have two teachers in  
21 one classroom. These additional  
22 positions are not funded by the state.

23 You mentioned in your testimony that  
24 you're asking for \$100 million. My question

1 is, is that what the school districts are  
2 losing right now because of this unfunded  
3 mandate? So could you give us a little bit  
4 more information on that?

5 COMMISSIONER ELIA: Sure. I think the  
6 point that you've made is extremely  
7 important. And a number of districts across  
8 the state have faced the issue of getting  
9 certified teachers into those classrooms to  
10 support students who speak another language  
11 but are in our classrooms.

12 One of the things that we've done --  
13 and we know that this is an issue, and it  
14 relates to this certification. So there are  
15 places across the state in higher ed that  
16 have opened up opportunities for teachers to  
17 get certified as an add-on to their existing  
18 certification.

19 So if you take the example that you  
20 used, you have a social studies teacher and  
21 they have not been certified, but they have  
22 students that are ELL students in their  
23 classroom. If that social studies teacher  
24 goes through the training and does an add-on

1           of a certification, they become certified.

2                       So these are some of the activities  
3           that I think are absolutely critical for us  
4           to expand and make available.

5                       We're also looking at putting online  
6           programming together so that a portion of  
7           their training for that add-on can be not  
8           only in a classroom, having to go somewhere,  
9           but actually have the availability of it  
10          online so that they can get that  
11          certification.

12                      The thing that I think is important to  
13          realize is we've got to make the  
14          certifications available for the great  
15          teachers we have in New York. And what  
16          happens is to think that we only can do a  
17          certification for an ELL teacher in one way  
18          is not reasonable. We have so many different  
19          types of school districts -- large, small,  
20          rural, urban, suburban -- we have to make  
21          that programming available.

22                      We actually have put programs together  
23          that are allowing that certification, and we  
24          are encouraging institutions of higher



1       learning and our teacher prep programs to put  
2       in place English language learner training  
3       programs so that their graduates can graduate  
4       dually certified and/or that someone that's  
5       coming back can get that certification early.

6               So it has to be in multiple modes and  
7       not just one way to get a certification. But  
8       it is an issue, and it clearly has been a  
9       problem. Some of our BOCES have stepped up  
10      and are putting in place training for them as  
11      well.

12             CHAIRWOMAN YOUNG: I think it shows a  
13      need for the Blended Learning Program that we  
14      tried to get off the ground. You're talking  
15      about technology and using technology in the  
16      classroom, and I'm not sure where that's at  
17      either.

18             I wanted to talk about Foundation Aid  
19      and the formula. Assemblyman Lopez brought  
20      that up. But it was unfrozen in 2011-2012.  
21      And the majority of the data factors used in  
22      the calculations are updated annually, is  
23      that correct?

24             COMMISSIONER ELIA: The majority of --

1       they are updated this year. We put in a  
2       proposal to update them. And as we've  
3       updated them, we see that that will change  
4       the formula somewhat because it will shift on  
5       the poverty indicator as one area. And also  
6       the base amount of .65, which the Executive  
7       Budget has taken out of the formula and  
8       dropped to zero, we think that will help.

9               But it has not been, up to this point,  
10       included in the runs that we have given to  
11       districts in the past years that we have an  
12       updated formula particularly for poverty. So  
13       we have updated it for this year, and that's  
14       included in the runs out of the Executive  
15       Budget.

16              CHAIRWOMAN YOUNG: So you've updated  
17       it with the ELLs and that sort of thing,  
18       enrollment?

19              COMMISSIONER ELIA: Well, that data is  
20       updated each year, so you know exactly how  
21       many students are ELL in a district. And  
22       there is a factor in the formula that allows  
23       for ELL to be a calculation of that.

24              CHAIRWOMAN YOUNG: I wanted to talk to

1       you -- because you just touched on it --  
2       about the direct certification data versus  
3       the free and reduced-price lunches. And I  
4       wanted to get your thoughts on that, because  
5       there are two schools of thought -- no pun  
6       intended. But for example, in my district --  
7       very rural, as you know, a lot of poor  
8       people -- and there are two factors that  
9       sometimes get in the way of people signing up  
10      for free and reduced-price lunches for their  
11      children. One is maybe some apathy on the  
12      part of the parents, they don't return the  
13      information back to the school, which is a  
14      big problem. Or they may be embarrassed  
15      because they see it as a handout and they're  
16      proud.

17               So, you know, there are questions out  
18      there. The direct certification data, do you  
19      think that would be a more accurate way of  
20      assessing poverty, or -- I just want to hear  
21      your thoughts on it, Commissioner.

22               COMMISSIONER ELIA: Well, actually  
23      this used to be a major problem. And as some  
24      of the shifts occurred in the federal

1        nutrition programs, we have districts that  
2        because of prior years' poverty levels, they  
3        were given -- they were allowed to directly  
4        certify that they had students who were in  
5        poverty, and therefore parents did not have  
6        to return those forms. So in one way, that  
7        took away a problem there. But when that  
8        happened, then you couldn't use that data as  
9        the percentage of a -- in a formula for  
10       certification of funding.

11                The direct certification would be, I  
12       believe, a better approach to take in the  
13       fact that you would be able to access other  
14       factors that include things like social  
15       service programs that provide funding to  
16       families who are in need. And you'd be able  
17       to get that information and share that across  
18       agencies. We believe that would be very  
19       helpful.

20                But whatever you do, you'd have to use  
21       a two or three year roll-in of that, which is  
22       one of the things that we suggested.

23                CHAIRWOMAN YOUNG: So this is really  
24       designed to get funding to the poorest

1 districts. And you would agree that the  
2 Foundation Aid formula is designed to do  
3 that, right?

4 COMMISSIONER ELIA: Yes, I think it  
5 is. I think there are some factors that you  
6 could look at that would require legislation.

7 But I think each one of the  
8 characteristics of the Foundation Aid formula  
9 should be reviewed and regularly updated.  
10 And the most important thing is to look at  
11 the equity points that have been brought up  
12 by other people in questions already, the  
13 fact that we know that there are some  
14 districts that do not get the same amount of  
15 money per child as other districts in  
16 New York State.

17 That exists, and I think that's  
18 something that constantly needs to be  
19 reviewed to see what you could better do to  
20 distribute funding across the state for  
21 education.

22 CHAIRWOMAN YOUNG: Thank you.

23 So I want to talk about a topic that  
24 I'd rather not have to talk about, but that

1       has to do with cost reports. And as you  
2       know, in the 2012-2013 enacted budget there  
3       was an amnesty program that was authorized  
4       for school districts that had not yet filed  
5       their cost reports for building projects that  
6       were approved by SED prior to July 1, 2010.

7               COMMISSIONER ELIA: Right.

8               CHAIRWOMAN YOUNG: Right. So under  
9       the legislation districts had until  
10      December 31, 2012, to file such final cost  
11      reports, and then they were eligible for a  
12      prorated amnesty program.

13              So prior to that time, the penalty for  
14      a late-filed final cost report was a total  
15      loss of state aid on a project, even if all  
16      the aid had been previously paid. I just  
17      recently learned from a school district that  
18      SED will be taking back, in this school year,  
19      almost \$19.2 million in state aid from just  
20      one school district based on a late-filed  
21      final cost report for projects that were  
22      approved prior to July 1, 2010. And most of  
23      these projects date back to 1995, 1996, 1997.

24              And as you know, I have two separate

1 school districts right now -- I've had others  
2 in the past in my Senate district -- that are  
3 currently having state aid recovered in the  
4 amount of approximately half a million  
5 dollars a year, which these are little teeny  
6 tiny school districts. Their entire budgets  
7 are not that large. It's a huge hit. We've  
8 worked to try to address that in the  
9 State Budget. But this clawback seems to be  
10 unfair.

11 We used to be able to just pass  
12 legislation to grant some kind of amnesty for  
13 these districts. Because I don't believe in  
14 any of these cases this failure to file the  
15 cost reporting is malicious. You know, it  
16 wasn't intended.

17 So the question I have is, why didn't  
18 the department make every effort to notify  
19 these and other districts in 2012, when the  
20 window was open? Because now these districts  
21 apparently didn't realize that they didn't  
22 have the cost report filed and now they're  
23 getting hit by the department. And I want to  
24 really stress that these clawbacks that

1       you're getting, these huge fines that you're  
2       taking from the school districts, are not in  
3       the financial plan. This is extra money  
4       that's coming back. So the budget doesn't  
5       contemplate that this money would be coming  
6       back to the state.

7               So why didn't the districts get  
8       notified by the department? That's my first  
9       question.

10              COMMISSIONER ELIA: So let me -- first  
11       of all, let me clear up that. That's a  
12       misconception that you have. They were  
13       notified. They were notified multiple times.  
14       And so we have gone back on several districts  
15       that have been part of this and identified  
16       the fact that they had been notified. So  
17       that is not necessarily the case.

18              But here's where I want to --

19              CHAIRWOMAN YOUNG: Commissioner, I  
20       will tell you, in Panama they saw it pop up  
21       on a website right before -- it was at the  
22       end of the year, past when the window was  
23       closed. So I do not believe that they were  
24       notified. They don't have any record of



1       being notified. So I don't know what  
2       happened there, but I will tell you that my  
3       districts -- and another one was  
4       self-reporting. Fredonia, for example,  
5       self-reporting. The new superintendent  
6       uncovered something that happened 10 years  
7       prior, reported it, and they got dinged for a  
8       lot of money over that.

9               COMMISSIONER ELIA: Okay, so I have no  
10       problem going back, Senator Young, and  
11       verifying when your districts were  
12       identified. And we'll get with you and get  
13       the exact names, and they'll go back in the  
14       file and get that for you.

15              All I can tell you is every time that  
16       I have gone back and done it, every one of  
17       the districts that said they hadn't received  
18       notification had changes in staff, had people  
19       that may have been in there that didn't --  
20       hadn't had enough training to realize the  
21       seriousness of some of these issues. And I  
22       can tell you that I absolutely understand  
23       some of the situations that have occurred,  
24       and we in fact are supporting, with some of

1       our partner groups, having training for the  
2       financial staff members in districts across  
3       the state so they're fully aware of some of  
4       the issues that can be raised here.

5               And you're right. I mean, these are  
6       things that would be absolutely catastrophic  
7       for districts, and that should not occur.

8               SED is not the one that is, in fact,  
9       taking the money away. Let me point out that  
10      these are legislative decisions that have  
11      been made here. And we are following the  
12      law, which is a problem in some cases for  
13      some districts because of the situations that  
14      may have occurred there. But it's not  
15      something that we would not want your relief  
16      over, because we'd be very happy to not to  
17      ding these districts for what may not have  
18      been anybody's problem.

19              So any of the districts that you're  
20      talking about, we will give you the full  
21      response that was made to those districts  
22      over the period of time that we're  
23      discussing.

24              CHAIRWOMAN YOUNG: Thank you,

1 Commissioner.

2 And how many districts are left out  
3 there? Because, you know, I reference the  
4 new one, a \$19.2 million hit on that  
5 particular school district. They keep  
6 surfacing. So do you have a handle on how  
7 many districts are out there that are facing  
8 these types of situations?

9 COMMISSIONER ELIA: Well, I don't have  
10 the full number, but I will get that for you  
11 and make sure that it's available to you for  
12 you to share with anyone else.

13 We have had meetings with other  
14 legislators, and specifically talking about a  
15 district in a similar situation. And it's  
16 not something that in fact we are driven to  
17 do. And if legislation in any way was  
18 changed or revised where we had the  
19 opportunity to address these issues in a more  
20 reasonable way, we would certainly want to do  
21 it.

22 CHAIRWOMAN YOUNG: Thank you,  
23 Commissioner.

24 And finally, I referenced the Blended

1           Learning Program. The Legislature passed  
2           that legislation --

3                   COMMISSIONER ELIA: I'm sorry, which  
4           program?

5                   CHAIRWOMAN YOUNG: The Blended  
6           Learning Program.

7                   COMMISSIONER ELIA: Yes.

8                   CHAIRWOMAN YOUNG: The Legislature  
9           passed that bill, it was signed by the  
10          Governor. We worked to get together a  
11          program for the blended learning statewide  
12          initiative. And could you give a briefing as  
13          to where that's at?

14                   COMMISSIONER ELIA: I have to tell  
15          you, I'll have to check. I don't know.

16                   CHAIRWOMAN YOUNG: Okay.

17                   COMMISSIONER ELIA: You know that it  
18          was one of the things that you and I talked  
19          about last year, particularly that we come  
20          forward with a way that we could do virtual  
21          education across the state for some of the  
22          districts, particularly the small rural  
23          districts.

24                   And so I can't tell you where it is

1 right now, but I will get it for you.

2 CHAIRWOMAN YOUNG: Thank you. Because  
3 as you know, there was a task force, they put  
4 together a plan, they submitted it to SED,  
5 and I believe it was supposed to be  
6 implemented by SED. So if you could let me  
7 know, that would be great.

8 Thank you.

9 COMMISSIONER ELIA: Thank you.

10 CHAIRMAN FARRELL: Thank you.

11 We've been joined by Assemblywoman  
12 Shelley Mayer.

13 Next to question, Assemblyman  
14 McLaughlin.

15 ASSEMBLYMAN McLAUGHLIN: Thank you,  
16 Chairman.

17 Thanks, Commissioner, for being here.

18 A lot of my colleagues asked what I  
19 was going to ask, so I'll be probably brief.  
20 But a couple questions that I touched on with  
21 you just a little bit earlier. I'm hearing  
22 from some school districts about opt-outs  
23 that continue on testing. And one school in  
24 particular that I got word from, the

1 principal was telling his teachers that any  
2 student that opts out is marked a "1." I'm  
3 not sure whether that's true, or -- can you  
4 speak to that for me, so we can get some  
5 clarity for our school districts out there?

6 COMMISSIONER ELIA: So a student  
7 doesn't receive a "1" for a test they didn't  
8 take. As I mentioned to you earlier, there  
9 may be confusion over the issues.

10 Some of the legislation and/or initial  
11 rulemaking that came out of the ESSA, the  
12 Every Student Succeeds Act, in Washington had  
13 some rules that would be more detrimental to  
14 schools that had high opt-out rates. That  
15 may be what they're talking about. But  
16 obviously that law has -- we haven't  
17 submitted our New York State plan, and we  
18 haven't done anything on that, and certainly  
19 feel like that would be very problematic.

20 ASSEMBLYMAN McLAUGHLIN: Sure,  
21 definitely. And so you're not getting any  
22 word from any schools out there as far as  
23 feedback of -- you know, we haven't submitted  
24 the plan. When do we plan on submitting the

1 plan to Washington?

2 COMMISSIONER ELIA: The plan -- the  
3 due date right now, and this obviously is  
4 subject to change, the due date right now is  
5 September.

6 And so we've been working on getting  
7 feedback across the state, the Regents have  
8 had several sessions with experts from around  
9 the country, as well as the feedback that  
10 we've received. So our plan is in the  
11 development stage, but I can assure you that  
12 that was not something that we were  
13 interested in, and we're going to work very  
14 hard to make sure that those things were not  
15 included in New York's plan.

16 ASSEMBLYMAN McLAUGHLIN: Is there  
17 clarity out there, you think, among all of  
18 the administrators throughout the state?  
19 Because maybe it seems there isn't, if this  
20 is the feedback that I'm getting.

21 COMMISSIONER ELIA: Well, I've  
22 communicated with the superintendents. We've  
23 also had communications out with principals  
24 specifically relating to where we are in the

1 development of plans. So if in fact the  
2 principal may have said something to a  
3 teacher about what possibly was in the  
4 outlines coming from Washington related to  
5 the plan, and the teacher thought that's  
6 exactly what is true, that's the only thing I  
7 can identify. It could have happened, but  
8 that is not part of where we're going.

9 ASSEMBLYMAN McLAUGHLIN: Great. Thank  
10 you.

11 The Governor is proposing a round of  
12 grants totaling \$50 million. And typically  
13 grants are used to spur competition, which is  
14 not necessarily what we want to do when it  
15 comes to funding education. So a lot of our  
16 school districts are saying they're not even  
17 applying for it because they don't think that  
18 they would qualify for that grant anyway.

19 So I just want to get your feedback on  
20 that, whether you agree with that proposal by  
21 the Governor or not.

22 COMMISSIONER ELIA: Well, his  
23 \$50 million grants include things like  
24 after-school programs, Early College High



1        Schools, expanding pre-K -- that was the  
2        \$5 million that I pointed out before -- AP  
3        fees for low-income students, Computer  
4        Science Master Teacher awards, the Empire  
5        State Excellence in Teaching awards, and the  
6        Prevent Cyberbullying Initiative.

7                So one of the things that I -- and  
8        I've mentioned this before when I've talked  
9        to several of you, I think it's very  
10       problematic when we have competitive grants  
11       that pit students against students when you  
12       have students in multiple places across the  
13       state that need to have supports.

14               In some of these situations -- and let  
15       me give you an example with the expanded  
16       pre-K program. For \$5 million going out for  
17       another opportunity for someone to apply for  
18       funding for what would be a relatively small  
19       amount of money, \$5 million, and having  
20       resources in districts -- and you talk about  
21       small districts or you talk about urban  
22       districts, they may not have the same level  
23       of grant writer that others do, so  
24       competitive grants can be problematic.

1           I would say if you're going to have  
2           competitive grants, they should be in the  
3           fewest areas possible. But we would  
4           certainly hope that as we're working with  
5           these that we could put in place those things  
6           that would allow districts to know ahead of  
7           time whether they fit the criteria or not.

8           But let me give you an example. We  
9           had, for the after-school 21st Century grant  
10          programs, we had over 500 applicants. We're  
11          not going to be able to give anywhere near  
12          500 applications -- and give them funding.  
13          So people are spending their time writing  
14          those grants. It's important for the RFP to  
15          be very clear and for people to make a  
16          decision about whether that is something that  
17          they really feel like they've got an  
18          opportunity to get.

19          Clearly the AP fees for low-income  
20          students is something, by the percentage of  
21          students that they'd have in their district,  
22          they may be able to know that that would be a  
23          good thing for them to write for.

24          ASSEMBLYMAN McLAUGHLIN: Thank you,

1 Commissioner.

2 CHAIRMAN FARRELL: Thank you.

3 CHAIRWOMAN YOUNG: Thank you.

4 Our next speaker is Senator Kaminsky.

5 SENATOR KAMINSKY: Good morning,  
6 Commissioner.

7 COMMISSIONER ELIA: Good morning.

8 SENATOR KAMINSKY: I just want to  
9 acknowledge and thank the presence of  
10 Chancellor Rosa. She came out to my district  
11 last week for a forum on graduation and  
12 diplomas that we heard of a minute ago. Over  
13 350 parents were there, and it was a really  
14 great dialogue, and we've discussed this.  
15 But there was still -- there was a great  
16 appreciation for the steps you have taken  
17 last spring. You know, when you talk about  
18 400-plus lives being improved by your  
19 measures, that's great.

20 I just want to let you know people are  
21 now hoping for a next step or a follow-up  
22 step this year as a way to recognize the  
23 potential of all students, and it was just a  
24 really great moment to have our state

1 officials there listening to parents. And I  
2 think everyone appreciated it and came out of  
3 it feeling hopeful. And we hope that hope  
4 will be realized this year with some further  
5 steps you could take that will get students  
6 to the next level.

7 COMMISSIONER ELIA: Thank you.

8 SENATOR KAMINSKY: Sure.

9 I just want to talk to you about a  
10 waiver that we in the state have been asking  
11 from Washington for students with special  
12 needs from taking some of the state testing  
13 that has obviously caused a lot of distress  
14 for some of those students.

15 You know, I hear from special ed  
16 teachers and from parents of students with  
17 special needs that undergoing such testing is  
18 really sometimes tantamount to child abuse,  
19 that knowing that what the results will be  
20 and making them go through it anyway is just  
21 a very tough thing. And I talk to teachers  
22 who look at me and say, "I look at the  
23 students and say 'I'm sorry, there's nothing  
24 I can do for you,' and watch them struggle

1 through that."

2 I'm just wondering where we are in  
3 that process with the new administration and  
4 whether we're going to be pushing for a  
5 waiver for such students going forward.

6 COMMISSIONER ELIA: Well, so let me  
7 point out that the ESSA, the new law that has  
8 been passed, at this point in time it looks  
9 as though any of the particular directives,  
10 the guidance that came out with that, is not  
11 moving forward. So we have, specifically,  
12 the law in place -- the law does not give  
13 exceptions to students with disabilities, and  
14 I think that there clearly are some things  
15 that we can look at.

16 We are very committed to make sure  
17 that we can provide an appropriate assessment  
18 for students no matter who they are and what  
19 groups that they're included in. And  
20 certainly our students with disabilities is a  
21 big part of that.

22 One of the things that I think will,  
23 as we move forward, help us substantially,  
24 given the fact that there is no exclusion for

1           them in the law at this point in time, is the  
2           opportunity with computer-based assessments  
3           where, as the student takes the test after a  
4           number of questions that they're not at the  
5           instructional level of that particular grade  
6           level, the computer automatically drops it to  
7           a level where they would be able to answer  
8           some of the questions. So the frustration  
9           they feel in not having the ability to answer  
10          any of the questions may then be able to be  
11          taken away as they're using computers to do  
12          that.

13                   SENATOR KAMINSKY: Are we close to  
14          doing that?

15                   COMMISSIONER ELIA: Well, we have  
16          started the investment in having that. As a  
17          matter of fact, there are districts across  
18          the state right now that are doing  
19          computer-based assessments. They did it last  
20          year in the field testing, and some this year  
21          are actually doing it in the operational  
22          testing. We're working very hard and  
23          encouraging districts to get themselves ready  
24          for that. That really will open up an

1 enormous number of opportunities as we're  
2 doing testing with different groups of  
3 students.

4           So let me point out to you, as I have  
5 a number of times, the importance that I  
6 myself think that providing opportunities for  
7 our students who are students with an IEP to  
8 be in traditional classrooms, to have access  
9 to the kinds of coursework that would allow  
10 them to be successful. As they move forward,  
11 the importance of a diploma is certainly  
12 underscored. We've worked to make sure that  
13 those students have options. And as you and  
14 I had conversations, and I know it came up at  
15 your meeting last week, the opportunities  
16 have been opened up.

17           And I myself was at a meeting at  
18 Staten Island with a student who was given --  
19 who was able to take the Regents exam, passed  
20 the algebra after a few tests. However,  
21 ultimately she got the superintendent's  
22 determination in hand, a local diploma, and  
23 she's now going on to art school.

24           So I think we have opened it up, we

1       are looking for opportunities to obviously  
2       have a meaningful approach to giving diplomas  
3       in the State of New York, and making sure  
4       that when that diploma is given that it means  
5       something for all students, and making sure  
6       that those agencies that might hire our  
7       students are aware of the work that they've  
8       done that contributes to the diploma they  
9       have in hand.

10               SENATOR KAMINSKY:  Thanks.

11               Let me ask one final thing while we're  
12       talking about ESSA.  I also believe that ESSA  
13       is the foundation for sort of a sword that  
14       hangs over districts' heads about their  
15       opt-out rates.  And I have some districts  
16       that have 60 percent opt-out rates, and ESSA  
17       is used for the "Well, then your school could  
18       have its federal funding cut unless a certain  
19       percentage of students are there."

20               Is that also a waiver that we're  
21       continuing to seek from Washington?

22               COMMISSIONER ELIA:  Well, we never saw  
23       the waiver for those students who had opted  
24       out.  I can tell you now that still in the



1 law -- not in regulation, but in the law --  
2 there are requirements for participation  
3 rates.

4 I've also mentioned to you last year  
5 when I was here, and to many of you  
6 personally at various meetings that I've had  
7 with you and your constituents, I don't  
8 support in any way, nor do the Regents,  
9 punishing children for the determination of  
10 whether or not we're going to have an opt-out  
11 situation or not.

12 But the law does require participation  
13 rate. It's in the law. And I think we have  
14 to work with our state ultimately so that we  
15 all can have students and parents and  
16 teachers understand the importance of giving  
17 feedback on how well their students are  
18 doing. It is a part of the transparency that  
19 we have, and accountability, and I think as  
20 we kind of move back and reset where we are  
21 in New York with teachers who are integrally  
22 involved in the development of the  
23 assessments, I think you will have a  
24 different approach to the assessments in

1 New York.

2 SENATOR KAMINSKY: Well, thank you,  
3 and I hope so. And Senator Latimer and I  
4 are -- I've joined him in writing a letter to  
5 the administration in Washington asking them  
6 that they change that requirement. I think  
7 if, well, he's all about getting government  
8 out of our lives, I think this would be a  
9 great place to do it.

10 You know, we have parents that really  
11 make very difficult choices about opting  
12 their kids out. They believe it's the best  
13 for them.

14 I hope we all have buy-ins so that  
15 will change and everyone will agree with what  
16 we have going forward, and I look forward to  
17 working with you on creating that. But I  
18 think this threat scares them. And I'm glad  
19 to hear that you agree with it, but I do  
20 understand the law in front of us. So thank  
21 you.

22 COMMISSIONER ELIA: Thank you.

23 CHAIRMAN FARRELL: Thank you very  
24 much.

1 Assemblywoman Jaffee.

2 ASSEMBLYWOMAN JAFFEE: Good morning.

3 COMMISSIONER ELIA: Good morning.

4 ASSEMBLYWOMAN JAFFEE: Thank you,  
5 Commissioner, for your ongoing commitment,  
6 the strength of your work on behalf of our  
7 youth and, you know, the education system.

8 I wanted to also just begin by  
9 thanking you for your focus on East Ramapo  
10 and working with the community to certainly  
11 provide the quality education that the  
12 students deserve in East Ramapo, in a very  
13 high-need district in particular. So I want  
14 to thank you and the monitors for providing  
15 that kind of enlightenment and support in the  
16 district.

17 I wanted to also ask a question  
18 regarding the Community Schools, and what  
19 progress is being made with these -- in these  
20 areas, in the Community Schools, in  
21 implementing the needs of the community and  
22 the model that has been created in each of  
23 these schools.

24 COMMISSIONER ELIA: So last year in

1       the budget there was \$100 million that was  
2       included in Foundation Aid that went to all  
3       districts across the state related to  
4       Community Schools. And we put out guidance  
5       on that funding, and we know that districts  
6       that have previously had grants or had  
7       instituted Community Schools expanded those  
8       options in their communities.

9               In my experience being across the  
10       state, I have seen a number of the Community  
11       Schools' expansions and the introductions of  
12       the concept of Community Schools, and I can  
13       tell you I think that it's making a  
14       difference, particularly for our high-needs  
15       students. But we have a ways to go.

16              As you're aware, under the grant that  
17       was provided by the Legislature and signed  
18       off by the Governor, we established an Office  
19       of Community and Parent Involvement. That  
20       office is almost staffed, not quite, but we  
21       are expanding our work out into the -- across  
22       the state to support districts in making sure  
23       that they're targeting not only the students  
24       that have the greatest need, but their

1 families, and connecting them.

2           There is nothing besides the teacher,  
3 the support of family and an involvement of  
4 the family, and the work that's being done at  
5 schools is absolutely critical. And with so  
6 many of our families in need, the Community  
7 School provides great opportunities for them.  
8 And as a strategy to support improvement and  
9 success for students, we feel it's a really  
10 great one, and we've been expanding our  
11 opportunities there across the state.

12           So the funding has been there for  
13 that. We have, for our struggling and  
14 persistently struggling schools, an amount of  
15 money that was put aside, and we have yet to  
16 get that out to those schools. But we are in  
17 the process of doing that as well.

18           ASSEMBLYWOMAN JAFFEE: Well, thank  
19 you. I think -- I truly believe it is  
20 essential. As a former educator of special  
21 education in East Ramapo, I felt many years  
22 ago that we should have put a Community  
23 School into East Ramapo, and I know that in  
24 various areas they've been seeing quite a bit

1 of success, especially in engaging parents.  
2 That is so essential.

3 And we have to continue to move  
4 forward with that initiative in many areas,  
5 and so I thank you for your really focusing  
6 on that and assuring that we are moving  
7 forward on that.

8 With special education also, the  
9 options that you noted in terms of tests -- I  
10 sat for hours with these young junior high  
11 school students who sat for several hours to  
12 take a test and -- with special needs. And  
13 while they were intellectually capable, some  
14 of them had dyslexia, some of them really had  
15 fallen back in education because of their  
16 learning disabilities, and they weren't being  
17 provided with the support -- they struggled  
18 so, hour after hour, trying to take these  
19 tests.

20 If there are ways to be able to  
21 provide options for them, it is so -- I know  
22 Massachusetts does some of that as well,  
23 provides a variety of options for students  
24 with learning special needs, and I believe

1       that it's a way to support them, a way for  
2       them to continue feeling success, which then  
3       gives them even more self-confidence and an  
4       ability to move forward. So it is something  
5       that I think we need to focus on, as you  
6       continue to focus on it, and I thank you for  
7       mentioning that.

8               Is there anything else that is being  
9       done to support them?

10              COMMISSIONER ELIA: Well, as you  
11       noticed, the severely disabled students in  
12       the new law, the reflection on assessments  
13       for those students, the only group that is  
14       excluded from having to take the regular  
15       assessment is those students that right now  
16       the law reflects a 1 percent cap on the  
17       number of students. And we believe that in  
18       fact in New York we have to look at that  
19       carefully, because we're just not sure that  
20       the federal government's singling out one  
21       single percentage for every state across the  
22       country is a reasonable approach. So we're  
23       looking at that carefully as well.

24              We've had a number of teachers give us

1 feedback on their students with severe  
2 disabilities who are, based on the  
3 requirements in the federal law, still going  
4 to be required to take the assessments.

5 So those are all issues that we have  
6 to face.

7 ASSEMBLYWOMAN JAFFEE: Yes. It's a  
8 major issue.

9 I had a student who I actually was  
10 dealing with privately because his mom had  
11 reached out to me, and he was quite bright  
12 but was -- really had difficulty with  
13 dyslexia, and it included the reading. He --  
14 we worked together for many years in terms of  
15 assisting him. Even in my classroom, I got  
16 the Lighthouse for the Blind to tape their  
17 textbooks so that they could actually have  
18 the opportunity to listen to some of their  
19 textbooks rather than struggle when they can  
20 do both at the same time, actually. And he  
21 actually became a physician.

22 But we need to continue to provide  
23 that kind of support for children with  
24 learning disabilities so that they can



1           continue to move forward, have the confidence  
2           and the strength to move forward in terms of  
3           their academics.

4                   COMMISSIONER ELIA: Absolutely.

5                   CHAIRMAN FARRELL: Thank you.

6                   ASSEMBLYWOMAN JAFFEE: And I just -- I  
7           want to -- oh, my time is up. Okay. I'll  
8           continue at another time.

9                   But thank you very much for your focus  
10          and really intense engagement in our schools.

11                   Thank you.

12                   COMMISSIONER ELIA: Thank you.

13                   CHAIRWOMAN YOUNG: Thank you.

14                   Just to give the members a sense of  
15          the order, next is George Latimer, Senator  
16          Latimer, who is ranking member on Education.  
17          Following him will be Senator Ranzenhofer,  
18          and after that Senator Krueger.

19                   SENATOR LATIMER: Thank you, Senator.

20                   And good morning, Commissioner. Thank  
21          you for being here.

22                   Since time is limited and there's many  
23          other speakers, I'll just ask one area of  
24          questions, and that relates to the new

1 federal administration. The fiscal year in  
2 the federal government ends -- fiscal year  
3 2017 ends on September 30th, meaning that the  
4 new federal fiscal year will begin  
5 October 1st, which is halfway through our  
6 state fiscal year. And I'm wondering if you  
7 can describe, in general terms, the level of  
8 federal support that we receive in New York  
9 from the federal government, and on the  
10 assumption that we're going to see some major  
11 changes in the way the federal government  
12 intends to fund education, both the level and  
13 the policies of education, if you had an  
14 opportunity with your team to look at how  
15 New York might respond to those changes if  
16 they come as expected.

17 COMMISSIONER ELIA: So you're  
18 absolutely right, Senator. We are watching  
19 closely some of the things that we think may  
20 be affecting decisions that are made  
21 regarding education.

22 As you are well aware, I'm sure, there  
23 were some statements made during the -- or  
24 prior to the actual election that would

1        indicate that some funding may be taken off  
2        of education programs nationally, which would  
3        certainly affect New York State. If in fact,  
4        for instance, the \$20 billion amount of money  
5        was taken off the top to distribute for  
6        specific agendas, then that -- and it  
7        certainly would affect New York in the fact  
8        that we receive billions of dollars to  
9        support our programming in many areas within  
10       the state, and that funding is distributed to  
11       school districts, so it would ultimately  
12       affect the school districts.

13                At this point in time we don't know  
14       where any of those things are going to go.  
15       There's been no indication other than the  
16       action that was taken in the house a week and  
17       a half ago to no longer have the regulations  
18       that have come out of the Obama  
19       administration's Department of Education be  
20       part of what comes out in directives on the  
21       new ESSA. That has not been taken up in the  
22       Senate yet, so it may be that those rules in  
23       fact are put in place, we're not sure.

24                However, it would seem that they're

1       probably going to get that passed through the  
2       Senate as well. And so that would mean that  
3       the law that was passed -- specifically the  
4       law only, not any of the regulations relating  
5       to it -- would move forward. And remember,  
6       that was a bipartisan law passed to take over  
7       from No Child Left Behind.

8               So in that law, it specifically talks  
9       about the programs that we -- that I think  
10      you're alluding to -- are Title I programs,  
11      or Title III and Title IV. Those programs  
12      are still in place, and unless a change would  
13      be made in how they would be funded, then it  
14      wouldn't affect New York unless a  
15      determination was made to take funding off  
16      the top for another agenda. And at that  
17      point it would affect us, and it would be  
18      relative to the percentage that we would  
19      receive, that we receive now, from the  
20      federal dollars spent in education.

21             And it is a large budget, but it's  
22      also a very large budget in New York, so a  
23      percentage off the top would affect us.

24             SENATOR LATIMER: I would just -- just

1           in closing ask the obvious, which is as soon  
2           as the department has any hard indication of  
3           what those changes may be -- and it may come  
4           when the Legislature, our Legislature, is out  
5           of session. But I'm sure that the leaders of  
6           our respective houses and those of us who  
7           track these issues would like to know as much  
8           as we can about the direct impact as it  
9           affects the state. Obviously it will affect  
10          our school districts in particular, because  
11          there are policy elements which the Board of  
12          Regents will want to analyze, but also our  
13          Legislature will want to analyze.

14                 And since, again, we do go out of  
15          session at the end of June, some of these  
16          things may play our in the summertime, in  
17          which case we I think would all want to know  
18          in real time what those impacts would be.

19                 And I appreciate your answer, and  
20          hopefully we'll have a chance to dialogue  
21          further.

22                 COMMISSIONER ELIA: Absolutely. And I  
23          would say I would hope that as any changes  
24          are rolling out, that we become partners in

1           addressing what is best for New York State.

2           SENATOR LATIMER: Thank you.

3           Thank you, Madam Senator.

4           CHAIRWOMAN YOUNG: Thank you, Senator.

5           CHAIRMAN FARRELL: Thank you.

6           Next, we've been joined by Assemblyman  
7           Matthew Titone.

8           ASSEMBLYMAN OAKS: And Assemblyman  
9           Murray.

10          CHAIRMAN FARRELL: And next, Mr. Ra.

11          ASSEMBLYMAN RA: Thank you, Chairman  
12          Farrell.

13          Good morning, Commissioner.

14          COMMISSIONER ELIA: Good morning.

15          ASSEMBLYMAN RA: Good to see you.

16          Just a couple of questions. One, just  
17          going back to Foundation Aid. And just like  
18          I guess we saw the last few years when we  
19          were talking about the GEA, that there were,  
20          you know, districts that were kind of pretty  
21          much back to zero on that, and there were  
22          districts that were -- you know, still had  
23          huge sums that were outstanding, so to speak,  
24          when you looked at that.

1                   And it's the same way with Foundation  
2           Aid. Obviously we have ones that are up  
3           close or at their full phase-in and ones that  
4           are well below. So I know that the Governor  
5           has his proposal, which there's been  
6           opposition to in the Legislature. How would  
7           you guys in your proposal prioritize doing  
8           that phase-in? I noticed like a handful of  
9           districts that are even below 50 percent  
10          still at this point. So how would we  
11          prioritize doing that phase-in for districts?

12                   COMMISSIONER ELIA: So the Regents'  
13          proposal calls for one-third each year for  
14          the next three years, for a three-year  
15          proposal. Now, based on the calculations, of  
16          course, that is -- it's not frozen at the  
17          amount that we have calculated right now for  
18          what would be the Foundation Aid. So every  
19          year it would change, but at this point in  
20          time our Regents' proposal of \$1.4 billion  
21          reflects one-third of the current amount  
22          that's owed to districts.

23                   If that were done, then the formula  
24          would roll out as to each -- the amount that

1       each district would receive. And so that  
2       calculation is available, and certainly we  
3       could let you know for any of the specific  
4       districts for you -- we could let you know  
5       exactly what that would be.

6               But the bottom line is, as we phase  
7       out the Foundation Aid, then ultimately you  
8       would have that played out depending on the  
9       number of years that was included in law.

10              ASSEMBLYMAN RA: Yeah. Because  
11       obviously, like any formula, you're always  
12       going to have maybe kind of outliers or  
13       districts that may reflect, you know, a  
14       different reality than necessarily what the  
15       numbers may show.

16              So maybe I'll follow up with your  
17       staff just to see how that would run through  
18       for some of the districts that I represent.

19              COMMISSIONER ELIA: Sure.

20              ASSEMBLYMAN RA: The other thing I  
21       wanted to bring up -- and I'm very supportive  
22       of your request for the Excess Teacher  
23       Turnover Prevention program, and that  
24       funding. I think it's very important in



1 particular to Special Act schools and 853s.

2 And I was just wondering what your thoughts

3 are (a) whether the Department would be

4 supportive of trying to really come up

5 with -- you know, we'd put a little more

6 money in, obviously I know the rates get set

7 outside of the budget, but so what, you

8 know -- would the Department be supportive of

9 looking at some way of legislatively or

10 otherwise to really make that more

11 predictable for those institutions? And how

12 could the Legislature, or at least those that

13 are interested in doing so, work with you to

14 help make something like that a reality and

15 push for that?

16 COMMISSIONER ELIA: So yes, I have

17 visited a number of the Special Act schools,

18 and these are schools that I think are

19 absolutely critical for us to support. The

20 idea of the Excessive Teacher Turnover

21 Prevention, we've asked for funding to expand

22 that opportunity for those teachers because

23 in reality they don't have the same access to

24 the increasing funds. And they have not kept

1 up with that period of time where they didn't  
2 have any increases at all, and what we've  
3 done since then has not brought them back to  
4 whole.

5 And I think that's an extremely  
6 important area for us to address, both the  
7 853 and the Special Act schools. So to make  
8 sure that those teachers that are there don't  
9 get -- aren't in a position to leave those  
10 programs that so desperately need the  
11 certified teachers and go somewhere else, we  
12 think it's a really important opportunity.  
13 The special education providers for those  
14 programs can serve either our early childhood  
15 programming or our other programs that are  
16 serving students that have special needs that  
17 actually are attending those schools as  
18 opposed to their district schools.

19 One of the things that we've requested  
20 is the provider data system that will allow  
21 us to be able to know exactly what providers  
22 are providing what services in each area  
23 geographically, so that as funding issues  
24 come up, we can look at that and from that

1 perspective determine what's the best  
2 approach for us to take in supporting those  
3 districts.

4           So I would suggest to you that  
5 Special Act schools are very important. The  
6 board has asked us to look at how we can  
7 support the tuition and school-age and  
8 preschool education for these children to  
9 have a more inclusive approach so that  
10 students, special needs students, are  
11 included in our population of pre-K  
12 programming and they receive supports to do  
13 that inclusion work, because many times that  
14 will help children to quickly move off of  
15 some of the difficulties they may have by  
16 being with their chronological peers in those  
17 programs.

18           So there's a number of areas that I  
19 think, particularly with Special Acts and  
20 with the pre-K program, that would be  
21 improved by providing the opportunity for us  
22 to have the data at our fingertips. Right  
23 now there are multiple places where  
24 information is kept, and they are not

1           together, and I think that's going to really  
2           give us more factual information to make  
3           determinations.

4           ASSEMBLYMAN RA:   Okay.   Thank you.

5           CHAIRMAN FARRELL:   Thank you.

6           Senator?

7           CHAIRWOMAN YOUNG:   Our next speaker is  
8           Senator Krueger.

9           SENATOR KRUEGER:   Good morning.   I  
10          think it's still morning.

11          CHAIRMAN FARRELL:   Mm, yes.

12          SENATOR KRUEGER:   Yup.   Still morning.

13          I also want to thank you for all the  
14          hard work and dedication of your department.  
15          Such an enormous assignment to get one's arms  
16          around, all education for the State of  
17          New York.   Plus.

18          So, from your testimony today, you  
19          referenced both the Governor's proposal to  
20          merge the UPK funding stream --

21          COMMISSIONER ELIA:   Yes.

22          SENATOR KRUEGER:   -- and, I think,  
23          your explanation of all the different  
24          categories of UPK and the importance, I

1 think -- you agree with him on merging them.  
2 But you also said you want to include the  
3 half-day UPK --

4 COMMISSIONER ELIA: Yes.

5 SENATOR KRUEGER: -- in the category.  
6 So since we're very focused on making sure  
7 UPK guarantees the kind of quality  
8 educational childhood development  
9 curriculum --

10 COMMISSIONER ELIA: Right.

11 SENATOR KRUEGER: -- like we know from  
12 research makes a big difference, how do we  
13 make sure that we're building in the same  
14 standards in a half-day model if we're going  
15 to support half-day as well as full-day?

16 COMMISSIONER ELIA: Okay, so I think  
17 my comments specifically on the half-day and  
18 taking funding away from districts -- so let  
19 me give you an example. There are some  
20 districts where they provide the full-day  
21 program, but there are parents that don't  
22 want their child in a full-day program, so  
23 they provide a half-day program.

24 I would suggest to you that the

1 half-day program, if it's focused on the key  
2 areas of the instruction or of instruction  
3 and activity for early childhood, is as  
4 good -- it's better than not having any  
5 program, if you will.

6 So if a parent is deciding that they  
7 want to have a half-day program and the  
8 district wants to provide that, or if  
9 midstream a child leaves the program and they  
10 transfer that position that was a full-day  
11 into a half-day, in the proposal it calls for  
12 taking the funding away from districts. I  
13 think that's a mistake. I think that there  
14 are opportunities in most of the programs --  
15 we've talked with providers, there are  
16 waiting lists for children to get in,  
17 children can be started in those programs at  
18 different times in the year. And I think  
19 it's a benefit to school districts to have  
20 the flexibility to do that and not lose the  
21 money if that child leaves for whatever  
22 reason.

23 So half-day programs can be helpful.  
24 I would suggest to you that a full-day

1       program is the better approach, but I think  
2       that's one of those things that in various  
3       communities you have numbers of parents who  
4       either decide or not to have their child in a  
5       full-day.

6                SENATOR KRUEGER:  At some private  
7       education -- they have a model of blended 4-  
8       and 5-year-olds together --

9                COMMISSIONER ELIA:  Mm-hmm.

10               SENATOR KRUEGER:  -- so it would be,  
11       by our definition, UPK and K.  Is that a  
12       model that might help some school districts  
13       with the limitations of only X number of  
14       students, only Y number of classrooms and  
15       teachers?  Have you looked into that?

16               COMMISSIONER ELIA:  Sure.  But I think  
17       one of the issues really becomes if you  
18       have -- for the most part, districts have  
19       waiting lists for kids to go into their pre-K  
20       program.  If you did have a kindergarten --  
21       as opposed to pre-K -- that had spaces,  
22       that's a possibility, certainly.  But we  
23       haven't seen that happening a lot.  Most of  
24       the kindergarten programs are pretty full and

1 people -- after school begins, they're ending  
2 up opening additional programs. So what --  
3 we aren't really seeing if they could be  
4 blended well.

5 I think to get back to your point  
6 about the quality, the QUALITYstars program  
7 is a way that we, in our department, are  
8 looking to make sure that children have the  
9 ability and are getting the kinds of  
10 programming that's really supportive of  
11 expanding their vocabulary, et cetera. And  
12 with a combination of both private and public  
13 opportunities, I think it's very important  
14 for us to make sure that that quality is  
15 there in all of the cases.

16 One of the issues that you brought  
17 up -- and this is on page 5 in your deck.  
18 But if you look at the issues relating to  
19 different grades or different age levels,  
20 when you provide a 3-year-old with a program  
21 and then the 4-year-old program gets cut or  
22 there's a reason that the child can't get in,  
23 you'll end up having a 3-year-old go for a  
24 program, then have a void in that 4-year age,



1 and then they go into the kindergarten at 5.

2 So it really can create an issue.

3 Our focus needs to be on one age  
4 group, get that done, and then where  
5 necessary, and where there's support, put a  
6 3-year-old to roll into a 4-year-old program.

7 SENATOR KRUEGER: Thank you.

8 You talk about the project-based  
9 alternative pathways to high school degrees  
10 that you put into -- I guess that rolled out  
11 last year -- this year -- last current year.

12 COMMISSIONER ELIA: So I think -- are  
13 you talking about the CDOS program?

14 SENATOR KRUEGER: All right, we're  
15 back to -- the model that you described that  
16 can be used by children with disabilities --

17 COMMISSIONER ELIA: Right.

18 SENATOR KRUEGER: -- and English  
19 language learners to -- sorry, I thought you  
20 described it and I wrote it down as  
21 project-based alternative pathways.

22 COMMISSIONER ELIA: Right.

23 Okay, so the program that we have  
24 known as the CDOS program -- it is a program

1       that focuses on the skills level that a  
2       student would need to be successful in the  
3       workplace. It actually has as an exit  
4       criteria, either the assessment of pretty  
5       much well-accepted-across-the-board CTE  
6       assessments that are standardized across the  
7       country so that a student has those skills  
8       that they then can take to the workplace.

9               One of the things that we've done that  
10       was initially put in place two or three years  
11       ago by the Regents -- and at the time when it  
12       first was instituted, it does take time for  
13       them, the school districts, to move to that  
14       model. We're not sure that we have had as  
15       many districts move to the model as perhaps  
16       need to.

17              And so providing the opportunities for  
18       career and technical programming is  
19       important, and also to know whether or not  
20       the students themselves actually end up with  
21       a credential that is helping them to get into  
22       some workforce. We contacted the Civil  
23       Service and we have, from them, the assurance  
24       that in fact that CDOS can allow -- or will

1       allow students to go into the beginning  
2       levels of civil service.

3               And we also contacted the military,  
4       because a number of our parents said that  
5       that wasn't providing their students with  
6       what they needed there. And there is a  
7       program that does allow for students who have  
8       not -- don't have a regular diploma but have  
9       a certification, to be able to access some  
10      positions in the military. It's not as open  
11      as it would be if they had a diploma, but it  
12      is providing some opportunities. So we're  
13      looking at that as an option.

14             But I do think that some of the other  
15      work that has been done specifically for  
16      those students who take Regents-level  
17      coursework but are unable to pass the Regents  
18      exams, those 418 students that their  
19      superintendent determined that they had done  
20      the coursework, they had passed the course,  
21      and they were unable to pass the Regents  
22      exam, they received a local diploma.

23             So that is, I think, an opening up to  
24      see how well we can move forward and provide

1           for them.

2                   SENATOR KRUEGER: And that's where I  
3           really wanted to go with the question, that  
4           there is X number of students who just don't  
5           test well and are never going to test well,  
6           even though they did the work and are  
7           accomplishing -- and you heard a number of my  
8           colleagues point to examples of that. And I  
9           was curious whether the department was going  
10          further down the road of exploring  
11          alternative definitions of success for being  
12          awarded an actual high school degree.

13                   I know that I'm a big fan of portfolio  
14          high school programs. I have actually four  
15          of those high schools in my district that are  
16          phenomenal, and actually have I think over a  
17          90 percent -- over 95 percent graduate on  
18          time, and over 90 percent go to college. But  
19          these were kids who, based on the 8th-grade  
20          tests, were not going to be successful in  
21          high school at all, and many of them struggle  
22          to pass even the lesser number of Regents.

23                   And I wonder whether SED is exploring  
24          expanding on those kinds of models so that we

1           are not putting children through our school  
2           system, creating an enormous amount of  
3           frustration and panic, when an awful lot of  
4           them actually are very talented and educated  
5           and accomplished, but they just don't fit in  
6           the box of Regents Exams.

7                   COMMISSIONER ELIA: Well, I think  
8           it's -- I think the opportunities to look at  
9           different approaches to graduation are  
10          important. And let me say, I think taking  
11          the concept of the portfolio and using that  
12          as a basis for some pilots is something we  
13          are very interested in doing.

14                   That of course takes funding to be  
15          able to do that. If we're going to do a  
16          tracking of how well students are doing in  
17          those programs, we do have the history -- as  
18          you pointed out, you have some of those  
19          programs in your area of New York. And I  
20          think it's important for us to have that data  
21          available so we can look at it and also  
22          across the state to try to provide as many  
23          opportunities for students.

24                   For instance, in the science

1       assessment that we have, can we look at other  
2       ways to assess students in science rather  
3       than the straight assessment that's given --  
4       every student takes it on the same day  
5       everywhere -- but rather, embedded in the  
6       instruction in their programs, opportunities  
7       for them to do and prove that they are able  
8       to do the science that's necessary.

9               So opportunities I think are extremely  
10       important. One of the ones that we have had  
11       some success or we want to continue to track  
12       that is the P-TECH program. If you look at  
13       the students that are accepted into the  
14       P-TECH program, that actually ends up being  
15       students who, as you pointed out, might not  
16       necessarily be the ones that people would say  
17       automatically they're going to do great. And  
18       we have some great results that actually gets  
19       them a two-year associate's degree and a  
20       certification in one of the areas that  
21       they're training for.

22               And as we -- each year we'll get more  
23       data on that particular cohort, since it's a  
24       long-drawn cohort. But we're seeing that

1       they're passing the Regents exams because  
2       much of the content from the Regents exams is  
3       actually embedded into their integrated  
4       curriculums. So I think there's lots of  
5       opportunities for us to look at programs that  
6       can provide ways for students to be  
7       successful.

8               SENATOR KRUEGER: Thank you.

9               CHAIRMAN FARRELL: Thank you.  
10              Assemblywoman Walsh.

11             ASSEMBLYWOMAN WALSH: Good morning.  
12       Thank you very much for being here.

13             I just want to follow up on that  
14       conversation that was started. It's been  
15       very interesting to me to hear about some of  
16       the alternatives for those students for whom  
17       the Regents diploma is not really an option  
18       for them. I have one of those children. I  
19       have a 24-year-old who was able to, through a  
20       combination of Regents and RCTs, was able to  
21       walk across the stage with his local diploma.

22             Now that the local diploma -- it  
23       sounds like it's not available except for  
24       these 418 that you mentioned are done through

1 the superintendent --

2 COMMISSIONER ELIA: No, there's more  
3 students than 418 that have received the  
4 local diploma.

5 ASSEMBLYWOMAN WALSH: Okay. And so --  
6 can you explain to me how that -- under what  
7 circumstances that's done?

8 COMMISSIONER ELIA: Sure. We provided  
9 safety nets for students so that if they took  
10 the Regents exam but they didn't pass it with  
11 a 65, they actually passed it with a 55 or  
12 higher, they could request an appeal off of  
13 that, and then they would be able to graduate  
14 with a local diploma. They could do that for  
15 two of their exams.

16 We also provided an appeals process  
17 for students to look at their scores that are  
18 up to three points below the 55 in two  
19 Regents exams in order to graduate with a  
20 local diploma. We have a compensatory  
21 safety-net option with students with  
22 disabilities who have earned a score between  
23 45 and 54 on one or more of the Regents exams  
24 other than math and English to graduate with



1 a local diploma.

2 And then that superintendent's  
3 determination, we also opened up the CDOS  
4 certification now -- it's not a diploma, but  
5 then with that certification we did check  
6 with Civil Service and the services, and  
7 there are options for them with that CDOS.

8 But I think that it's important for us  
9 to look at what kinds of opportunities can we  
10 present for those students. Number one, when  
11 they're in their coursework starting in  
12 elementary school, to make sure that they  
13 have access to the content with supports that  
14 will help them to be successful.

15 More and more students -- and we had  
16 an increase in our graduation rate this year  
17 for students with disabilities, up  
18 3 percentage points. Which was an increase  
19 that we think is moving in the right  
20 direction, but we still have a long ways to  
21 go. And across the state I think we have to  
22 start looking at those options as well.

23 ASSEMBLYWOMAN WALSH: And I'm glad you  
24 brought that up, because I was going to ask

1           you about the graduation rate.

2                       So my question was, how many students  
3           have IEPs in our state?

4                       COMMISSIONER ELIA:   It's  
5           approximately -- we'll get the exact number  
6           for you.  But it's approximately 15 percent  
7           of our population have IEPs, and they could  
8           be anywhere on a range.

9                       ASSEMBLYWOMAN WALSH:  Oh, understood.

10                      COMMISSIONER ELIA:  Right.

11                      ASSEMBLYWOMAN WALSH:  But out of that,  
12           say, 15 percent, how many have been able,  
13           have been successful in achieving a Regents  
14           diploma?

15                      COMMISSIONER ELIA:  So I think the  
16           graduation rates show that we went up to a  
17           57 percent graduation rate.  We'll get that  
18           specific number for you.  But that was an  
19           increase from where we were, and so we're  
20           moving in the right direction.  But it's  
21           certainly not enough.

22                      ASSEMBLYWOMAN WALSH:  And without a  
23           Regents diploma, if they -- you mentioned  
24           CDOS, which is new to me, because I've

1           just -- I have a child that's that much  
2           older. But without a local diploma option,  
3           or a Regents diploma, are those students who  
4           are not able to achieve either one of those  
5           able to continue their education, either at  
6           community college or in some other setting?

7           COMMISSIONER ELIA: So they can stay  
8           with the school districts up through  
9           age 21 --

10          ASSEMBLYWOMAN WALSH: Right.

11          COMMISSIONER ELIA: -- and then beyond  
12          that, if they go out earlier or not, they can  
13          access a GED and/or a TASC certificate at a  
14          community college. Once they get that, they  
15          can matriculate at the community college.

16          ASSEMBLYWOMAN WALSH: Okay. Thank  
17          you.

18          COMMISSIONER ELIA: You're welcome.

19          CHAIRMAN FARRELL: Thank you.

20          Senator?

21          Assemblyman Otis.

22          ASSEMBLYMAN OTIS: Thank you,  
23          Commissioner.

24          I just wanted to follow up on the

1 English language learner question in a little  
2 more detail. Appreciate very much what the  
3 Regents put in the budget proposal, and  
4 appreciate Chairwoman Nolan's comments  
5 earlier.

6 Specifically, could you speak to the  
7 issue of why the Regents and SED feel it's  
8 important to add English language learner  
9 funding outside of the Foundation Aid  
10 formula, that the importance of driving this  
11 funding to districts more effectively is by  
12 doing it outside of the formula?

13 COMMISSIONER ELIA: Yes. So I think  
14 it's extremely important for us to target  
15 those districts that have high populations,  
16 and as was pointed out, the 154 regulations  
17 were changed. And for many districts the  
18 requirements of doing the 154 has been a  
19 challenge to them. It relates to teacher  
20 training, it relates to teacher  
21 certification -- and Senator Young brought  
22 that up -- it relates to how we can support  
23 them with both instructional materials and an  
24 approach that infuses them in content

1 classrooms with supports.

2           So the whole idea of making sure that  
3 the districts receive funding -- yes, it's in  
4 the formula, but from the perspective of  
5 districts that are doing these shifts to a  
6 full compliance with 154, it's a challenge  
7 for them. And the extra funding will allow  
8 us to do supports for the teachers and the  
9 families through family/community engagement,  
10 through resources for those students. All of  
11 those are specific to English language  
12 learners.

13           The other issue that I want to bring  
14 up is that issue of the translation of the  
15 assessments. I think that's an important  
16 point. So understand, we have 200 languages  
17 that are spoken by students who are in our  
18 schools that are not English, and I think  
19 it's important for us to make sure that the  
20 eight -- at least the eight languages that  
21 are most used by those families as their  
22 native languages, that we provide those  
23 resources for them.

24           The whole idea of students coming into

1       our state, having interrupted educations,  
2       puts another challenge on school districts.  
3       Because not only do the students need to  
4       learn English and be able to function with  
5       content courses, but you have students that  
6       are behind because they've not been in school  
7       for a very long time. So they might not have  
8       the basics of language themselves in their  
9       own language, let alone in English. So those  
10      students need special, very intense supports.

11               We really believe that to do it on an  
12      equal basis for all students in all  
13      districts, it's not getting to where we need  
14      to really infuse funding to support them.  
15      And both of our -- both our 3 through 8  
16      assessments as well as the assessment -- you  
17      know, the graduation data that we have on  
18      students who have had involvement in the ELL  
19      program and then exit that program, which  
20      means that they have tested out, they have  
21      levels of English that are sufficient, those  
22      students are really much more successful  
23      because they had those interventions. So  
24      that's the basis for our request.

COMMISSIONER ELIA: Well, absolutely.

And just now you can see our graduation rate was 26.6 percent for our English language learners who are still in the program statewide. So there is intense need to intervene to support those students and get them in a position where, when they leave our schools with a diploma -- and let me say one other thing that I think is extremely important. We also have data that shows that if students stay in our ELL programs, they have a much higher rate each year that they stay. So we're doing a four-year graduation rate, then we do a five-year graduation rate and a six-year graduation rate, because students who have to learn English and then the content -- if they stay with us in our schools, they have a much higher rate of

1 graduation.

2 So those are all increases that are  
3 indicators that if we put the supports into  
4 school districts, it really will make a  
5 difference.

6 ASSEMBLYMAN OTIS: Thank you very  
7 much. And thank you -- also I'll add to the  
8 compliments about your traveling all over the  
9 state and visiting schools. It's much  
10 appreciated, your visibility has been great.

11 COMMISSIONER ELIA: Thank you.

12 ASSEMBLYMAN OTIS: Your access to  
13 educators is great.

14 CHAIRMAN FARRELL: Thank you.

15 COMMISSIONER ELIA: Thank you.

16 CHAIRMAN FARRELL: Assemblyman Oaks.

17 ASSEMBLYMAN OAKS: Yes. Thank you,  
18 Commissioner.

19 Just in the state legislative  
20 priorities, I looked through on your handout  
21 and I did see the mandate relief and  
22 flexibility. So just checking with you, I  
23 know you talked some about reporting there.  
24 But is this legislation you have or



1           legislation you're looking to have proposed  
2           or --

3                   COMMISSIONER ELIA: Well, so --

4                   ASSEMBLYMAN OAKS: It just said one of  
5           your priorities is to have legislation to do  
6           that. So just looking at your thoughts.

7                   COMMISSIONER ELIA: Well, let me say I  
8           come from a superintendency in a large  
9           district, and it's always critical to know  
10          from superintendents what's causing them  
11          indigestion, if you will, making it difficult  
12          for them to function.

13                   And I think Senator Young brought up  
14          some issues that are really critical. I  
15          mean, we have things that are in place that  
16          put our schools that have gone through some  
17          tremendous shifts and changes and difficult  
18          budgets over the years to have to face things  
19          that we think there should be some relief  
20          from. So I think those are some of the  
21          things.

22                   We also have an issue related to  
23          contracting, so -- for transportation, for  
24          food service. And some of the contracts

1 districts have, sometimes we make it  
2 difficult for them to get a contract that's a  
3 good contract for them, that they know --  
4 they may have to pass up some when they think  
5 we've given them a better service and be able  
6 to provide more efficiency in that contract.

7           So we just want to look at what we  
8 believe would be best for our districts to be  
9 the most efficient and the most supportive of  
10 students as they can be. So, you know, you  
11 have all sorts of -- as we talked about  
12 earlier -- some unfunded mandates, right,  
13 that relate to issues all over the page for  
14 districts. I think it's important for us to  
15 listen to them when they say, you know, "We  
16 need some relief on this" or "If you change  
17 it this way, it would be better for us."

18           Let me also mention the issue related  
19 to the Smart Growth regulations for  
20 construction, renovations, and addition  
21 projects. Sometimes the regulations that we  
22 put on districts cause additional expenses.  
23 Another thing that helps districts is when  
24 they can get their projects through our

1       system for approval, which I think is a good  
2       system, but once they can get those through,  
3       ultimately they save money.

4               If they get held up with us, then the  
5       costs that were projected for those projects  
6       have probably gone up. So there's just a  
7       number of areas where we feel that it would  
8       be helpful to have those kinds of reliefs.

9               ASSEMBLYMAN OAKS: Well, certainly  
10       from my perspective, you know, I hear that a  
11       lot in my local district as well. And your  
12       perspective from superintendency to  
13       commissioner, and the sensitivity -- it's  
14       nice to hear from the department that  
15       recognition, and certainly I think  
16       legislatively I'm very interested, and I'm  
17       sure a number of our legislators would be, in  
18       working with you on trying to do things that  
19       are both frustrating, time-sensitive, but  
20       also costly mandates to lift some of those  
21       burdens as we go forward and look at tough  
22       budget times. But if we can lessen some of  
23       those other costs, perhaps that puts us in  
24       better stead.

1           But my other thing, I did see within  
2           this -- the transition from school to the  
3           workforce issues along that bridge to college  
4           careers. I'm glad you highlighted some of  
5           those things. I am very interested in that  
6           whole issue of giving as many experiences as  
7           we can to -- even to middle school, to high  
8           school students, exposure to careers,  
9           experiences. I know we had some of our local  
10          businesses in our areas trying to challenge  
11          others to do up to 5 percent of their  
12          workforce, or about 100 employees, try to get  
13          five students who are high school or  
14          college-age, to bring them in to give them  
15          work experiences. I think all of those are  
16          very positive.

17                 But the more that we can do at the  
18          middle and high school level to get kids  
19          those experiences, I'm hopeful that the State  
20          Education Department can be a force to help  
21          move schools along in that way and encourage  
22          them so more of those can happen.

23                 COMMISSIONER ELIA: Well, I think the  
24          opportunities certainly are there. I've had

1       the opportunity to also to speak to the  
2       business community in many areas across the  
3       state, and I think that the opportunity there  
4       is to get businesses, as you pointed out, if  
5       they open their doors and let students come  
6       in and experience some of the things that it  
7       means to be in a business environment -- how  
8       to behave, how to talk, how to dress,  
9       experiences that they might not have -- and  
10      take the opportunity to mentor those  
11      students, then the opportunity for them to  
12      have better employees, I think, is there.

13               And that all plays into the  
14      development of a strong economy in New York.  
15      We have so many different areas that have  
16      economics that are really specific to that  
17      area, companies and industries that could  
18      build themselves. They need to have workers,  
19      and the way to build those workers is to  
20      develop the people in the high schools --  
21      and, as she pointed out, middle schools -- to  
22      say, I want to stay in this place and I want  
23      to work for that company, because they took  
24      me in and they gave me experiences that I

1           wouldn't have.

2                       So I think you're right on track to  
3           say that those are great opportunities for us  
4           to support, and we certainly are interested  
5           in doing that. That does play back to our  
6           request for additional funding to support  
7           career and technical programs, because when  
8           you talk to businesses across the state, we  
9           need to connect what they need with the  
10          schools and develop curricula around that and  
11          experiences around that for our students.

12                    ASSEMBLYMAN OAKS: Also, as it was  
13          mentioned, Assemblywoman Walsh mentioned the  
14          issue of those who may have a local diploma,  
15          may not reach all of the levels academically  
16          that we have, but we may know in high school  
17          that there also, though, might be work  
18          opportunities -- maybe not going on to  
19          college, but receiving some specific training  
20          for types of jobs, connecting them at an  
21          early time, giving a sense of hope that there  
22          are jobs out there for them even if they  
23          might not be the highest academic achievers.  
24          I think is also something that should be part

1 of our focus.

2 So thank you for your efforts and  
3 ideas around this area.

4 COMMISSIONER ELIA: Thank you.

5 CHAIRWOMAN YOUNG: Thank you.

6 Senator Gustavo Rivera, please.

7 SENATOR RIVERA: Thank you, Madam  
8 Chairwoman.

9 Commissioner, thank you so much for  
10 being here. I know it's been a long day. I  
11 will be quick.

12 I particularly wanted to just thank  
13 you and the department as well as Lester  
14 Young for your efforts at making sure that we  
15 fund My Brother's Keeper. We are -- after  
16 the program was created, as you know, we're  
17 the only state that actually funded it, and  
18 we both thank the Governor as well as the  
19 department for putting the money in there.

20 I wanted to see if you could give us a  
21 little update of where things are. I wanted  
22 to make sure that we keep it -- that we keep  
23 it rolling.

24 COMMISSIONER ELIA: Well, I appreciate

1           it. And all of you that are here, thank you  
2           very much for your support. We all know that  
3           that is -- if you think about the full scope  
4           of the work that we're doing there in  
5           providing not only the opportunities for  
6           students in our schools to ultimately become  
7           teachers in our schools and classrooms, but  
8           also the work that we're doing to target  
9           schools and support through community  
10          engagement, their parents, and what happens  
11          in those schools.

12                 I think the agenda of equity is a huge  
13          approach that -- a focus that needs to be  
14          shared by all of us as partners in this. And  
15          I really laud the efforts that have been made  
16          by the Legislature and the Governor's office  
17          to support My Brother's Keeper here in  
18          New York State. More and more of our schools  
19          are becoming involved in that, and we really  
20          want to focus on it. And I appreciate your  
21          support -- as I know the Regents chancellor,  
22          vice chancellor, and certainly Regent Young  
23          do.

24                 SENATOR RIVERA: Thank you so much,



1           Madam Commissioner.

2                   CHAIRWOMAN YOUNG:   Thank you.

3                   ASSEMBLYMAN OAKS:   Assemblyman Titone.

4                   ASSEMBLYMAN TITONE:   Thank you.

5                   Good morning -- or good afternoon,  
6           Chancellor.   And I just want to publicly --  
7           you've been to Staten Island so many times  
8           and, from my heart, we are so appreciative,  
9           the parents are so appreciative.   So thank  
10          you for coming and listening to us.

11                   COMMISSIONER ELIA:   You know, I'm  
12          sorry, last -- last week --

13                   ASSEMBLYMAN TITONE:   And of course --

14                   COMMISSIONER ELIA:   -- when I was  
15          there I couldn't mention, but Staten Island  
16          has the highest percent of graduation rate of  
17          the boroughs.   And it would have been a great  
18          thing to mention to that family, and the  
19          parents --

20                   ASSEMBLYMAN TITONE:   Sure.   Sure.

21                   COMMISSIONER ELIA:   -- progressed.

22                   ASSEMBLYMAN TITONE:   And you know, I  
23          really just wanted, you know, your  
24          reassurances of our safety against bear

1 attacks in our school. It's certainly  
2 appreciated as well.

3 (Laughter.)

4 ASSEMBLYMAN TITONE: On page 15 of the  
5 report that you handed to us, you speak to  
6 Excessive Teacher Turnover Prevention. And  
7 one of the things that we know is that, you  
8 know, vacancy of special ed teachers as of  
9 September is around that 15 percent, whereas  
10 with certified teacher assistants it's  
11 probably around 18 percent.

12 And that we know with reimbursements,  
13 you know, the state reimburses our 853  
14 schools approximately -- a little bit over  
15 \$50,000 per year per child. With our  
16 New York City District 75 schools, it's  
17 nearly \$90,000 per year per child. A charter  
18 school, it could be close to \$100,000 per  
19 year per child. And if a child is out of  
20 state, that reimbursement rate could exceed  
21 over \$109,000 per year.

22 So these are the things that kind of  
23 impact how an 853 school has the ability to  
24 retain its teachers. You know, certainly

1       there's a real competition -- the 853 school  
2       will basically train a teacher and that  
3       teacher then has a better opportunity, in  
4       particular in New York City, to then go into  
5       the District 75 system.

6               I'm heartened that the state is asking  
7       for an increase of \$4 million to address  
8       these issues, which would bring us to  
9       approximately \$8 million. But I'm curious  
10      because when I look at the numbers, if we  
11      truly want parity and if we really want to  
12      keep our special ed teachers in our  
13      853 schools, in our 4410 schools, it seems to  
14      me that we need closer to \$18 million.

15             So my numbers and State Ed's  
16      numbers -- and again, I'm really grateful  
17      that you're asking for the increase. But  
18      where does the \$4 million increase come from?  
19      How do you reckon that within your budget  
20      proposal?

21             COMMISSIONER ELIA: Well, so let me  
22      say that for a period of time, as you are  
23      well aware, there was no increases at all.  
24      And so in the context of the entire budget,

1       we believe that doubling that amount of  
2       money -- and we've had conversations with  
3       those schools, really anecdotally, to say if  
4       we double this fund that is specifically for  
5       teacher turnover, it will help in that way.

6               But clearly we need to look at the  
7       rate setting for those schools, because that  
8       also will affect ultimately the salary  
9       levels, et cetera, for teachers there. And  
10      we had, for four years, it was zero growth.  
11      And then, although we've started to come  
12      back, those schools have not made up for the  
13      period of time when they didn't have growth.

14             And it's been particularly difficult.  
15      So that's one of the areas. So can I say  
16      that we have asked for what we think would be  
17      the full amount of making sure? No, we  
18      haven't. But in the context of we really  
19      know that we need to address the rates, we  
20      felt like the doubling the amount of money  
21      that we were supporting, particularly for  
22      teacher turnover, would help there.

23             ASSEMBLYMAN TITONE: Sure, and I  
24      couldn't agree more with you, and appreciate

1       you saying that, that we really do need to  
2       address the inequities in the rates.

3               But I also believe that there are  
4       certain things that we can be doing at  
5       State Ed, with the Legislature as partners,  
6       when it comes to policy. For example, you  
7       know, if a child shows up -- well, if a --  
8       let's just, for example, say that the  
9       occupational therapist shows up to the school  
10      but the child for whatever reason doesn't.  
11      Maybe he or she has the flu and doesn't show  
12      up. Well, the 853 school still has to pay  
13      the occupational therapist for his or her  
14      time, but there's no reimbursement.

15             So then what happens is that the  
16      occupational therapist is asked to come back  
17      in two days when the child is there. There  
18      are anecdotal instances where there's still  
19      no reimbursement to the 853 school, because  
20      the services were not provided when they were  
21      supposed to have been provided or when they  
22      said that they were supposed to be provided.

23             Additionally, you know, let's just say  
24      Monday the child was sick and then is

1       supposed to have OT and did not; there's no  
2       reimbursement. Wednesday the child is in,  
3       the OT is there, the 853 school has to pay  
4       that occupational therapist twice, but is  
5       only being reimbursed once.

6               So I think there are certain policies  
7       that we can do if we can't get their rates  
8       increased for them, that we can at least come  
9       up with policies so that they're saving  
10      money. And this is one of those areas that I  
11      hope we can explore. If we can't give them  
12      money, how do we help make them save money?

13             And by having them have to fight tooth  
14      and nail with us and our lawyers, it seems  
15      counterproductive, counterintuitive to what  
16      we truly want to do, keeping our 853 and 4410  
17      schools open. And our teachers --

18             COMMISSIONER ELIA: So we believe that  
19      creating a statutory index for establishing a  
20      growth in the 853 schools would be extremely  
21      helpful, and that is a solution that would  
22      have to come from the Legislature.

23             Also providing a general reserve fund  
24      for those schools would also be helpful, and

1           that would have to come from the Legislature.

2                   And I can tell you that we believe --  
3           and I know many of you have called our office  
4           because of specific schools that are facing  
5           these difficulties, and if in fact they were  
6           to close, that is a crisis for those families  
7           and all. We believe that there needs to be  
8           changes in the rate setting and the  
9           approaches that we take in that. That isn't  
10          going to happen overnight, because it has to  
11          be well thought out. And we should be really  
12          developing something like the Foundation  
13          formula for the 853 schools, so that there're  
14          increases, so that we know that the needs are  
15          being met.

16                   And you're correct that there are some  
17          challenges particularly for private providers  
18          in the 853, and in the fact that if they have  
19          specific contracted individuals come to  
20          support a child who's ill who's not there,  
21          then in fact they get caught in that. But  
22          there needs to be the ability to have some  
23          kind of a system set up so that it isn't that  
24          they are constantly in a serious -- in

1           serious constraints over their budget.

2                       We agree with you, and this has been  
3           something that the Regents, for a very long  
4           time, have --

5                       ASSEMBLYMAN TITONE:   Sure, and I --

6                       ASSEMBLYMAN OAKS:   Thank you.  Thank  
7           you.  I'm sorry, time's up.

8                       CHAIRMAN FARRELL:   Thank you.

9                       COMMISSIONER ELIA:   Thank you.

10                      CHAIRMAN FARRELL:   Next is Murray --  
11           I'm sorry, you were --

12                      CHAIRWOMAN YOUNG:   I was just going to  
13           ask one quick thing.

14                      CHAIRMAN FARRELL:   Sure, Senator.

15                      CHAIRWOMAN YOUNG:   Commissioner, I  
16           just had one quick issue to discuss.

17                      The State Office of Religious and  
18           Independent Schools was funded at \$2 million  
19           in the 2016-'17 budget, and out of that money  
20           there's approximately \$700,000 that would be  
21           used within State Ed itself to staff the  
22           office.  But the other part is available for  
23           initiatives --

24                      COMMISSIONER ELIA:   Right.



1                   CHAIRWOMAN YOUNG:  -- that are related  
2                   to the office.

3                   So first of all, what is your timeline  
4                   for fully staffing and operating the State  
5                   Office of Religious and Independent Schools?

6                   COMMISSIONER ELIA:  So I believe we  
7                   have one of the positions fully staffed --  
8                   one position is staffed.  We have several  
9                   others that are waiting approval.  We have  
10                  one position that is with Civil Service and,  
11                  because it was a change in that position,  
12                  we're anxious to move forward on that.  And I  
13                  have an advisory meeting with individuals who  
14                  represent the nonpublic schools to see  
15                  exactly what the issues are and how we can  
16                  move that funding forward.

17                  As you're well aware, \$2 million was  
18                  initially awarded to the State Ed office.  We  
19                  had the ongoing cost of the office staff,  
20                  which was about 700, but the rest of that  
21                  funding was, in my understanding, not in the  
22                  Executive Budget.  So the funding that you're  
23                  talking about is a -- at this point was from  
24                  last year.  We are moving forward to have

1           that go out, specifically to the non-publics.

2           CHAIRWOMAN YOUNG: I think it is in  
3           the reappropriation language in the  
4           Governor's budget proposal. So, I guess,  
5           what would your definition or your  
6           interpretation of initiatives be for the  
7           remaining \$1.3 million?

8           COMMISSIONER ELIA: Well, as I said, I  
9           have an advisory group that is supportive of  
10          using those resources to address a number of  
11          issues they have. Some of it is training  
12          issues, conferences that they want to hold  
13          for their teachers, we've had other requests  
14          that specifically relate to facilities-type  
15          things. And we're in a position -- I'm  
16          anxious to meet with them to make sure that  
17          we get that money out, and they are anxious  
18          to have our office staffed.

19          So that was one of the points that I  
20          brought up earlier. We don't control when we  
21          get the approval to put those positions in.  
22          I wish they were in today.

23          CHAIRWOMAN YOUNG: Okay, great. So  
24          anything you could do to expedite that --

1                   COMMISSIONER ELIA: Absolutely. Thank  
2                   you.

3                   ASSEMBLYWOMAN NOLAN: We have to help  
4                   her expedite it, that's the issue. She can't  
5                   do it if she can't fill the spot.

6                   CHAIRWOMAN YOUNG: Yeah.

7                   CHAIRMAN FARRELL: Assemblyman Murray.

8                   ASSEMBLYMAN MURRAY: Thank you,  
9                   Mr. Chairman.

10                  COMMISSIONER ELIA: Good morning.

11                  ASSEMBLYMAN MURRAY: Good morning,  
12                  Commissioner.

13                  So getting back to the alternative  
14                  pathways to graduation.

15                  COMMISSIONER ELIA: Right.

16                  ASSEMBLYMAN MURRAY: So --

17                  ASSEMBLYWOMAN FAHY: Hit your mic.

18                  ASSEMBLYMAN MURRAY: The button.

19                  Yeah, it did. Let's try a different one.

20                  Okay, we'll slide over. There we go.

21                  So getting back to the alternative  
22                  pathways to graduation, it just feels like we  
23                  may be overcomplicating it. I have a lot of  
24                  parents that come to me and say, Why don't we

1           have the general diploma, or go back to it?

2                   Now, you mentioned certain things,  
3           such as the exceptions, where someone can get  
4           a local diploma. Some of those exceptions,  
5           again, were based on test scores. It seems  
6           we're basing graduation, in many people's  
7           opinions, including myself, too much on test  
8           scores.

9                   So we've got a situation where we have  
10          CDOS, we have P-TECH. Then we talked about  
11          the portfolio-based graduations, you said you  
12          might want to look into a pilot program --  
13          but that already exists with the consortium  
14          schools. But there's a cap on that, they're  
15          not letting any other schools participate in  
16          that.

17                   I know many schools have approached us  
18          and said, Why can't we participate in that  
19          consortium? And it's not happening. Why  
20          won't we just open that up and get -- and try  
21          and allow more of these schools to get to a  
22          portfolio-based-type graduation?

23                   COMMISSIONER ELIA: So let's be very  
24          open about the fact that we want to have the

1 diploma in New York have standards associated  
2 with it.

3 ASSEMBLYMAN MURRAY: Sure.

4 COMMISSIONER ELIA: I think we all  
5 want that.

6 We are right now looking at ways that  
7 we can open that up to support students who  
8 might, for many reasons, have ability but  
9 not have been successful in school up to this  
10 point, and not be targeted in what we're  
11 doing to support them to be successful.

12 The Career and Technical programs, you  
13 didn't mention that, but we have opened up,  
14 in my short tenure in the department, we've  
15 opened up approximately nine or 10 pathways  
16 to graduation, up to close to 40.

17 So certification for a student that  
18 comes out of school, where they could go  
19 immediately into a job market with an  
20 external certification, I think is an  
21 important thing for us to make sure students  
22 know they have options there and that in fact  
23 that there's equity across the state in  
24 providing those at all different schools,

1           which we don't have right now.

2                   ASSEMBLYMAN MURRAY: And I appreciate  
3           that as far as the CTE and BOCES and -- but  
4           my question is, why wouldn't we then kind of  
5           combine that? Because right now, under those  
6           pathways you're mentioning, those are not  
7           diplomas. Why don't we make a general  
8           diploma?

9                   COMMISSIONER ELIA: Well, in fact the  
10          pathways I'm mentioning are, they lead to a  
11          regular Regents diploma. And so opening up  
12          opportunities for students to have that  
13          involvement is going to allow them to have a  
14          regular Regents diploma.

15                   It is -- it's important to have  
16          standards in the state so that a diploma in  
17          New York State means that in fact a student  
18          is ready to do something. We already have  
19          too many students leaving our school  
20          districts not having the background necessary  
21          to go into and matriculate into our colleges  
22          and universities. Right now, 40 percent of  
23          the students are having to face doing  
24          remedial work before they can go in and

1 matriculate towards college.

2           So we are opening up, as we've done  
3 over the last two years, we've opened up a  
4 number of opportunities, and you have  
5 students taking advantage of those  
6 opportunities. Our graduation rate is going  
7 up, and so is every student -- they're not  
8 all going to pass the Regents exams in all of  
9 those courses, I understand that, but we've  
10 given them a number of options. And one of  
11 the things that will hook students into  
12 working harder and being successful and  
13 getting a Regents diploma will be connecting  
14 them to something that they think is  
15 relevant. And very often, that has to do  
16 with what was talked about earlier --  
17 businesses being involved with them,  
18 providing opportunities, and knowing that  
19 when they leave us, they have something in  
20 their hand that will allow them to move  
21 forward.

22           And I would say to you, making sure  
23 that everyone walks away with a diploma is  
24 not necessarily preparing them for the next

1 point in their life.

2 ASSEMBLYMAN MURRAY: And I agree with  
3 that. I was first going on the assumption  
4 that the fact that we are allowing them to  
5 matriculate and go up from K all the way up  
6 through 12 and passing these grades and  
7 moving on, that they are already meeting  
8 certain standards, that we're not just  
9 sending them to the next grade level just  
10 because. So I would think that they already  
11 do have -- there is a value to the diploma.  
12 I'm hoping that we wouldn't be just handing  
13 them out.

14 But with what you were saying with the  
15 program, I agree with you completely. I  
16 think career readiness is so important right  
17 now, which again is why I'm wondering why we  
18 don't go with the local diploma option with  
19 giving these kids an option of having the  
20 special certification or recognition with  
21 that diploma in a particular field, such as  
22 carpentry or cosmetology or electronics or  
23 something like this.

24 COMMISSIONER ELIA: Well, that's what



1 we're doing.

2 ASSEMBLYMAN MURRAY: But it isn't a  
3 diploma. It's a possibility of a diploma,  
4 but it's still going to be based on test  
5 scores, right? I mean, aren't they going to  
6 go -- we could still offer the Regents and  
7 give kids an opportunity to graduate with a  
8 Regents diploma, which would hold much value.  
9 It would show that they've exceeded, as we  
10 had done in the past -- but it seems like  
11 we're trying to meld everyone together to fit  
12 that one mold, and we're basing a lot of it  
13 on test scores, which is very frustrating for  
14 those kids who've done everything to go K  
15 through 12 but just can't pass those tests.

16 CHAIRMAN FARRELL: Thank you.

17 ASSEMBLYMAN MURRAY: And thank you.

18 COMMISSIONER ELIA: Thank you.

19 CHAIRMAN FARRELL: We've been joined  
20 by Assemblywoman Barbara Lifton.

21 And to close, Assemblywoman Fahy.

22 ASSEMBLYWOMAN FAHY: Thank you,  
23 Mr. Chairman.

24 Thank you, Commissioner. It's a

1 pleasure to have you here again. I'm sorry I  
2 missed your earlier testimony; too many  
3 things going on.

4 I have one question, and I just want  
5 to make one comment as an intro to that. I  
6 appreciate your comment the other day when  
7 the updated graduation rates were sent out  
8 and you noted the lagging, the tremendous  
9 lagging of English language learners or the  
10 ESL students, or previous ESL students.

11 And I shared your concern. As you  
12 know, right here in Albany, one small, small  
13 school district, 8,000 children, and we have  
14 over 57 languages taught now in just that  
15 small school district. Sorry, over 57  
16 languages spoken, not taught.

17 So I am concerned. And I was just at  
18 an upstate caucus meeting this morning where  
19 we talked about the lack of ESL teachers, and  
20 I know you've addressed it as well in your  
21 testimony. That said, could you -- so  
22 knowing that, and knowing the background  
23 along with a host of other turnover issues  
24 that you've also addressed and raised today,

1           can you give us an update on the teacher  
2           preparation program and tell us where we are  
3           now?

4                   As you know, there was lots of turmoil  
5           with that as well, which may have fueled some  
6           of the loss of numbers in the profession.  
7           But are there any updates in terms of how we  
8           are doing there with hanging on to the  
9           students entering teaching and then their  
10          graduation or completion rates as well?

11                   Thank you, Commissioner.

12                   COMMISSIONER ELIA: Sure. So I know  
13          you're aware -- we have been working jointly  
14          with SUNY, so I think it's exciting that  
15          Nancy Zimpher and I, as the SUNY chancellor  
16          working together with the commissioner of  
17          State Ed, are together looking at these  
18          issues. Our Regents -- and Regent Cashin is  
19          here -- have been very involved in becoming  
20          very knowledgeable on what are some of the  
21          issues.

22                   We have, in fact -- she was part of  
23          the reinstatement of the edTPA workgroup that  
24          came up with initially the recommendations

1           specific to those -- the exams for -- that  
2           lead to certification. Unfortunately, the  
3           weather didn't support yesterday's meeting  
4           for us to be together and make some of those  
5           changes occur and present them to the public.  
6           But we have changes that are coming with some  
7           of the exams and with looking at how a  
8           teacher moves out of becoming a teacher in  
9           preparation and a teacher that's in a  
10          classroom. We think that there's some work  
11          that needs to be done in the teachers'  
12          opportunities to learn in schools prior to  
13          their leaving their teacher ed program.

14                 So those are all things that are on  
15          the docket for us, if you will, and some will  
16          be happening much more quickly than others.

17                 Related to the issue of why we have  
18          concerns about teachers -- if you look  
19          specifically, we have two or three areas that  
20          we are really behind, and one of them you've  
21          mentioned is the English language learners  
22          certified teachers as well as our students  
23          with disabilities teachers. Both of those  
24          are areas that are national problems, not

1       just New York, but it doesn't make it any  
2       better for us, because we have that issue.

3               So we are addressing those issues with  
4       our teacher ed programs. We're working with  
5       them to understand that if they give us  
6       teachers that are certified in those areas,  
7       they will be in great demand. And in terms  
8       of that, we're also looking at ways that we  
9       can make sure that districts can support  
10      teachers that are currently certified in an  
11      area to get that add-on certification and  
12      then support those students within their  
13      classrooms.

14             So those are the agendas that we have.  
15      We are expanding the options and  
16      opportunities for those certifications.  
17      We've also done some things to allow  
18      districts to make us aware of issues that  
19      they have specific to certification areas,  
20      and provided opportunities and waivers for  
21      them for a short period of time until they  
22      can get their people certified.

23             So those are all things that are  
24      happening in the department. And there's no

1 question that the issue of having qualified  
2 teachers in every classroom is what will make  
3 the difference for our students, so it's got  
4 to be a major agenda for the department as  
5 well as for SUNY and CUNY and the  
6 independents, all of who in fact are  
7 preparing their teachers to go into our  
8 classrooms.

9 ASSEMBLYWOMAN FAHY: Thank you,  
10 Commissioner. And I also appreciate your  
11 comments on pre-K.

12 Thank you, Mr. Chair. Thank you.

13 CHAIRMAN FARRELL: Thank you very  
14 much.

15 ASSEMBLYMAN OAKS: Thank you.

16 CHAIRWOMAN YOUNG: Thank you,  
17 Commissioner. We appreciate the opportunity.

18 ASSEMBLYWOMAN NOLAN: We did it in  
19 less than three hours.

20 CHAIRMAN FARRELL: Wasn't that a fast  
21 half hour?

22 (Laughter.)

23 ASSEMBLYWOMAN NOLAN: That's a record.  
24 Rick Mills was here for five hours once.

1                   COMMISSIONER ELIA: And we will follow  
2                   up with information. Several of you, I  
3                   know -- we'll get the information to you as  
4                   soon as --

5                   CHAIRMAN FARRELL: Next will be the  
6                   New York City Department of Education, Carmen  
7                   Fariña, chancellor.

8                   COMMISSIONER ELIA: Thank you.

9                   (Pause.)

10                  ASSEMBLYMAN OAKS: If we could have  
11                  people take their conversations, please, out  
12                  in the hall so that we can start with our  
13                  next presenter. If we could have people in  
14                  discussions, please take them out in the  
15                  hall.

16                  Our next presenter, Carmen Fariña,  
17                  chancellor, New York City Department of  
18                  Education.

19                  Chancellor.

20                  CHANCELLOR FARIÑA: Good morning.

21                  ASSEMBLYWOMAN NOLAN: Just a big  
22                  welcome. We're so happy you're here today.

23                  CHANCELLOR FARIÑA: Well, Happy  
24                  Valentine's Day.

1           And this is also a great day to  
2           announce that New York City is actually  
3           introducing today a hashtag,  
4           #PSILoveMySchool. And as of last night, we  
5           have 400 entries from schools all around the  
6           city. So I encourage, if you have a school  
7           in your community that you love, join our  
8           hashtag and tell us why you love us.

9           Good morning, Senate Finance Committee  
10          Chair Young, Assembly Ways and Means  
11          Committee Chair Farrell, ranking members  
12          Senator Krueger and Assemblyman Oaks,  
13          Education Chairs Marcellino and Nolan, and  
14          all the members of the State Senate and State  
15          Assembly here today.

16          I want to thank you for the  
17          opportunity to testify today on behalf of  
18          New York City's public school system and its  
19          students. I would also like to thank you for  
20          your continued partnership.

21          With me is Raymond Orlando, chief  
22          financial officer for the New York City  
23          Department of Education.

24          As chancellor, I'm not satisfied till



1 every single public school student in  
2 New York City is getting a high-quality  
3 education. I am proud, however, of what we  
4 have accomplished so far on behalf of the  
5 city's students. Last year's graduation rate  
6 is the highest it has ever been, with  
7 72.6 percent of high school students  
8 graduating in four years. Our dropout rate  
9 is 8.5 percent, the lowest it has ever been.  
10 We are also pleased with the results from  
11 last year's New York State tests in  
12 English -- ELA -- and math, where New York  
13 City outperformed the rest of the state in  
14 ELA results for the first time.

15 This year we have also achieved the  
16 highest-ever post-secondary enrollment  
17 rate -- 55 percent of the Class of 2015, with  
18 77 percent of graduates enrolling in  
19 college -- the highest-ever number of  
20 New York City students taking and passing  
21 Advanced Placement exams, with an 8 percent  
22 increase in both; the highest-ever college  
23 readiness rate -- which is actually a New  
24 York City standard that says it's not about

1       graduating but it's about how you succeed,  
2       particularly in your freshman year in  
3       college -- 37 percent of all students, and  
4       51 percent of graduates in the Class of 2016  
5       graduated high school on time and met CUNY's  
6       standards for college readiness in English  
7       and math.

8               Our schools are starting earlier, with  
9       70,000 free, full-day, high-quality pre-K  
10       seats. This would not have been possible  
11       without the financial support you've  
12       provided, and continue to provide, and I want  
13       to thank you for that.

14              While we are pleased with our  
15       progress, we know there is more to be done.  
16       This is why Mayor de Blasio and I announced  
17       the Equity and Excellence for All initiative,  
18       with ambitious goals for New York City. By  
19       2026, 80 percent of our students will  
20       graduate high school on time, and two-thirds  
21       of our graduates will be college-ready.

22              This school year marks the first full  
23       year of implementation of these Equity and  
24       Excellence initiatives, which will be rolled

1 out to schools citywide over the next several  
2 years. There are over 800 schools with at  
3 least one Equity and Excellence program this  
4 year, a number which will continue to grow  
5 over the course of the year.

6 Some of the highlights. Our Universal  
7 Literacy Initiative is taking off, with over  
8 100 reading coaches in elementary schools to  
9 ensure that, by the end of second grade, all  
10 students will be reading on grade level.  
11 These are coaches that work in schools with  
12 all the teachers in kindergarten to second  
13 grade. They go into classrooms, they do  
14 demonstration lessons, they do training for  
15 the teachers -- because one of the things  
16 that we've learned is that it's important, in  
17 order to keep your teachers, to keep offering  
18 them professional development. And this has  
19 been done for four districts and will be  
20 rolled out to even more districts next year.

21 Our Algebra for All initiative is  
22 improving math instruction in over 200  
23 elementary, middle, and high schools. We're  
24 starting this work in the fifth grade in a

1 departmentalized way which was started in  
2 many of our Renewal Schools, because teachers  
3 who are trained specifically to teach math  
4 tend to be a lot more excited about it than a  
5 teacher who teaches an entire grade, of fifth  
6 grade. And we have 100 elementary schools  
7 that are piloting that this year, and we  
8 expect to grow that next year.

9 Our College Access for All initiative  
10 is making college an achievable expectation  
11 for our students. We have eliminated the  
12 CUNY application fee for our low-income  
13 students, and all high school juniors will  
14 take the SAT for free during the school day,  
15 in their own schools, on April 5th of this  
16 year.

17 This is very important because when we  
18 did some research on who took the SATs in the  
19 past, many students, because they had to go  
20 to a different school, it was always on  
21 Saturdays, told us that just leaving their  
22 communities was a hassle. Many of our  
23 students have part-time jobs. Many students,  
24 if they had to travel more than a bus and a

1       train, were not showing up at the SATs. So  
2       having it in their schools, all on the same  
3       day, with the teachers proctoring, is making  
4       it much more accessible.

5               Twenty thousand middle-schoolers are  
6       visiting colleges, and we're giving their  
7       families support along the way. I was just  
8       at Brooklyn College, where we had some  
9       middle-schoolers coming to visit, and their  
10      mouths dropped open because they didn't  
11      realize that colleges have things like pools.  
12      One of the big stars of the visit was  
13      cafeterias where you could pick your own food  
14      and they could choose what they wanted to  
15      eat.

16             And I think for many of our students,  
17      what you don't see, what you can't imagine,  
18      you can't believe in for yourself. So being  
19      on a campus and seeing what it's like -- and  
20      we invite their parents to come with them so  
21      we can also talk to parents about having  
22      higher expectations for the students. This  
23      year we also increased our Parents  
24      Information Centers for middle-school parents

1           on how to start working in middle school to  
2           get their children into college.

3                     Last year, we saw a record number of  
4           students who took at least one AP exam.  
5           Participation and performance gains were  
6           largest for black and Hispanic students, with  
7           an 18 percent increase in the number of black  
8           students passing at least one AP exam, and a  
9           10.8 percent increase in the number of  
10          Hispanic students passing at least one AP.  
11          Our AP for All initiative, which is bringing  
12          new AP courses to 63 high schools this year,  
13          will eventually bring every high school  
14          student access to at least five AP courses.  
15          This is unprecedented in New York City.  
16          Expanding access to these courses is  
17          critical, and I applaud Governor Cuomo's  
18          proposal to increase the amount of state  
19          funding to assist with exam fees.

20                     An example of this is also that we  
21          have 12 colocated high school campuses which  
22          have a total of 54 schools. And on these  
23          campuses alone, we have now opened AP classes  
24          to students in each others' schools on the

1 same campus. So if you're attending, for  
2 example, Lehman High School campus, you can  
3 take AP courses in other classes in other  
4 courses.

5 So for example, in the Bronx, only one  
6 of the schools had an AP course. And now one  
7 of the students said he's actually going to  
8 be graduating by having taken I think nine AP  
9 courses, because he took them outside of his  
10 own school in the other schools in the same  
11 building. And that's something we're doing  
12 in all the boroughs.

13 The Single Shepherd initiative in  
14 District 7 in the Bronx and District 23 in  
15 Brooklyn is showing promise. These are our  
16 neediest districts in terms of demographics,  
17 poverty, and by any measure that you can  
18 imagine. This initiative is going to serve  
19 16,000 students. This initiative very simply  
20 gives each family -- it's not just for the  
21 students -- a dedicated either social worker  
22 or guidance counselor that's going to follow  
23 the student for seven years. And everything  
24 is their job.

1           For example, if a family is being  
2           threatened with eviction, if a family has  
3           some other kind of crisis -- a mental health  
4           problem -- this particular Single Shepherd  
5           follows the family and helps the family. And  
6           this does not supplant existing guidance  
7           counselors; this is in addition to the  
8           guidance counselors.

9           I'll give you an anecdote. In  
10          District 7, a family went to the school to  
11          ask the principal to help them assign their  
12          child to a residency, they wanted to put  
13          their child in a residence because they  
14          couldn't handle him anymore at home. And the  
15          Single Shepherd was able to work with the  
16          family and meets with them once a week now.  
17          And because of that, to me, a child's life  
18          has been saved.

19          So we're looking at Single Shepherds  
20          as a way to help entire families and  
21          communities, and we see this as a really  
22          important initiative.

23          We are constantly working with  
24          nonprofit and private partners to meet the



1 shared goal to provide every single New York  
2 City student with a quality education. This  
3 is true of our Computer Science for All  
4 initiative, made possible by a public-private  
5 partnership. This program is intended to  
6 develop a plan to work with underserved  
7 students, including female, African-American,  
8 and Latino students. Our work with  
9 elementary schools is intended to expose  
10 underrepresented students to computer science  
11 at a younger age so they gain the skills and  
12 confidence to pursue pathways in computer  
13 science and technology.

14 We also have a very special  
15 partnership with the Rockefeller Foundation  
16 and the musical Hamilton -- and the Miranda  
17 family has been particularly helpful in  
18 supporting this -- where we are enabling  
19 20,000 New York City 11th graders to attend  
20 Hamilton. I was just there this past week,  
21 because the students actually get on the  
22 stage in the morning and perform something  
23 from Hamilton's life. And to have them have  
24 their peers -- which is 1300 students in the

1 audience -- cheer them on is not just about  
2 bringing social studies alive, which is one  
3 of my passions for our schools, but building  
4 students' self-confidence.

5 It ties in also with the fact that we  
6 this year came out with a social studies  
7 program that has just been designated by the  
8 United States Defense Department as one that  
9 they want in all their schools around the  
10 world.

11 And for all our schools, there's  
12 always an opportunity to learn and grow,  
13 particularly from each other. Through the  
14 District-Charter Partnerships, district and  
15 charter schools are coming together -- and  
16 about two Saturdays ago I attended  
17 professional development that was led by the  
18 Uncommon Schools Network for teachers and  
19 principals in two of our districts in  
20 central Brooklyn.

21 In addition to the programs that I've  
22 mentioned, we've expanded access to physical  
23 education and sports programs, particularly  
24 for female students and those that attend

1 smaller schools. We created 150 community  
2 schools providing access to mental health,  
3 health and vision services. We're working  
4 towards changing school climate and  
5 implementing restorative practices in our  
6 schools. For the first time, our summer  
7 programs are serving high-need  
8 second-graders, and we plan to serve 4,400  
9 more second-graders this coming spring. And  
10 all of them will have a program that is an  
11 enrichment program rather than a remedial  
12 program, and we're very excited about that.

13 I am particularly proud of our work to  
14 better serve students who are English  
15 language learners, our ELLs. As a former ELL  
16 student myself, this work is very personal.  
17 We currently have 434 bilingual programs in  
18 every borough in the city and will continue  
19 to open more. We are holding, for the first  
20 time ever in New York City, Saturday parent  
21 conferences in their native language. We've  
22 had them in Spanish, we've had them in  
23 Mandarin. I attended one -- again,  
24 recently -- in Bengali, and we're having one

1           in Arabic. And the entire conference is held  
2           in that language; I'm the only one who has to  
3           get translated.

4                     Our former ELL students who placed out  
5           of being an ELL in the two years prior to  
6           graduation posted great gains in graduation  
7           rates -- 84.1 percent, up from 78.9 percent  
8           last year. We still have a lot more to do in  
9           this area, and that's why we've partnered  
10          with Dr. Nonie Lesaux from the Harvard  
11          Graduate School of Education's Language  
12          Diversity and Literacy Development to design  
13          an institute to equip schools with tools and  
14          knowledge to independently deepen their work  
15          with ELLs. I thank the Assembly Education  
16          Committee for holding a hearing on ELLs last  
17          December, and the leadership exhibited from  
18          legislators on this important issue.

19                    Additionally, since I became an  
20          educator 51 years ago, involving parents has  
21          been a central focus. This continues each  
22          and every day across the DOE. We are pleased  
23          that our increased emphasis on parent  
24          engagement has resulted in significantly more

1 parents attending parent-teacher conferences.  
2 We instituted something in New York City  
3 called student-led conferences, where  
4 students actually attend, with their parents,  
5 and lead the conferences. And what we're  
6 finding -- one district in the city in  
7 particular had almost 100 percent parent  
8 attendance at parent-teacher conferences  
9 because their students lead the conference.

10 We have more parents participating and  
11 running for local Community Education  
12 Councils, our CECs. In fact, CEC elections  
13 are happening right now, and to learn more  
14 about CEC elections this year and to apply,  
15 parents should visit [NYCparentleaders.org](http://NYCparentleaders.org).  
16 And I certainly encourage all of you to get  
17 out to your constituencies, those in New York  
18 City, to apply for these seats. The last CEC  
19 and citywide council elections in 2015 had  
20 1,290 parents apply, and that was up from 729  
21 in 2013 and 511 in 2011. We are hoping for  
22 even greater numbers.

23 And this is a group that I now meet  
24 with on Saturdays to give them more time. I

1 meet with the CEC presidents one Saturday a  
2 month to talk about the issues that we now  
3 feel that they have a major role to play in,  
4 and one of them is rezoning. And any of you  
5 who have kept in touch with what's happening  
6 in New York City, City Council District 3 has  
7 really played a very important role in what  
8 is evolving there.

9 The DOE also continues to focus on  
10 increasing diversity through systemwide and  
11 localized approaches, and I have asked my  
12 senior leadership team to work on these  
13 important efforts through operations,  
14 programming, instruction and policy. Last  
15 year, we implemented our first-ever diversity  
16 in admissions pilot, encouraging principals  
17 to develop admissions priorities to increase  
18 diversity. I am pleased to report that we  
19 will expand this program to 19 schools this  
20 year, I want to thank the Legislature for the  
21 funding in last year's budget to support  
22 initiatives to help increase diversity in our  
23 specialized high schools. This funding  
24 supports several initiatives, including

1 outreach, teacher training, and tutoring and  
2 preparation programs, all targeted toward  
3 students underrepresented at our specialized  
4 high schools.

5 I am also grateful for the funding the  
6 DOE received last year under the My Brother's  
7 Keeper Initiative, and I am pleased to see  
8 funding included in the proposed budget for  
9 this year as well. We look forward to  
10 continuing to work with you to support New  
11 York City students with funding. This  
12 funding has been done very locally, it has  
13 been with the engagement of the  
14 superintendents, based on the needs. And one  
15 of the major focuses on a lot of this has  
16 been in terms of college preparation, college  
17 work, and also mentoring, particularly young  
18 men of color, partnering them with people who  
19 will help them see all the possibilities out  
20 there.

21 I also want to thank the Legislature  
22 for the Smart Schools Bond Act. Although our  
23 proposal has not yet been approved by the  
24 state, that funding will go a long way toward

1       bolstering our efforts to modernize our  
2       schools, including supporting our Computer  
3       Science for All effort, and to fully remove  
4       and replace TCUs. This administration has  
5       committed to prioritizing the removal of all  
6       352 TCUs in place when the mayor took office.  
7       There is a \$405 million ask in the city's  
8       capital plan for the removal of TCUs,  
9       \$300 million of which is Smart Schools Bond  
10      Act funding. Ninety-four have already been  
11      removed, and plans are underway to remove 104  
12      more. We are actively creating plans to  
13      remove the remaining ones. And it goes  
14      hand-in-hand with funding for over 44,000 new  
15      school seats in the current five-year capital  
16      plan. And in January, we committed to  
17      funding 38,000 more in the next five-year  
18      capital plan.

19             More broadly, I would like to thank  
20      the Legislature for always supporting  
21      additional funding for our public schools.  
22      Additional state funding has allowed us to do  
23      more for students, including addressing  
24      inequity in funding to our schools through



1 Fair Student Funding. Over two years, we  
2 raised the citywide average from 88 percent  
3 to 91 percent. We are funding all Renewal  
4 and Community Schools at 100 percent of their  
5 Fair Student Funding level, and no school in  
6 the city is below 87 percent. Next year we  
7 intend to raise the citywide average to  
8 92.5 percent, with no school below 90 percent  
9 of their Fair Student Funding, a plan that is  
10 contingent on a similar level of growth in  
11 Foundation Aid as we've received in the past  
12 two years.

13 We are committed to getting to  
14 100 percent for all schools by the year 2021,  
15 an accomplishment that can be realized if the  
16 state continues its commitment to fulfill the  
17 Campaign for Fiscal Equity settlement. I  
18 know this is a priority for many of you as  
19 well, and I deeply appreciate your  
20 commitment. The phase-in of Foundation Aid  
21 is critical to ensuring funding levels that  
22 will enable the city to provide a  
23 constitutionally guaranteed sound, basic  
24 education to our students. The state's

1       commitment to satisfying the shortfall must  
2       remain intact.

3               Similarly, I want to voice my support  
4       for State Ed's request for additional funding  
5       for Career and Technical Education, CTE  
6       programs. I know MaryEllen and I are totally  
7       in agreement in this. And we need not only  
8       your support financially, but also in terms  
9       of changing some of the legal language,  
10      through the State Legislature, to ensure that  
11      we can graduate more students with a CTE  
12      diploma.

13              CTE programs provide a unique  
14      opportunity to prepare students with the  
15      skills and rigorous academics to both  
16      graduate with a career skill and be  
17      college-ready. We are investing in 40 new  
18      high-quality CTE programs over the next three  
19      school years and strengthening our numerous  
20      existing programs.

21              For example, I went to visit Co-op  
22      Tech recently, visited the carpentry program.  
23      And one of the discoveries is that the  
24      carpentry program -- I know, Velmanette,

1       you're particularly interested in this --  
2       that the carpenters union is also the union  
3       that represents the divers of New York City.  
4       Because divers are considered carpenters  
5       underwater. So we're also looking to how we  
6       create more CTE programs for maritime,  
7       particularly in Brooklyn and Staten Island.  
8       So we're working on that.

9               We want to help improve CTEs through  
10       changing regulations around licensing for CTE  
11       teachers to allow more individuals with  
12       relevant field experience the opportunity to  
13       teach some of the harder-to-staff CTE  
14       programs, including computer science.

15              The budget also makes several changes  
16       to the charter school landscape that come at  
17       the expense of the Department of Education.  
18       It is important that this be balanced with  
19       continued improvement in our public schools.  
20       In order to maintain that balance, the state  
21       must fund any increased support to charter  
22       schools, not New York City.

23              All of the progress I have described  
24       would not have been possible without mayoral

1 control of the New York City school system.

2 I have worked in three different governance

3 systems, in many different capacities --

4 teacher, staff developer, principal,

5 superintendent, deputy chancellor and now

6 chancellor -- and I can say without a doubt

7 that this governance system is the most

8 efficient, the most transparent, and most

9 capable of getting results for students. I

10 might also say the most accountable. What we

11 do is public, it's out there, the press sees

12 it, and the evaluation is done by the public

13 at large.

14 With hard work and appropriate

15 resources, New York City's students are

16 capable of anything. I know you feel the

17 same way, and I am grateful for your hard

18 work on behalf of your communities and their

19 students. We have a lot of work ahead of us.

20 And I thank you for your time and want

21 to remind everyone that as far as I'm

22 concerned, #PSILoveAllMySchools. And I also

23 know that this is the best way to have a

24 democracy that works for all of this country.

1                   So thank you, and I look forward to  
2                   your questions.

3                   CHAIRMAN FARRELL: Thank you very  
4                   much.

5                   First to ask questions, Chair Nolan.

6                   ASSEMBLYWOMAN NOLAN: Thank you,  
7                   Mr. Farrell and my colleagues. I just want  
8                   to remind everyone again what a lifelong  
9                   educator Chancellor Fariña is, because I  
10                  always think I know everything about New York  
11                  City, and she tells me now that divers are  
12                  carpenters underwater. So she's always  
13                  educating, even when she's giving testimony.

14                  I just want to say quickly I  
15                  appreciate your support for Foundation Aid.  
16                  I appreciate your reminding the committee how  
17                  important it is, because we do feel that it's  
18                  under some threat. So I appreciate that.

19                  I appreciate your comments about the  
20                  trailers, which as you know has been a  
21                  concern of mine for a very, very long time  
22                  and one of the reasons so many years ago I  
23                  asked to chair this committee. And we are  
24                  finally, under your leadership, making some

1 progress. But I want to remind you and my  
2 colleagues that the number of trailers means  
3 that we still have almost 10,000 children in  
4 trailers. And for many of my colleagues from  
5 other parts of the state, that would be a  
6 very large-sized school district for them.  
7 So we are talking about thousands of children  
8 still receiving their education in what is  
9 essentially a firetrap.

10 So I want to -- you know, I appreciate  
11 the movement, but I want to continue to  
12 support pressure for it and want to express  
13 my concern that the Smart Schools Bond Act  
14 has not yet been released, that money for the  
15 city. And I was so glad Senator Marcellino  
16 brought it up earlier with Commissioner Elia.  
17 So we're going to continue to work on that  
18 and give you the support you need to remove  
19 trailers.

20 I appreciate the comments on CTE.  
21 Would like you to perhaps elaborate a little  
22 bit, though, on after-school. The Governor  
23 did put some money, the Executive put some  
24 after-school money in there. The mayor had

1       announced an initiative last year about  
2       after-school in all middle schools, and I  
3       think -- I'd like to hear you speak about  
4       that.

5               And then just two other quick things  
6       and I'm done. Renewal Schools, as you know,  
7       continue to be the subject of a great deal of  
8       conversation and scrutiny. We had a hearing  
9       well over a year ago now on the Community  
10      School concept. I have a Renewal School,  
11      PS 111. And I think you know, you know, many  
12      vociferous and upset issues and many, many --  
13      a lot of angst about it. But I will say,  
14      finally, finally there has been some true  
15      progress. And I think in my own mind one of  
16      the reasons is that you've been able to be  
17      flexible about children with IEPs and getting  
18      a team-teaching approach, et cetera,  
19      et cetera. So I'd like for you to talk a  
20      little bit more about what you're doing at  
21      Renewal Schools.

22             So after-school, Renewal Schools, and  
23      then I'd like you to elaborate a little bit  
24      more about how those charter proposals take

1 money from New York City public school  
2 students to give them to other New York City  
3 public school students who you have no real  
4 authority over. So, you know, that's an  
5 issue for us, obviously. You know, I have  
6 good working relationships with charter  
7 schools in my district, but we have to sort  
8 of realize taking money from one student and  
9 giving it to another, as the Governor's  
10 proposals -- you know, I guess that's their  
11 proposals -- is not going to be the answer.

12 So after-school, Renewal Schools, and  
13 charter schools, maybe you could elaborate a  
14 little bit.

15 CHANCELLOR FARIÑA: Let me take them  
16 in kind of --

17 ASSEMBLYWOMAN NOLAN: And thanks for  
18 telling me about the divers.

19 CHANCELLOR FARIÑA: Okay. No, I was  
20 very impressed when I learned that too.

21 Well, first of all, I think I want to  
22 start with Renewal Schools. Because Senator  
23 Comrie, August Martin -- who would have  
24 thought that what was happening there could



1       happen? Senator Montgomery, PS 67,  
2       unbelievable stuff happening there. They  
3       actually just came out in the papers. And  
4       obviously 111.

5               So very specifically, what is  
6       happening in Renewal Schools is that we have  
7       many of them -- 34 of them, to be exact, and,  
8       I don't remember -- more as we speak. We  
9       have created a new leadership. One of the  
10      first things we know about what makes a  
11      school work is the principal. So we make  
12      sure that the right principal is in charge of  
13      a school.

14             The other thing, we have community-  
15      based organizations in all these schools and  
16      the community-based organizations have  
17      wraparound programs -- but different than in  
18      the past, they're embedded in the school  
19      during the school day. So they are not  
20      coming as an after-school program, they have  
21      to be in the classrooms, working along with  
22      the teachers, and providing things like  
23      mental health, parent supports. Whatever it  
24      takes in that specific school, that's what

1       they're there for. And that's made a major  
2       difference, particularly in our high schools.

3               The other thing about renewal schools,  
4       we now have highly trained, what we call  
5       district school renewal directors who work in  
6       the schools and work alongside all the  
7       teachers with professional development. We  
8       now have a data system that is working in  
9       every single Renewal School, i-Ready, and  
10      something called ISSP, which actually starts  
11      analyzing everything that's happening in the  
12      schools, from the rate of suspensions,  
13      attendance, teacher retention -- all the  
14      benchmarks that we feel are important to make  
15      for a successful school, and we evaluate them  
16      on a regular basis.

17             So I think the Renewal Schools we now  
18      have -- and the commissioner and I have just  
19      discussed this. Only one school that's still  
20      very struggling. We have one school that as  
21      of last night is going to be closing, the  
22      building is closing and reopening. And we  
23      have several that are doing really quite  
24      well. And this past Friday we hosted, for

1       the rest of the state -- and I've met several  
2       of the superintendents here today -- an open  
3       house for promising practices to visit the  
4       schools that have shown the biggest results.

5               But results are only going to happen  
6       over time, it's not going to -- miracles  
7       don't happen immediately. But for the first  
8       time ever, particularly in the borough of the  
9       Bronx, you have teachers that are rated  
10      effective and highly effective in schools  
11      that never had that. Because we have  
12      teachers -- over 200 teachers applied to go  
13      teach in these schools rather than come out  
14      of these schools.

15             So I think we're on the move. We have  
16      a curriculum that everyone is expected to  
17      follow, but more importantly to me, great  
18      leadership, teachers with lots of training,  
19      and also this sense of energy and hope. It's  
20      one thing to close a school; it's another  
21      thing to say to a school -- and, you know,  
22      Boys and Girls High, another school, new  
23      principal, energy in that building is  
24      palpable. People are excited. So to me, to

1 do something and to say to them, we believe  
2 in you, we're going to give you the  
3 resources, I think is crucial.

4 In terms of after-school programs, all  
5 the middle schools in the City of New York  
6 have -- all stand-alone middle schools have  
7 after-school programs. We've been very clear  
8 that we want the after-school programs to  
9 encourage the arts, to encourage some kind of  
10 academics, and also to have some kind of  
11 sports component. But who is in what school  
12 was very much left up to the principal and to  
13 the CBO. And that means that there is a  
14 communication, and there's a need for a CBO  
15 to kind of tailor-make their program for  
16 whatever the school needs or thinks that,  
17 based on their data, they would want more of.

18 And I think also for a lot of parents,  
19 it's a point of relief. And the reason we  
20 did it in middle schools is because I think  
21 that one of the most difficult grades to  
22 teach -- and one of the most difficult ages,  
23 period -- are 7th-graders. They have  
24 everything on their plate and then some. So

1           by having a safe place for them to be after  
2           school is really, really crucial.

3           The CBOs that are working with our  
4           Renewal Schools are also being asked to train  
5           more people so that we can expand in the  
6           future. But I do think after-school programs  
7           by and large have really enriched many of our  
8           communities, and we continue to work with  
9           outside partners to bring them into the fold.

10          The one thing I want to say about the  
11          TCUs, one of the reasons it's hard to move  
12          more quickly on this is that when you have  
13          TCUs -- I'm thinking of PS 19 in Corona, for  
14          example -- you have all these kids you have  
15          to put somewhere while you're removing the  
16          TCUs and building a school on that location.

17          Same thing in Brooklyn. We now have  
18          TCUs -- PS 32, in Carroll Gardens -- but  
19          where are we going to put the kids? So we  
20          had to move kids from one building to another  
21          to get the kids from the TCUs so the schools  
22          can be built.

23          So that's really the only reason that  
24          some of this is being held up.

1                   And public charters, the one thing I  
2           have to say about working with the charter  
3           schools is that there are schools -- and in  
4           many cases -- you know, it's parent choice.  
5           I have been working much more closely with  
6           charters and even I just did an art lesson in  
7           a charter school, the Ascend Charter Schools,  
8           because I had gone to visit them and I loved  
9           what they had on the walls, but I wanted to  
10          make sure they were using the arts more  
11          fully. And we're working to different  
12          degrees with different ones of them,  
13          depending on what their skills are, but also  
14          opening our schools to them for some of the  
15          things that they can learn from us.

16                 We have now something called Showcase  
17          Schools where we're asking schools that are  
18          working well together, where a collocated  
19          campus is working well together, and in one  
20          particular campus there's a District 75,  
21          which is special education, a charter school,  
22          and one of our district schools all working  
23          together. And we want to show other people  
24          how that can be done.

5 CHANCELLOR FARIÑA: New York has to  
6 get their fair share. And I believe strongly  
7 that public education, as I see it, is  
8 crucial to this democracy, and we have to  
9 make that a priority.

21 CHANCELLOR FARIÑA: Be happy he  
22 graduated, Cathy. This is a good thing.

1           beautifully. But I am a little sorry. He  
2           was there at the height of the testing mania,  
3           and I myself didn't see the damage that it  
4           did until much later. It makes kids way too  
5           anxious. And I think your approach is -- you  
6           know, you know how I feel, and my colleagues  
7           know how I feel. Like, you know, just a big  
8           soldier in your army, a big fan. There's  
9           always things we could do better, always  
10          places that need attention --

11                   CHANCELLOR FARIÑA: Absolutely.

12                   ASSEMBLYWOMAN NOLAN: -- but, you  
13           know, I think you've given such positive  
14           leadership. And it's been a pleasure, a  
15           pleasure, to work with you these past few  
16           years.

17                   CHANCELLOR FARIÑA: Thank you.

18                   ASSEMBLYWOMAN NOLAN: Thank you.

19                   Thank you, Chair.

20                   CHAIRWOMAN YOUNG: Thank you.

21                   Senator Carl Marcellino, who's chair  
22           of the Senate Education Committee.

23                   SENATOR MARCELLINO: Good afternoon,  
24           Chancellor.



1 CHANCELLOR FARIÑA: Good afternoon.

2 SENATOR MARCELLINO: First, I want to  
3 congratulate you. In my mind, you're doing a  
4 hell of a job in the city. I taught in the  
5 city, as you well know, for 20 years, and the  
6 changes that have occurred over there over  
7 the years with different mayors and different  
8 philosophies, frankly I find your changes and  
9 your philosophy more in line with what I  
10 believe and what I think is positive and good  
11 promotion for the schools and a good aspect  
12 to the schools.

13 So I congratulate you and your staff  
14 for doing an excellent job.

15 Now let me throw a hardball at you.  
16 Some time ago, about maybe a year and a half  
17 ago, Chancellor Zimpher of SUNY came to the  
18 Education Committee and spoke -- I believe  
19 you were there that day as well, and so was  
20 Commissioner Elia. She mentioned the fact  
21 that she spends about \$70 million annually on  
22 remedial classes for incoming freshmen.  
23 That's time that these young people have to  
24 spend not taking courses to move ahead but

1           just to catch up to where they are.

2                   I listened and heard all your  
3           statistics, and they sound great, but that  
4           number still sticks in the back of my mind.  
5           Are we addressing that number? Are we  
6           reducing the cost of remedial education?  
7           Because frankly I don't like the fact that  
8           there is so much in the SUNY system that  
9           exists. I don't think there should be  
10          anything, frankly. But you've got to do what  
11          you've got to do.

12                   What are we doing to work on that  
13          number and bring it down?

14                   CHANCELLOR FARIÑA: Well, I absolutely  
15          share the same concerns. And I will tell you  
16          that several of the initiatives we put in  
17          place are really for that specifically.

18                   New York City is one of the few places  
19          that has a college-readiness strategy, and  
20          that is that we put an extra benchmark in  
21          there, what do we think makes kids  
22          college-ready. And that means that they are  
23          able to do rigorous work, that they have  
24          organizational skills -- which is one of the

1       biggest failing things that kids have when  
2       they go to college, they don't know how to  
3       work independently, they don't know how to  
4       write.

5               So the things that we did in -- not  
6       necessarily in the right order, but the first  
7       thing we did -- in fact, it was the first  
8       thing I asked my department to do -- was to  
9       put together a high school Writing Scope and  
10      Sequence, which we now institute in every  
11      single high school in the City of New York,  
12      because I thought writing was one of the  
13      worst subjects that was being taught. And if  
14      you can't write and you can't write in  
15      different subject areas, then you can't be  
16      successful in college.

17             So I do think that improving our  
18      writing -- and when I go to high schools,  
19      it's the first thing I look at -- is step  
20      number one.

21             Step number two is part of the reason  
22      why we've invested so much time and energy in  
23      the AP courses. If you take AP courses in  
24      high schools, you are more prepared to do the

1       rigorous work that college demands. It also  
2       means, with the AP courses, it's not just  
3       about a syllabus or a curriculum, it means  
4       that all the teachers who teach AP courses  
5       have to go back to school and be retrained.

6               Last year I went to the summer  
7       training for the teachers who were going to  
8       teach AP courses, and for many of them, they  
9       haven't gone back to do this kind of work in  
10      many, many years. So being able to be in a  
11      school where those courses are being  
12      offered -- and in many of our high-need  
13      neighborhoods there were no AP courses at  
14      all. So what is the expectation that these  
15      kids can't do it?

16             So I think that's another thing that  
17      we put in place. I think emphasizing  
18      algebra, to me, is one of the things that --  
19      I did some research, as did my team,  
20      obviously, on what we found was going to be  
21      the biggest indicator of success in college.  
22      And we found that, again, organizational  
23      skills, the ability to write -- the ability  
24      to do well in algebra, so then you can have a

1 math sequence, was really one of the  
2 important things. So that those are the  
3 things that we put in place earlier on.

4 It's also part of the reason why we  
5 think you need to read by the end of the  
6 second grade. Third grade is not the right  
7 benchmark, in my opinion, for reading,  
8 because by the time you get into third grade  
9 you have much harder content-area work. You  
10 have to be able to read at the end of second  
11 grade.

12 I think the other piece for college  
13 success is that we have to educate families  
14 as well as students of what's expected when  
15 you get to college. And we've been doing a  
16 lot more work starting in middle school about  
17 what college can look like, should look  
18 like -- like I said, including parents  
19 letting students go on college tours so they  
20 have an expectation that this is not just fun  
21 and games. Often many parents whose  
22 students are qualified, well, then they don't  
23 go to college because their parents don't  
24 want them to leave home. There's a lot of

1 work that has to be done on college-ready.

2 But also we've been meeting with the  
3 colleges themselves and what is the  
4 coursework that they also have to offer in a  
5 way that's palatable so students, when they  
6 go there, they have a wide range of topics,  
7 but also taught in a way that also continues  
8 the kind of teaching that we're doing in our  
9 schools.

10 So I think there's a lot of work to be  
11 done here, but I do think having a  
12 college-ready benchmark -- when I visit  
13 high schools, I'm not looking to see how many  
14 kids are getting As, but how many kids are  
15 getting As in very deep work, and I think  
16 that's part of the work that we're trying to  
17 do.

18 SENATOR MARCELLINO: The other morning  
19 I was given a -- I know we met recently, but  
20 it was subsequent to that -- I was given a  
21 copy of an article that appeared in the  
22 Daily News, January 29, 2017. I don't read  
23 the Daily News, I read another paper called  
24 Newsday. I don't believe that one either.

1 (Laughter.)

2 SENATOR MARCELLINO: But this  
3 particular article talked about "Mayor de  
4 Blasio's pre-kindergarten programs match lack  
5 of diversity of New York City's highly  
6 segregated school system." And the author, a  
7 Ben Chapman, talks about data from the  
8 2015-2016 school year analyzed by the  
9 Daily News shows that 854 of the city's 1,861  
10 pre-K programs were dominated -- the  
11 statistic he uses is 70 percent or more -- by  
12 a single race.

13 Now, we went through an awful lot and  
14 I was -- it was major, when I was teaching,  
15 about desegregating the schools and making  
16 sure that there was diversity and every kid  
17 got exposed to as many different groups and  
18 individuals as they possibly could.

19 Are we going backwards here? Is  
20 something going on here that we can deal  
21 with?

22 CHANCELLOR FARIÑA: Absolutely --  
23 absolutely not. Let me get my teacher voice  
24 on this a little bit.

1           First and foremost, the pre-K parents,  
2           rightly so, want whatever pre-K program is  
3           closest to home. They're in a rush to get to  
4           work, they have to do whatever they have to  
5           do.

6           And the one thing I can say, that all  
7           our pre-K programs are of the same quality.  
8           All our teachers are being trained the same  
9           way. Every teacher that teaches in a pre-K  
10          program has to be retrained over the summer,  
11          and all of them have been trained by us with  
12          the same curriculum. They have a choice of  
13          three curriculums. So whether you're taking  
14          a pre-K in Harlem or you're taking a pre-K in  
15          Carroll Gardens, you're going to have the  
16          exact same curriculum with teachers who have  
17          been trained the exact same way.

18          But I as a parent am not going to be  
19          running to another part. So it's a matter of  
20          applying. Parents apply -- this is parent  
21          choice, the same way you can go to a private  
22          public, parochial school, charter school, you  
23          can go to any pre-K. You have an application  
24          process, you fill it out, and generally --



1       this year I think people got one of their  
2       first top choices pretty much across the  
3       city. So this is about parent choice.

4               Then what happens after pre-K,  
5       depending on the seat availability, if that's  
6       your zone school, you stay in that school.  
7       But if you want to go to another school, then  
8       if there's space available -- if you want to  
9       stay in the school that you're in pre-K but  
10      you're not zoned, you can apply for space  
11      availability.

12             So I actually do not agree with this.  
13      I think if you're counting faces, then it's  
14      true. If you're counting parent choice, it's  
15      totally different.

16             So I think, to me, the diversity is  
17      also -- we are now taking more students with  
18      IEPs in our pre-K programs, we're taking more  
19      students who are English language learners in  
20      our pre-K programs. Diversity has many  
21      faces.

22             SENATOR KRUEGER: I just want to jump  
23      in. This is exactly what I told Carl when he  
24      showed me the article.

1 (Laughter.)

2 ASSEMBLYWOMAN NOLAN: Thank you, Liz.

3 SENATOR MARCELLINO: So we can get rid  
4 of this piece of paper.

5 CHANCELLOR FARIÑA: No, and Carl just  
6 wants to get a rise out of me, I know. So  
7 that's it.

8 ASSEMBLYWOMAN NOLAN: He ran a school  
9 with 6,000 kids and not pick up a few --

10 CHANCELLOR FARIÑA: Well, he was a  
11 high school person, so we'll forgive him for  
12 that.

13 ASSEMBLYWOMAN NOLAN: There was 6,000  
14 of us there, in one building.

15 SENATOR MARCELLINO: We had 6600 kids  
16 in that school, and we ran a program from  
17 6:00 in the morning till 6:00 at night. So  
18 it was an interesting time frame.

19 But again, I thank you for your  
20 efforts. And if you would do me -- I know  
21 your husband is going to get mad at me, but  
22 I'm one who would be wishing that you would  
23 not be retiring, that you'd be hanging  
24 around, because the -- and I don't mean just

1 hanging around. You do a great job, and you  
2 do a good job. And the parents and the  
3 children of the City of New York are better  
4 for your attendance and better for your work.  
5 So thank you very much for what you do.

6 CHANCELLOR FARIÑA: Thank you. And my  
7 husband thanks you too.

8 (Laughter.)

9 CHAIRWOMAN YOUNG: Thank you.  
10 We've been joined by Senator  
11 Velmanette Montgomery and Senator Leroy  
12 Comrie.

13 ASSEMBLYWOMAN MALLIOTAKIS: Hi,  
14 Chancellor. Thank you for coming to Albany.

15 First let me say I'm very pleased to  
16 hear about the Career and Technical Education  
17 programs that you're looking to expand. I'm  
18 even happier to hear that you're looking to  
19 bring some to Brooklyn and Staten Island.  
20 And however I can work with you to make that  
21 happen, I'd be glad to, because it's  
22 something that I truly believe in. We need  
23 to invest in vocational training, and these  
24 are great careers that people who may not be

1       fit for college, may not want to attend  
2       college, have an option to get a great career  
3       in their life based on some of these  
4       vocational programs. So thank you again for  
5       thinking of Staten Island and Brooklyn for  
6       those programs.

7               I have just a few short questions.  
8       One is regarding the Contracts for Excellence  
9       funding. The 2016-2017 allocation for the  
10      City of New York was around \$531 million.  
11      The proposal from the City DOE was to  
12      allocate about \$7.5 million to Staten Island  
13      public schools, which represents only  
14      1.42 percent of the funding, despite that the  
15      population that Staten Island represents in  
16      our schools, with 60,000 students, is  
17      6 percent.

18             You know, this is sort of the same  
19      fight we have sometimes with the city with  
20      the hospitals funding and, you know, trying  
21      to get our fair share in terms of making it  
22      proportional to the population.

23             Our students in District 31 have some  
24      of the highest percentages of students with

1 Individual Education Plans; it's actually  
2 roughly 25 percent.

3 So my question really is, can you  
4 revisit this and see how maybe we can  
5 increase the funding for Staten Island and  
6 try to get closer to what the population  
7 level would be?

8 CHANCELLOR FARIÑA: Well, I'm going to  
9 let -- but I'm also going to preface it just  
10 a little bit. We have looked -- I mean, I  
11 spend a lot of time in Staten Island, and we  
12 have looked at Staten Island from the lenses  
13 of some of the specific concerns. So we've  
14 increased SAPAS workers out on Staten Island  
15 due to some of the specific issues.

16 One of the other things that Staten  
17 Island is really becoming a trend-setter for,  
18 and I thank the borough president for that,  
19 is your work with your universities is  
20 particularly meaningful. Your three  
21 universities out there are working  
22 extensively in our high schools out there.  
23 And also you have a tremendous amount of  
24 learning partner schools out there, which

1           also increase funding through different  
2           sources.

3                       So it may not be all Foundation money  
4           or categorical money, but there is a lot of  
5           money going through other streams. But I'll  
6           let --

7                       DOE CFO ORLANDO: Hi. The C for E  
8           money --

9                       ASSEMBLYWOMAN NOLAN: Could you, just  
10          for the record, reintroduce yourself, the  
11          gentleman --

12                      DOE CFO ORLANDO: Oh, sure, I'm sorry.  
13          Hi. Good afternoon, everyone. I'm Raymond  
14          Orlando. I'm the chief financial officer of  
15          the New York City Department of Education.  
16          And delighted to be here. Glad it's not  
17          snowy.

18                      The C for E money you've been asking  
19          about, there are requirements on how it gets  
20          spent. When we look to distribute it across  
21          the system, sometimes Staten Island doesn't  
22          appear to get its fair share because the  
23          level of need based on the requirements that  
24          the funding comes with are greater in other

1 areas of the city. So that limits our  
2 ability to super -- use it flexibly, I guess.

3 So we will of course be happy to  
4 continue to look at it and work with you on  
5 that, for sure.

6 ASSEMBLYWOMAN MALLIOTAKIS: And if you  
7 could, I guess, maybe share some of the  
8 criteria that you're looking at or that --  
9 and what the numbers are, or statistics, that  
10 would be really helpful.

11 DOE CFO ORLANDO: Yeah, sure. We'd be  
12 happy to.

13 ASSEMBLYWOMAN MALLIOTAKIS: Because  
14 that's one of the main issues that our CEC  
15 has brought up to us. And we just had a  
16 legislative breakfast with them last week,  
17 and the Staten Island PTA. It's one of the  
18 biggest issues.

19 The other one was also school safety.  
20 They've probably spoken to you directly -- I  
21 know you've visited Staten Island a few times  
22 and met with them -- but regarding having a  
23 school safety officer in every -- at least  
24 every elementary school having two in each

1 elementary -- that's one of the requests that  
2 they've put in. As well as locking school  
3 doors during the workday.

4 Does the city have a position on  
5 either of those?

6 CHANCELLOR FARIÑA: Well, we really  
7 work much more independently based on the  
8 individual school incidents. So there's  
9 obviously some schools that have more  
10 incidents than others. But again, I'm happy  
11 to discuss individual things on Staten  
12 Island.

13 The one thing I have to say is that  
14 we've also encouraged Staten Island in  
15 particular, but also other places, there they  
16 can apply for grants that will give them  
17 money above and beyond what they would get  
18 from us. Because for some things they're  
19 really eligible for -- I'm working with two  
20 of your schools right now specifically. But  
21 I'm happy to have a meeting just on  
22 Staten Island issues, because I really go out  
23 there all the time.

24 ASSEMBLYWOMAN MALLIOTAKIS: That would



1           be great. I will follow up on that.

2                   CHANCELLOR FARIÑA: Yeah, okay. Thank  
3           you.

4                   ASSEMBLYWOMAN MALLIOTAKIS: Last year  
5           I brought up the issue of penmanship and  
6           cursive.

7                   CHANCELLOR FARIÑA: Yes.

8                   ASSEMBLYWOMAN MALLIOTAKIS: And I've  
9           heard, actually, that you have become very  
10          supportive -- or maybe have always been  
11          supportive -- of penmanship and bringing up  
12          cursive. I think it's something really  
13          important that our students should be  
14          learning -- how do they sign a bank check,  
15          how do they have their own signature, you  
16          know, in the world. I mean, they need that  
17          in the -- you know, when they enter the  
18          career force, when they open up a bank  
19          account, et cetera.

20                   I've heard that you did write a letter  
21          or that you are expressing that you would  
22          like to see this happen now.

23                   CHANCELLOR FARIÑA: No, no, no.

24          There's no such thing "I'd like to see it

1           happen." It has to happen.

2                   ASSEMBLYWOMAN MALLIOTAKIS: It has to  
3           happen, okay. That's even better.

4                   CHANCELLOR FARIÑA: Let me be very  
5           clear. When I went to a town hall meeting I  
6           guess a year and a half ago, parents brought  
7           up that they would like to see cursive back  
8           in schools. And I spent a lot of years in  
9           parochial school, so I have the Palmer method  
10          down pat. And I don't know why it went out  
11          of favor. But I do understand that people  
12          felt there were other things that they  
13          thought were more important.

14                   But the reality is if you look -- the  
15          first thing you look at, if you look at a  
16          child's handwriting, and they're inventing  
17          their own script -- which is what they are --  
18          then it doesn't look right and I worry that  
19          they won't be able to sign their pension  
20          checks at some point.

21                   So this year in September we put out a  
22          curriculum for how to teach cursive writing  
23          in all our third grades in New York City. So  
24          it behooves parents and different schools to

1           ensure that this is happening. But the  
2           directive is this has to happen.

3                   ASSEMBLYWOMAN MALLIOTAKIS: So -- but  
4           it is up to the principal, then, to decide if  
5           they implement it?

6                   CHANCELLOR FARIÑA: Well, it's up to  
7           principals with strong urging from their  
8           superintendents, who are getting strong  
9           urgings from me. And when I go to schools, I  
10          look for the cursive writing starting in  
11          third grade.

12                  ASSEMBLYWOMAN MALLIOTAKIS: I really  
13          appreciate you doing that, and I look forward  
14          to making sure that my schools are all doing  
15          it. Thank you.

16                  ASSEMBLYWOMAN NOLAN: It's a big  
17          positive. It's been very frustrating for me,  
18          another thing that Joel Klein never focused  
19          on and we're still paying the price for it  
20          years later. But Carmen has made a big  
21          difference.

22                  CHANCELLOR FARIÑA: You know, there  
23          are certain things -- we brought back social  
24          studies with a vengeance. I love social

1 studies. I don't know how we have let it go.  
2 And in September of this year we put out a  
3 social studies curriculum, K through eighth  
4 grade -- the high school is coming -- and it  
5 has a total scope and sequence, with all the  
6 materials for teachers. It's in every single  
7 school in New York City. And our expectation  
8 is that no one will graduate fourth grade  
9 without knowing the American Revolution. No  
10 one will graduate fifth grade without knowing  
11 things about the Civil War. We've done the  
12 same thing with the STEM curriculum. It's  
13 all in writing so -- also for teachers, that  
14 they have access to what -- they shouldn't  
15 have to reinvent their world. We should be  
16 able to help them, give them the materials,  
17 and then they can take it off from there.

18 CHAIRWOMAN YOUNG: Thank you.

19 Chancellor, it's so great to have you  
20 here, and I admire your energy and your  
21 enthusiasm and your passion, and I know you  
22 help so many children every day.

23 I did have a couple of questions,  
24 though, and the first one has to do with the

1           city school aid. What is the city's  
2           contribution toward the city school aid?

3                   CHANCELLOR FARIÑA: That's why I  
4           brought my financial expert.

5                   CHAIRWOMAN YOUNG: That's why you  
6           brought him. He's the number cruncher.

7                   DOE CFO ORLANDO: Sure. In the  
8           current year, city funding for the Department  
9           of Education is \$16.8 billion.

10                  CHAIRWOMAN YOUNG: Sixteen-point-eight  
11          billion dollars. Does that figure include  
12          pensions and debt service?

13                  DOE CFO ORLANDO: That includes all  
14          expenses such as pension and debt service,  
15          yes.

16                  CHAIRWOMAN YOUNG: Okay, thank you.

17                  So what is the city's contribution in  
18          operating aid without the pensions and debt  
19          service included?

20                  (Pause.)

21                  ASSEMBLYWOMAN NOLAN: I have to think  
22          it's more than half.

23                  DOE CFO ORLANDO: I'm sorry?

24                  ASSEMBLYWOMAN NOLAN: Off the top of

1           my head, it has to be about half. But it's  
2           not for me to answer.

3                   SENATOR MARCELLINO: Cut it out,  
4           Cathy.

5                   DOE CFO ORLANDO: I apologize. Please  
6           give me a moment.

7                   (Pause.)

8                   DOE CFO ORLANDO: Okay, \$17.6 billion,  
9           with 11.6 -- I'm sorry, wrong year --  
10          \$11.1 billion.

11                  CHAIRWOMAN YOUNG: Seventeen-point-six  
12          billion with 11.1 billion?

13                  DOE CFO ORLANDO: I'm sorry, that was  
14          the wrong year. I apologize.

15                  In the current year, the city funding  
16          is -- without the pension and the debt  
17          service, is \$11.1 billion.

18                  CHAIRWOMAN YOUNG: Okay, I see. So  
19          that's quite a difference, of \$5.7 billion,  
20          then, for the debt service and the pensions.

21                  What is the exact number, if you could  
22          give it to us, of the state contribution to  
23          the New York City school aid?

24                  DOE CFO ORLANDO: State funding in the

1 current year, \$10.9 billion.

2 CHAIRWOMAN YOUNG: Does that figure  
3 include the \$300 million for pre-K from the  
4 state?

5 DOE CFO ORLANDO: I believe it  
6 includes all state funding.

7 CHAIRWOMAN YOUNG: Okay. Thank you.

8 The reason I ask that is when the  
9 mayor was here, he said that the state aid  
10 portion of the New York City aid had declined  
11 to 37 percent and the city contribution had  
12 actually increased to 57 percent. You know,  
13 and he stated that three times.

14 I think that he was including the  
15 pensions and the debt service, do you  
16 believe, in that figure, not operating aid?

17 DOE CFO ORLANDO: I believe that's the  
18 total cost of expenses at the Department of  
19 Education.

20 CHAIRWOMAN YOUNG: Thank you. Just to  
21 really clarify and get to the nuts and bolts.

22 I wanted to ask -- and, Chancellor,  
23 you were talking about the Renewal Schools.  
24 It's about \$400 million that the city has

1           invested in the Renewal School program, is  
2           that correct?

3                   CHANCELLOR FARIÑA:   Yes.

4                   CHAIRWOMAN YOUNG:   And I know Senator  
5           Marcellino had asked about this somewhat.  
6           But with Renewal Schools, I know you're very  
7           enthusiastic about them. But one of the  
8           things that I find concerning -- and these  
9           are based on your own reports that Education  
10          has put together, the Education Department.  
11          But there are many schools with college  
12          readiness in the single digits. And we talk  
13          about students being prepared for the  
14          workforce, students being prepared to go to  
15          college.

16                   And for example, your own reports show  
17          in 2016 a Brooklyn high school where  
18          83 percent of the kids graduate, but less  
19          than 2 percent are deemed to be  
20          college-ready. There was another school, in  
21          the Bronx, where 76 percent of the students  
22          received a diploma, even though just  
23          4 percent are college-ready.

24                   So one of my questions is, why is



1           there such a disparity between the graduation  
2           rates and the college-readiness rates in  
3           these schools?

4                   CHANCELLOR FARIÑA: Well, first of  
5           all, you have to understand that most of the  
6           Renewal Schools, the rates when we started  
7           were extremely low. But so was, in many  
8           cases, the teaching itself.

9                   So what we're trying to do in these  
10          schools -- and I can certainly give you  
11          specific examples -- is make sure that the  
12          classroom instruction is done better, that  
13          the expectation is higher, and that we in  
14          New York City are one of the few places that  
15          actually evaluate our kids based on  
16          college-ready.

17                   We could just sit back and say we have  
18          an 83 percent graduation rate -- and this was  
19          true nationally, but particularly in New York  
20          City over the past few years, what we found  
21          is we were getting kids into college and they  
22          weren't staying after freshman year in  
23          college. The drop-out rate, first year of  
24          college, was very, very high.

1           So that's the evaluation that we're  
2           doing for college-ready. How are we ensuring  
3           that we're getting kids not only graduating,  
4           but once they get to college, that they're  
5           doing much better and that they're staying  
6           in?

7           The other thing we've asked people to  
8           start doing now is keeping cohorts  
9           statistics. I was just in a school that  
10          you're talking about, and they're telling us  
11          that their tenth-grade cohort and their  
12          eleventh-grade cohort is already much higher  
13          than their twelfth-year cohort, because all  
14          the initiatives that we started three years  
15          ago hopefully will start showing results, but  
16          they're not going to show results overnight.  
17          And we want to make sure that we don't also  
18          give false expectations to our students.

19          So there's a lot of work to be done, I  
20          totally agree. But we are monitoring the  
21          high school grade as well as are they ready  
22          for college.

23          And we have now started a program in  
24          New York City, particularly in our Renewal

1        Schools, where we're encouraging all high  
2        schools to start having freshmen and  
3        sophomores in college come back once a month  
4        to their high schools to start talking about  
5        how hard college is, what you need to know to  
6        be able to succeed in college. We're calling  
7        them Mentors in Place, and this is one of the  
8        things we hope will do it. But you can't  
9        undo many years of things not working  
10       overnight, so it's one step at a time. But  
11       if you look at our Renewal Schools -- again,  
12       a lot of work to be done. The graduation  
13       rate in our Renewal Schools this year is  
14       4 percent higher than the rest of the city.  
15       And that means they had a long way to go, but  
16       we're laser-focused on making sure that  
17       what's happening in the classrooms is what's  
18       going to get the kids ready for there.

19                CHAIRWOMAN YOUNG: Great. Because we  
20       want every child to have that opportunity to  
21       be successful.

22                You know, I keep seeing the mayor  
23       announcing he's closing more and more of the  
24       Renewal Schools. And I'm wondering if you

1           can assess what hasn't worked with the  
2           Renewal School program at these schools that  
3           are being closed, including the Bronx junior  
4           high school that was put on SED's  
5           receivership list.

6                    CHANCELLOR FARIÑA: Look, closing the  
7           school is never done lightly. But there are  
8           generally three different reasons for closing  
9           the school. Number one, the enrollment is  
10          too low.

11                   For example, we have a school with  
12          67 students. There's no way, with 67  
13          students, you're going to be able to offer a  
14          program that is good. You're not going to  
15          have an arts program, a gym program. It just  
16          doesn't do it financially. So I would say  
17          the vast majority of school closures have to  
18          do with school size.

19                   The other -- and particularly the one  
20          that you just mentioned, are there other  
21          schools in the immediate vicinity that will  
22          offer the kids a better opportunity? And in  
23          this particular case, there are at least  
24          three middle schools -- because all parents,

1           when we close the school -- this is not a  
2           long, drawn-out phaseout, it's a closure --  
3           have a choice of three to five schools that  
4           they can choose from to go to as parents. We  
5           are doing open houses in these schools so  
6           parents will then have a choice, as well as  
7           students, to go to a place where they will  
8           have a better chance of success.

9                        So we don't close lightly. But when  
10          we close, we close with options for parents  
11          and an opportunity for the students to have  
12          more choices of what they can do.

13                      And I'm never sorry for having given  
14          the schools a chance to succeed. But if you  
15          don't succeed the way we think you should,  
16          then that's what's going to happen.

17                      CHAIRWOMAN YOUNG: Thank you.

18                      Just switching to one last topic, the  
19          State Education Department in January posted  
20          its latest Violent and Disruptive Incident  
21          Report. In the key category of serious  
22          incidents, it shows a rise of nearly 6  
23          percent, up from 15,934 incidents in 2014-'15  
24          to 16,851 in '15-'16.

1                   So within that category, forcible sex  
2                   offenses rose 90 percent; assault with  
3                   serious physical injury, 48 percent. So I'm  
4                   just wondering, what is the city doing to  
5                   address this situation so that it can ensure  
6                   the safety of the students?

7                   CHANCELLOR FARIÑA: Well, first of  
8                   all, we're doing several things. We have  
9                   really instituted restorative practices in  
10                  many of our schools, and we have done it in a  
11                  very programmatic way. We started with  
12                  schools that had the highest number of  
13                  incidents, the highest number of suspensions.

14                 We are also retraining teachers and  
15                 administrators on how to ensure that there is  
16                 a good school climate. It also goes to the  
17                 issue -- we've hired many more guidance  
18                 counselors for many of our schools. And also  
19                 in working very closely with the NYPD,  
20                 particularly with school safety officers,  
21                 they are now receiving an additional two  
22                 weeks of training beyond what they used to  
23                 get on just how to deescalate issues and  
24                 create a climate of trust in a building,

1           versus them just being there as quasi-police  
2           officers.

3                       So there's a lot of things. We look  
4           at those numbers on a regular basis -- I can  
5           almost tell you the top 10 schools off the  
6           top of my head. But also we're making sure  
7           that all incidences are reported. And I  
8           think that's part of what we're doing, and  
9           what kind of incidents rise to the top. And  
10          I think that is part of our job.

11                      It's certainly something we're very  
12          much aware of, and we're working very closely  
13          on it.

14                      CHAIRWOMAN YOUNG: What happens to  
15          these students when they commit something  
16          like a sex offense or, you know, forcible  
17          touching, serious physical injury? Are they  
18          suspended from school? Or how do you handle  
19          that?

20                      CHANCELLOR FARIÑA: It depends on the  
21          incident, it depends on the issues, and it  
22          depends on the age. We do still have  
23          suspensions in our schools. We have  
24          suspension centers where students go to, they

1           don't stay at home. They have a full  
2           curriculum in their suspension centers.

3                     But it very much depends on the  
4           infraction, the severity of the infraction,  
5           and how many incidents they've had prior to  
6           that one.

7                     CHAIRWOMAN YOUNG: And what happens to  
8           the students who are victims of such  
9           incidents? You know, for example, if they  
10          are assaulted somehow, what does the school  
11          do to address them? Because I would think  
12          that they would need some kind of special  
13          attention if something bad happens to them.

14                    CHANCELLOR FARIÑA: I mean, we have a  
15          whole protocol in place in terms of how  
16          guidance counselors are used, social workers,  
17          if that's the key. We also work closely,  
18          like I said, with NYPD if it's a critical  
19          activity.

20                    But we're very much aware of the  
21          schools that need more support. And in that  
22          case, perhaps more safety officers. But we  
23          find what works best for us is more training  
24          of staff on deescalating issues.



1                   CHAIRWOMAN YOUNG: Good. Thank you.

2                   SENATOR MARCELLINO: Can I follow up  
3 on your question? I know I'm not in line --

4                   CHAIRWOMAN YOUNG: Well, in a minute.  
5 It's the Assembly's turn.

6                   ASSEMBLYMAN BRINDISI: I just want to  
7 note that we've been joined by Assemblywoman  
8 Rebecca Seawright and Assemblywoman Shelley  
9 Mayer.

10                  ASSEMBLYWOMAN NOLAN: You know, when  
11 you see that there -- some years we've had  
12 like every member here screaming. When  
13 people aren't here and they're over in  
14 session, it's because they're happy, Carmen.  
15 So that's good. You know, that's good.

16                  CHAIRWOMAN YOUNG: Let's let the chair  
17 of Education follow up on your answer.

18                  SENATOR MARCELLINO: Just a quickie.  
19 When I was in school, we had the NYPD  
20 assigned to the building. We had two patrol  
21 officers, one inside and one outside. They  
22 rotated. But after a while, everybody knew  
23 their name, every kid in the school knew who  
24 they were, and they made it their business to

1 know every kid in the school. So if we had a  
2 problem, we could deal with the -- if it  
3 required NYPD, there was somebody there.

4 What is the current caseload for your  
5 guidance counselors?

6 CHANCELLOR FARIÑA: Well, it depends  
7 on -- the two districts I talked about --

8 SENATOR MARCELLINO: {Unintelligible}  
9 high school.

10 CHANCELLOR FARIÑA: I can't tell you  
11 that right off the top of my head, but I will  
12 get it.

13 But in terms of the NYPD, we work hand  
14 in hand with them on almost all issues, so --

15 SENATOR MARCELLINO: Are they assigned  
16 to the building? Is there someone --

17 CHANCELLOR FARIÑA: Only if they're  
18 called. That becomes a 911 call.

19 CHAIRWOMAN YOUNG: Thank you.

20 Senator Montgomery.

21 SENATOR MONTGOMERY: Yes, thank you.

22 Good afternoon, Chancellor. It's a  
23 pleasure to see you, and thank you for your  
24 report.

1           I would just like to take a minute of  
2           my time to say to you that last Saturday I  
3           attended one of the CEC meetings in one of  
4           the districts -- District 13 in my district,  
5           and it was -- the meeting was held at one of  
6           the Urban Assembly Middle School sites where  
7           they have the most wonderful program of  
8           hydroponic gardens. Absolutely amazing. And  
9           those young people in that program are hoping  
10          to build out to the point where they can  
11          provide produce for the entire school. So  
12          that's so exciting.

13           And I also visited last week Madiba,  
14          which is a middle school in District 16.  
15          Again, it was -- I was so impressed.

16           So I just want you to know that each  
17          time I'm in a school and I have such a  
18          wonderful experience as I did at Madiba and  
19          at the hydroponic programming, the Urban  
20          Assembly school, it just makes me so much  
21          more hopeful. And so -- and both of those  
22          were middle schools.

23           With the Urban Assembly, as you know,  
24          there is a group of those schools, and this

1           one happened to have a relationship with the  
2           Harbor School because they're in the same  
3           group. And so I'm looking forward,  
4           obviously, to the Harbor Middle School  
5           perhaps being in District 15. That's the  
6           dream that I have.

7                     But the one issue that I would raise  
8           with you is that we still have not seemingly  
9           been able to build a direct pipeline between  
10          the schools, especially I guess the CTE  
11          schools, as you would say, and the high  
12          schools that they would be automatically  
13          feeders for. So I'm hopeful that you can  
14          work on that particular issue. I've had so  
15          many problems, especially related to Harbor  
16          High School.

17                    CHANCELLOR FARIÑA: Well, thank you.  
18          Because I'm particularly -- I'm proud of all  
19          our schools, but the Urban Assembly schools  
20          have done a really special job. The Law and  
21          Justice on Adams Street is spectacular. I  
22          feel I'm the godmother of that school. I  
23          helped start it, with Richard Kahan.

24                    SENATOR MONTGOMERY: Yes.

1                   CHANCELLOR FARIÑA: But the other  
2                   thing you should know, with the hydroponics,  
3                   that normally there's hydroponics, and a lot  
4                   of those are affiliated with Cornell  
5                   University. They also have tilapia  
6                   hatcheries. They're growing their own  
7                   tilapia, because it's a good way to make the  
8                   food available. And some of the hydroponics  
9                   have already started farm markets for their  
10                  parents. One of our Renewal Schools in the  
11                  Bronx, 154, raises chickens, has eggs. And  
12                  if parents come to Saturday workshops, they  
13                  get to take vegetables and eggs home.

14                 So there's a lot of things that we're  
15                 doing that are really kind of off the beaten  
16                 path. But I'm glad you found those schools.  
17                 And, you know, my first six months as the  
18                 chancellor, I only visited middle schools.  
19                 That's all I visited because my belief system  
20                 truly is that if we can make our middle  
21                 schools successful, the rest is a piece of  
22                 cake. Or almost a piece of cake.

23                 SENATOR MONTGOMERY: Thank you. And  
24                 just lastly, the Early College Program. I'm

1           just so concerned that very often when  
2           something really works well, we take it for  
3           granted and then we don't pay attention and  
4           it goes away.

5                       So I really want to stress my support  
6           for that, and hopefully we can make that more  
7           part of what young people in our high schools  
8           have access to.

9                       CHANCELLOR FARIÑA: Thank you. Those  
10          P-TECHs, okay.

11                      SENATOR KRUEGER: Leroy Comrie.

12                      SENATOR COMRIE: Good afternoon,  
13          Chancellor. Happy Valentine's.

14                      CHANCELLOR FARIÑA: Good afternoon.

15                      SENATOR COMRIE: I want to just concur  
16          with all of my colleagues on the praises that  
17          they have given you this morning. It's been  
18          well deserved. It's been a pleasure to have  
19          you as chancellor, and I have enjoyed our  
20          working relationship. It's been honest and  
21          constructive. And your staff has never  
22          hesitated to get back to me. And you've been  
23          a breath of fresh air for educators all over  
24          this country, and I would hope that -- you

1           know, I would second Senator Marcellino in  
2           that I don't really want you to leave, but  
3           you deserve to do whatever you want to do at  
4           this point.

5                     I would hope that you have a strong  
6           hand in picking your successor, and I would  
7           hope that that happens as well. And it's my  
8           personal hope that you find someone that is  
9           as dedicated to making sure that a very  
10          complicated system is working and better, as  
11          you have done with the system here. And I  
12          just want to congratulate you for your work  
13          and always staying on the ground, always  
14          going to meetings, always communicating with  
15          the public and knowing directly what happens.

16                    I was honored to go to a history fair  
17          this weekend at PS 360, the new school in  
18          St. Albans that is in a former -- it's in the  
19          former PSAO building. And the school is well  
20          done. There was such an excitement from all  
21          over the district of participation. And it's  
22          truly an impact from your influence in the  
23          schools.

24                    So I want to congratulate you for the

1       Single Shepherd Initiative. I think that's  
2       great. I really want to congratulate you for  
3       lowering the acrimony and the vitriol between  
4       yourself and the teachers union. I think  
5       that's made a strong progress in making  
6       things happen. The Renewal School program  
7       has been great, not only August Martin, which  
8       is doing a lot better than anyone ever  
9       thought. Martin Van Buren and I.S. 8, my  
10      alma mater, are both schools that were in the  
11      Renewal program. I.S. 8 is out of the  
12      program now and is in better shape. And  
13      Martin Van Buren, as you know, has a  
14      principal that is dedicated to making sure  
15      that the school is well.

16               So I just wanted to ask you for your  
17      help on one thing before you leave, and  
18      that's to congratulate you and the mayor on  
19      the TCU program to get rid of TCUs, the  
20      temporary units. But there's one temporary  
21      unit that houses handicapped students in  
22      P.S. 134 in Hollis. And I would hope that  
23      you have a strong hand in making sure that  
24      that difficult relocation is done or at least



1           planned before the end of your tenure. And I  
2           just hope that you can make sure that you're  
3           involved in it. Lorraine Grillo is great.  
4           It's really a space problem. We're trying to  
5           find the proper space to house them.

6                     But that TCU is just in terrible  
7           shape, and it's dealing with severely  
8           handicapped, mostly wheelchair-bound students  
9           at P.S. 134. So if you could please look  
10          into that.

11                    CHANCELLOR FARIÑA: I will certainly  
12          look into that.

13                    SENATOR COMRIE: Thank you.

14                    And just the final thing that I wanted  
15          to talk to you about, the Brother's Keeper  
16          program, do you think that we'll be able to  
17          keep that as a sustainable program? And how  
18          do you see that happening?

19                    CHANCELLOR FARIÑA: Well, I see it  
20          happening in several ways. You have given us  
21          funding, and we appreciate it. I think  
22          having the decisions made locally is really  
23          important because not all superintendents in  
24          districts want to use it the same way.

1           I do think the mentoring component to  
2           it is crucial. I think also the recruitment  
3           of more men of color to work in our schools  
4           is very important. We've already done a lot  
5           of that this year.

6           I think also My Brother's Keeper is  
7           working to make sure that some of the  
8           curriculum goals are met. So I think it's a  
9           local decision, there's a committee in each  
10          district that has decided how to use it. I  
11          know one of the districts in the Bronx, for  
12          example, is using it to have internships with  
13          some of our cultural institutions.

14          But I'm happy to share with you in  
15          writing what the different districts across  
16          the city are doing and how we can do it. And  
17          then we're also going to get them together to  
18          share it with each other, so they can take  
19          ideas from each other's work.

20          SENATOR COMRIE: Thank you. And I  
21          will promise you to do everything I can to  
22          work to make sure that you get the full  
23          funding that the system needs, and hopefully  
24          we can finish the Campaign for Fiscal Equity

1           payment to the schools so programs like  
2           Brother's Keeper can be made sustainable.

3                   And I just want to again thank you for  
4           your service. Thank you for bringing the  
5           Department of Education to a better level and  
6           a much more amenable level that everyone can  
7           impact and be involved in the system.

8                   Thank you.

9                   CHANCELLOR FARIÑA: Boy, you guys  
10          really got the Valentine's Day spirit here.  
11          I'm feeling very good.

12                   (Laughter.)

13                   ASSEMBLYWOMAN NOLAN: We have like 30  
14          more people testifying, so --

15                   ASSEMBLYMAN BRINDISI: Thank you,  
16          Chancellor. I believe we have --

17                   ASSEMBLYWOMAN NOLAN: And I should say  
18          the chancellor hasn't had -- Pete Lopez is  
19          our new ranking member on the committee and  
20          is a very knowledgeable and thoughtful  
21          member, so we're happy he's here.

22                   ASSEMBLYMAN LOPEZ: Commissioner,  
23          thank you. And thank you for your  
24          perseverance as well.

1           Just a quick question. And again,  
2           much of my region is rural, and I'm trying to  
3           draw parallels between rural and inner city.  
4           And as I look at demographics, high-need/low  
5           wealth cuts across all geographic boundaries.

6           I guess my question for you -- and I  
7           saw in your testimony you spoke briefly about  
8           the aid formula. My main concern is around  
9           three drivers of cost -- poverty, second  
10          language, and special ed. And I guess my  
11          question for you is, with the formula, do you  
12          feel that the formula emphasizes those  
13          categories sufficiently to assist you with  
14          your mission?

15          CHANCELLOR FARIÑA: I'm sorry --

16          DOE CFO ORLANDO: We're talking about  
17          the state Foundation Aid formula?

18          ASSEMBLYMAN LOPEZ: Yes.

19          DOE CFO ORLANDO: Yes, we believe that  
20          the state Foundation Aid formula, as  
21          currently composed, addressing the  
22          substantial needs that different districts  
23          have, is important to maintain.

24          ASSEMBLYMAN LOPEZ: And so my

1 question, again, on those three cost  
2 drivers -- special education, second  
3 language, poverty -- does the formula weight  
4 need to be changed to be a little more  
5 aggressive on those fronts?

6 DOE CFO ORLANDO: I guess it's --  
7 it's -- the funding -- the funding level  
8 is -- it's important that additional funding  
9 that comes gets run through the Foundation  
10 Aid formula. To the extent that the  
11 Foundation Aid formula is better reflective  
12 of needs in special education, English  
13 language learners, and poverty, we should be  
14 using the best data available. So any and  
15 all attempts to do that, we would of course  
16 be supportive of.

17 ASSEMBLYMAN LOPEZ: Thank you.

18 Second question, quickly -- and again,  
19 this gets back to the issue of poverty in  
20 particular. And we heard reference to the  
21 Brother's Keeper program, which I support. I  
22 look at similar programs -- Liberty  
23 Partnership, even Head Start -- and I guess  
24 my question for you and your mission, are we

1        putting enough emphasis financially around  
2        wrap -- with wraparound services, and can we  
3        do more or should we be doing more to assist  
4        you outside of the classroom as well as  
5        inside?

6                CHANCELLOR FARIÑA: Well, I think, for  
7        example -- and it's not an easy answer -- but  
8        I would say with poverty in particular, what  
9        we have found has made a real difference  
10       certainly in New York City, and it would go  
11       to any area, is the pre-K program. To the  
12       degree that that could be expanded across the  
13       state -- because it's not just about students  
14       being in a safe place at a younger age, it's  
15       about the ability of parents to go back to  
16       work.

17               I mean, one of the unexpected  
18       consequences when we've interviewed parents  
19       who have students in pre-K, many of them are  
20       now going back to work knowing that they have  
21       their children in a free situation that's  
22       done well.

23               So I think in terms of one of the  
24       things that you might want to handle that

1           way, that's one of them.

2                   I think when you're talking about  
3           special education, you know, not everything  
4           is equal and some people need more than  
5           others. And if you have a special needs  
6           child who needs occupational therapy, who  
7           needs extra speech services, the formula to  
8           ensure that those children have those  
9           services I think is important. And I think  
10          that's one of the things that we're talking  
11          about.

12                   And I think when it comes to English  
13          language learners -- and I'm sure that the  
14          commissioner mentioned this as well -- that  
15          we have more and more students coming into  
16          our schools at an older age who may be coming  
17          from places where they don't have, for  
18          example, prior schooling. So how do you help  
19          those children acclimate to school and give  
20          them the resources they need?

21                   So I think any formula has to take  
22          into account, to some degree, that there are  
23          special needs for special students at special  
24          times. And, you know, I think that's

1 something that we'll all struggle with.

2 ASSEMBLYMAN LOPEZ: Thank you,  
3 Chancellor.

4 ASSEMBLYWOMAN NOLAN: Just quickly, I  
5 think we're ready to wrap up. Were there any  
6 other questions?

7 SENATOR KRUEGER: No, I have a few  
8 more, thank you.

9 ASSEMBLYWOMAN NOLAN: Okay, that's  
10 fine.

11 SENATOR KRUEGER: Hi, Chancellor.  
12 Actually, most of my questions were answered.  
13 So just to clarify, you just answered the  
14 Assemblymember that the city would not  
15 support the Governor's change in education  
16 formula as he proposed it in his budget.

17 CHANCELLOR FARIÑA: Right.

18 SENATOR KRUEGER: And it would be a  
19 negative for the City of New York, as you  
20 understand it.

21 CHANCELLOR FARIÑA: Correct.

22 SENATOR KRUEGER: The Governor also  
23 proposes a merger of the various UPK funding  
24 streams. I assume that is a positive for the



1 City of New York, at least in administrative  
2 simplicity.

3 DOE CFO ORLANDO: We're all for  
4 consolidation, provided that the funding  
5 level doesn't go down.

6 SENATOR KRUEGER: And that was my part  
7 two of the question, because he's already  
8 also proposed, I believe, a reduction for ed.  
9 Can you tell me what that impact would be?

10 DOE CFO ORLANDO: Sure. Approximately  
11 \$35 million less, potentially, depending on  
12 how it's implemented. But yes, you can't  
13 consolidate and then reduce. That doesn't  
14 work for us.

15 SENATOR KRUEGER: That's what I  
16 thought also. Thank you.

17 And you also earlier answered the  
18 question that no, you haven't received your  
19 Smart Bond money approval yet. Do you get  
20 any sense from state SED what the timeline  
21 is? Because you have all these goals of what  
22 you need to do with the money, but you need  
23 the money.

24 DOE CFO ORLANDO: I am ever hopeful

1           that it will be shortly.

2                   SENATOR KRUEGER: Do you have a basis  
3           in fact for that belief?

4                   DOE CFO ORLANDO: I do not have one at  
5           this time.

6                   SENATOR KRUEGER: We're just all  
7           optimists.

8                   CHANCELLOR FARIÑA: But maybe after  
9           today we will.

10                   SENATOR KRUEGER: Maybe after today.  
11                   And how much was the city's money that  
12           you had put in a plan for?

13                   DOE CFO ORLANDO: Approximately  
14           \$783 million.

15                   SENATOR KRUEGER: And you would need  
16           that money in order to, one, get rid of those  
17           mobile classrooms --

18                   CHANCELLOR FARIÑA: Absolutely.

19                   SENATOR KRUEGER: -- that everyone  
20           hates.

21                   DOE CFO ORLANDO: It supports the  
22           capital program of the department, including  
23           the elimination of TCUs. The 400-odd million  
24           dollars.

1                   SENATOR KRUEGER: So we all want to  
2                   lobby hard to get every school district the  
3                   money that they have requested and are no  
4                   doubt hoping for desperately.

5                   CHANCELLOR FARIÑA: Yes.

6                   DOE CFO ORLANDO: For sure.

7                   SENATOR KRUEGER: What's the  
8                   number-one thing we could do in the budget  
9                   this year that would help the New York City  
10                  school system?

11                  CHANCELLOR FARIÑA: I think really  
12                  listening carefully to what our priorities  
13                  were today, and to ensure that we don't go  
14                  backwards, that we can continue to go  
15                  forwards. And that the fair school funding  
16                  that we're entitled to, that we get as much  
17                  of it as possible.

18                  Want to answer that, Ray?

19                  DOE CFO ORLANDO: Sure. I would just  
20                  say that the Foundation Aid formula is vital  
21                  to us, and that needs to continue. And that  
22                  the level of resources that the state  
23                  provides to us needs to return to the levels  
24                  that it had been at before the recession.

1           Historically, the state had  
2           provided -- before the recession in  
3           2007-2008, the state provided about  
4           42 percent of the budget of the Department of  
5           Education. It's down to 37 percent. The  
6           city's share during the same period has grown  
7           from 47 percent to 57 percent. So the city  
8           is shouldering a much larger burden and a  
9           much larger share of the Department of  
10          Education's expenses vis-a-vis the state.

11          And the state itself, while we've been  
12          grateful for the increases we've seen over  
13          the last few years, they haven't made up for  
14          the cut years, ultimately. And we're still  
15          not where we were before the recession. So  
16          ultimately, you know, the city is investing  
17          in our students at a much greater level  
18          today, and we need the state to step up and  
19          join us and do its part. Between fiscal year  
20          '15 and '18, the city's contribution has  
21          grown by over \$3 billion to the Department of  
22          Education's budget, and the state's has only  
23          grown by a billion and a half.

24          If I could leave you with one thought,

1           it would be we need more money to make this  
2           go.

3                   CHANCELLOR FARIÑA: I also want to say  
4           that in addition to money, since I've gotten  
5           into this job three years ago, I've been  
6           asking for the movement on the CTE licensing.  
7           And we really need that in order to keep that  
8           promise that that be done sooner rather than  
9           later. Because we have an opportunity to  
10          graduate students into fields that are  
11          desperate for people to hire, and that is  
12          keeping us from doing that.

13                   So to the degree that we can move that  
14          sooner rather than later, that would be very  
15          much appreciated.

16                   SENATOR KRUEGER: Thank you. And  
17          thank you for the clarification on the dollar  
18          numbers, because there are some people in  
19          this town who seem to be under the impression  
20          that New York City has been pulling out its  
21          share of public education funding in  
22          relationship to the state, and I appreciate  
23          your clarifying it.

24                   CHANCELLOR FARIÑA: And if you think

1           about all our new Equity and Excellence  
2           issues, just those alone, we have had to find  
3           money to do it, and yet they're valuable  
4           enough, and serve as a model for other cities  
5           who may want to follow us, that this is  
6           something worth doing. So we almost see  
7           ourselves as a research area to try new  
8           things, and then we'll share whatever we have  
9           with anyone else who needs it or wants it.

10                 SENATOR KRUEGER: Thank you.

11                 (Discussion off the record.)

12                 SENATOR KRUEGER: Senator Savino.

13                 SENATOR SAVINO: Thank you, Senator  
14           Krueger.

15                 Thank you, Chancellor Fariña. I'll be  
16           brief because I'm sure you have answered just  
17           about every question under the sun with  
18           respect to the school system. And I  
19           apologize for not being here to listen to  
20           most of it, being pulled in 15 different  
21           directions.

22                 But I wanted to address two things  
23           that I think your agency is now being pulled  
24           into in a more traditional, formal way, which

1 is more of the social service delivery, and  
2 in partnership with ACS, as well as  
3 providing, I think, more intervention in  
4 substance abuse. So I was hoping you could  
5 give me a brief update as to what's happening  
6 with the new implementation of the policy  
7 with ACS with respect to educational neglect  
8 and what, if anything, DOE is doing about  
9 increasing the number of substance abuse  
10 workers, the SAPAS workers. As you know, the  
11 opioid abuse crisis is certainly not  
12 diminishing in New York City. You know,  
13 Staten Island is ground zero. So if you  
14 could talk a bit about it.

15 CHANCELLOR FARIÑA: First of all, no  
16 student is going to be successful in school  
17 if the home life isn't really productive. So  
18 our work with parents is always out there.  
19 But to the degree that we now work more  
20 closely with some of our other city agencies,  
21 it's crucial. And this is something the  
22 mayor has made one of his initiatives. He  
23 has created something called the Children's  
24 Cabinet, which actually has people serving on

1           it from all the agencies, including ours.

2                   And this is something that we work  
3           more closely at, what age do we actually  
4           start working with families. We are  
5           certainly -- you know, now that we have the  
6           4-year-olds, how do we bring Mommies and Me  
7           to schools to talk even younger.

8                   So I think there's a lot of work  
9           that's being done with these agencies. I  
10          think in terms of we're working a lot more  
11          closely with the Department of Youth Services  
12          as well, to work with our middle-school kids.  
13          The increase of guidance counselors and  
14          social workers in our schools has been  
15          substantial this year. So I do think across  
16          the board there's a lot more collaboration  
17          that's being done. We're also working with  
18          our commissioner of health, because you can't  
19          do families and students without that. So  
20          with Mary Bassett we've done some new  
21          initiatives. So I think there's a lot more  
22          cooperation across agencies.

23                   DOE CFO ORLANDO: If I can just add,  
24          we've also, with your support, been able to



1           increase the number of SAPAS workers, so  
2           thank you for that. And as the chancellor is  
3           pointing out to me, a lot of that has been  
4           focused on Staten Island, where the need is  
5           significant.

6                        CHANCELLOR FARIÑA: Right.

7                        SENATOR SAVINO: Yeah, thank you.

8                        Last week the Staten Island Federation  
9           of PTAs had their annual breakfast, and one  
10          of the issues that came up there -- which I  
11          think is somewhat controversial, because you  
12          don't have the same opinion across the  
13          city -- their concern is they want more  
14          school safety officers and they want more  
15          cameras and we had a very open discussion  
16          there. The public advocate attended and, you  
17          know, she confirmed my opinion that there's  
18          not a unanimity of opinion about that as to  
19          how we handle security issues in school.

20                       But there is a concern about, you  
21          know, students getting out of the schools and  
22          no one knowing where they are. I mean, is  
23          there a way that we can, you know, assuage  
24          the concerns of the parents that children are

1 not safe in the school, that there's not  
2 enough security or that they're able to get  
3 out of the school and there's no way to find  
4 them?

5 CHANCELLOR FARIÑA: I'll be honest  
6 with you, you have to follow the incidents.  
7 And we're not getting the incidents in  
8 Staten Island on that issue. We are getting  
9 it on other issues, which is why we increased  
10 the SAPAS workers. The opiates, those are  
11 real issues.

12 The other thing, working much more  
13 collaboratively with the Y, for example, on  
14 Staten Island, that has done some really good  
15 work with teenagers.

16 So I think in terms of students  
17 leaving buildings unattended, we haven't  
18 really seen that in Staten Island. So I  
19 think it's about how do you deal with issues  
20 that come up rather than to anticipate ones  
21 that as of now haven't really arisen. But  
22 I'm -- you know, anything you want to discuss  
23 specifically on Staten Island, I'm happy to  
24 do so with you.

1                   SENATOR SAVINO: Yeah, and I only have  
2                   a minute left, but thank you for sharing  
3                   that. Because there was a request made by  
4                   some of the members of the Federation of PTA  
5                   Presidents that we allocate capital money to  
6                   DOE for the purchase of additional security  
7                   cameras. And I would not want to go down  
8                   that road of allocating funding if in fact  
9                   there's not data to support the need for  
10                  that.

11                  So if you could -- if you or anyone in  
12                  administration could --

13                  CHANCELLOR FARIÑA: Absolutely.

14                  SENATOR SAVINO: Yeah, that would be  
15                  very helpful.

16                  CHANCELLOR FARIÑA: The data-driven,  
17                  you know, we do it for education, for  
18                  academics; we should do it for everything.  
19                  So definitely.

20                  SENATOR SAVINO: Thank you,  
21                  Chancellor.

22                  SENATOR KRUEGER: Thank you.

23                  ASSEMBLYWOMAN NOLAN: I think we're  
24                  about finished. I really want to thank you

1           for being here again and spending so much  
2           time. I just want to point out for the  
3           record that -- as I did last week when Mayor  
4           de Blasio was here -- though I always  
5           hesitate to tell people to go to the website,  
6           you can go to the website and find out just  
7           what is a mandated cost. Some of our  
8           colleagues were asking how much you pay in,  
9           you know, pensions and how much you pay in  
10          salaries, as if we could run the system  
11          without the salaries.

12                 So I want to make it clear that all  
13          that information for 698 districts is  
14          available on the website, so that every  
15          district can be compared apples to apples to  
16          see what you spend on those kinds of mandated  
17          costs.

18                 And I want to thank you for coming  
19          today. Thank you very much.

20                 CHANCELLOR FARIÑA: Listen, my  
21          pleasure. Have a great day.

22                 SENATOR KRUEGER: Thank you.

23                 ASSEMBLYWOMAN NOLAN: I think next we  
24          have people from the labor unions here. I

1           guess Michael Mulgrew, Andy Pallotta, maybe  
2           you want to come down together and we'll keep  
3           moving.

4                   CHAIRWOMAN YOUNG: Thank you,  
5           Chancellor.

6                   ASSEMBLYWOMAN NOLAN: Why don't you --  
7           maybe we can both sit at the table and then  
8           we can -- we have 24 more witnesses. It's  
9           1:30. So we're just going to try to -- if  
10          people can bring a couple of people down  
11          maybe to every table and then you can decide  
12          yourselves how you want to ...

13                   You guys can start.

14                   CHAIRWOMAN YOUNG: Why don't we  
15          announce who's here, though. We have  
16          President Michael Mulgrew, from the United  
17          Federation of Teachers; Cassie Prugh,  
18          assistant to the president, from UFT; we have  
19          Andrew Pallotta, executive vice president of  
20          NYSUT; and Chris Black, legislative director  
21          of NYSUT.

22                   So welcome. We're so happy to have  
23          you here today.

24                   MR. PALLOTTA: Thank you, Senator

1 Young, and members of the Assembly and  
2 Senate. I want to talk first about the  
3 Foundation formula.

4 Last year, working with the Executive,  
5 you eliminated the GEA. This was something  
6 we celebrated, and we thank you for that.  
7 Without having to deal with the GEA this  
8 year, the state can and should focus on  
9 Foundation Aid.

10 While we look at the Governor's  
11 proposal, an increase of \$428 million in  
12 Foundation Aid, we believe that we should  
13 have a better proposal to counter the  
14 elimination of the Foundation formula. The  
15 level of funding is rooted in the ability of  
16 districts to provide their students with a  
17 sound, basic education, as guaranteed by the  
18 State Constitution. Quite simply, the repeal  
19 of the Foundation Aid formula would leave  
20 schools without any plan for additional  
21 financial support beyond 2017-'18.

22 NYSUT fully supports fully funding the  
23 Foundation Aid formula and phasing it in  
24 within three years so that districts have the

1 state school aid they need to provide the  
2 students with the highest possible education,  
3 which they deserve.

4 Speaking of school aid, while the  
5 Executive Budget proposal is a large  
6 increase, we know that we need an even larger  
7 amount of money poured into the public  
8 schools. Again this year, school districts  
9 will be more reliant on state aid because the  
10 tax cap is set at a mere 1.26 percent. Under  
11 the year's tax cap, only \$200 million can be  
12 raised throughout the entire state to fund  
13 schools.

14 NYSUT concurs with the Regents' call  
15 for an overall increase of \$2.1 billion in  
16 general purpose school aid. We ask that the  
17 additional \$600 million in funding should be  
18 targeted towards providing continued support  
19 for struggling schools, increasing funding  
20 for ELLs, restoring funding for Teacher  
21 Centers, expanding pre-kindergarten,  
22 expanding access and support for college and  
23 career pathways, and assisting districts that  
24 have growing enrollment.

1           Also another important issue for many  
2           members throughout the state is to fully  
3           reimburse school districts that are affected  
4           by the closure of power plants, such as  
5           Indian Point, or where the full valuation of  
6           the tax base has been reduced, such as in  
7           North Rockland.

8           On impounding funds, an issue of great  
9           concern to us in the Executive Budget is the  
10          proposal to legalize the impoundment of state  
11          funds, including school aid, should federal  
12          or state revenue fall below projections in  
13          the state's financial plan. The action could  
14          be taken by the Director of Budget at any  
15          time without consultation or approval of the  
16          Legislature.

17          The tax cap. Living under the tax cap  
18          for most districts has been very, very  
19          difficult, and they have not been able to  
20          restore many of the cuts that they have  
21          suffered in the past. This tax cap we would  
22          like to see changed. We would, at the least,  
23          like to see the elimination of the  
24          supermajority requirement, eliminating the



1 possibility of a negative tax cap, and  
2 changing the tax levy limit to 2 percent or  
3 CPI, whichever is greater.

4 On community schools. First I want to  
5 thank you for your leadership in building on  
6 community schools. The model is working, it  
7 is working in New York City and the other  
8 large districts statewide. Second, we urge  
9 you to maintain the \$255 million in existing  
10 Community School funding, which includes  
11 restoration of the \$75 million for continued  
12 struggling schools conversion, and add  
13 \$100 million in new funding for these  
14 schools.

15 On receivership. This issue has been  
16 of great concern to many schools throughout  
17 the state, and we support the collaborative  
18 Community School model to replace this  
19 current punitive statute. Specifically,  
20 absent a full repeal of this statute, we are  
21 calling for legislation to be enacted that  
22 would automatically turn these schools into  
23 community schools.

24 In addition, we call for a moratorium

1           on this punitive law. Students and teachers,  
2           rightfully, have a moratorium on tests and  
3           evaluations based on the failed  
4           implementation of the Common Core, yet  
5           schools are still judged on these flawed  
6           measures. It's not right, and it's not fair,  
7           and we ask for your support in making this  
8           happen.

9           Teacher Centers. At a time when we  
10          are asking educators to comply with higher  
11          learning standards, we must provide educators  
12          with the resources and tools they need. The  
13          Statewide Teacher Center Network has already  
14          developed and is offering professional  
15          learning sessions for educators who work with  
16          English language learners. We call on the  
17          legislature to restore us to the previous  
18          levels of \$40 million.

19          On charter schools. In the absence of  
20          much-needed transparency and accountability  
21          measures for charter schools, NYSUT strongly  
22          opposes proposed increases in tuition  
23          payments, rental aid, and any other costs  
24          associated with charter school management

1 operators.

2 NYSUT has analyzed the unfreezing of  
3 basic tuition formulas, and we have concluded  
4 that 156 districts would incur, at a minimum,  
5 additional costs of \$120 million. If  
6 enacted, this would create a huge unfunded  
7 mandate on public school districts, since  
8 funding is paid for by public school budgets.  
9 Moreover, the property tax cap holds charter  
10 schools harmless, but public school districts  
11 must pay the increased funding.

12 On CTE, we must continue to support  
13 and expand the access to CTE programs, and we  
14 fully support increasing the aidable salary  
15 for all CTE programs and increasing BOCES aid  
16 and special services aid.

17 We urge the Legislature to provide  
18 regular, predictable increases in tuition  
19 rates for the 4201, 4401, 853 and Special Act  
20 schools, and assist them in achieving funding  
21 percentage parity with surrounding school  
22 districts.

23 On state revenue. So we say, how do  
24 we pay for all of this? NYSUT believes that

1       the state should not only extend the  
2       so-called millionaire's tax, but should  
3       expand it. NYSUT urges the Legislature to  
4       pass the Assembly's progressive tax plan for  
5       the state's highest earners, which would  
6       raise \$5.6 billion in new revenue annually to  
7       support public education, healthcare, and  
8       infrastructure improvements.

9               We also support closing the  
10       carried-interest loophole, which lets  
11       partners at private equity firms and hedge  
12       funds pay a greatly reduced federal tax rate  
13       on much of their income by declaring it as  
14       capital gains. It seems only fair that this  
15       income should be funded at the proper rate.

16              NYSUT looks forward to partnering with  
17       the Legislature to ensure our students  
18       receive the best education possible in this  
19       coming year.

20              Thank you, and I'll now turn it over  
21       to Michael Mulgrew.

22              MR. MULGREW: Thank you, Mr. Pallotta.

23              And I'd like to start by thanking  
24       Assemblywoman Nolan, Senator Young, and

1       Senator Marcellino -- thank you very much for  
2       convening -- and all the other members of the  
3       Legislature.

4               I'm very happy to say at this point in  
5       time in New York City that our graduation  
6       rate is at an all-time high, our dropout rate  
7       is at an all-time low, our pre-K program is  
8       absolutely thriving. AP for All, we've had  
9       the biggest increase in numbers in our  
10      history. And it is really because of a focus  
11      and a decision to make sure that we are  
12      funding education as we are meeting the needs  
13      of the students inside of our great city as  
14      well as our state.

15             In New York City, I want to be clear,  
16      New York City has met the call for funding of  
17      education. Our percentage of funding has  
18      gone up to 57 percent in New York City at  
19      this point in time in terms of its education,  
20      where just five years ago it was 49 percent.  
21      So I want to be clear with everyone that New  
22      York City is not only making great strides,  
23      but it is doing it by putting its money where  
24      its mouth is. We are making a difference for

1 children in education.

2 So when it comes to funding itself,  
3 the continuation and expansion of the  
4 millionaire's tax is clear, because in the  
5 budget proposals we have seen, there is a  
6 budget deficit. So we must make sure that we  
7 are continuing to fund education as we  
8 continue to make our positive gains. The  
9 only way to ensure that this is going to  
10 happen is by making sure that we are funding  
11 it.

12 So as we also move forward, we have  
13 seen that there is a proposal for changing  
14 the way the schools right now are being  
15 funded. We know that GEA was paid off  
16 completely last year, and it is imperative to  
17 us that we make sure that we base funding on  
18 need. And it's a real number, and we need to  
19 make sure that we are being responsive to the  
20 changing demographics inside of each school  
21 district in our state.

22 With that said, we do not believe that  
23 the formula that is being proposed in the  
24 Executive's budget will meet that. We do

1 believe the Foundation Aid formula that was  
2 in place last year should continue, and if  
3 anyone chooses to change these formulas, that  
4 should be done in a collaborative effort  
5 where we're looking at how these things  
6 affect each and every district. We know we  
7 have changing and shifting populations  
8 throughout the state. We need to make sure  
9 that we have formulas that are based upon  
10 meeting that need.

11 In terms of the provisions that we  
12 have seen on charters, I understand and I'm  
13 very unhappy -- there is a great fear, and I  
14 have been up here a couple of times this year  
15 already speaking about it, with our new  
16 Secretary of Education. We have brought  
17 people from the State of Michigan -- in fact,  
18 the president of the State of Michigan School  
19 Board was here and did a presentation.

20 We are adamantly opposed --

21 ASSEMBLYWOMAN NOLAN: They spoke at  
22 our committee. They were very, very -- they  
23 spoke to our committee members, as you  
24 recall, and it was very, very informative.





1       would spend more money trying to stop any  
2       legislation that held them accountable and  
3       made sure they were transparent.

4               I cannot thank you enough for the  
5       special projects that we have done in the  
6       past. There is an unintended consequence  
7       from a law we passed two years ago on teacher  
8       evaluation. Something we all supported was  
9       the professional hours that every teacher is  
10      now responsible for in the State of New York.  
11      The problem is that what we did not intend at  
12      that point was for small education  
13      corporations to make a lot of money off of  
14      that.

15             So what has happened is you have a lot  
16      of small for-profit education companies who  
17      are now offering courses to teachers at an  
18      average of \$300 each, for three hours. I do  
19      not believe it was ever the intention of our  
20      Legislature to put that burden upon the  
21      teachers.

22             What we have done in New York City,  
23      when we quickly realized what was happening,  
24      we had the Teacher Center authorized as a

1 vendor for these hours. We have met all the  
2 obligations of the State Education  
3 Department. We believe the Teacher Centers  
4 should become a vital and pivotal part of  
5 supplying this professional development to  
6 all of the teachers in New York State. And  
7 that will require an increase -- we are  
8 asking to go back to the original, which was  
9 \$40 million, especially since this has  
10 basically become an unintended tax upon  
11 teachers, because they are now responsible at  
12 this moment in other parts of the state for  
13 paying for these classes out of pocket.

14 And I cannot thank the Teacher Center  
15 enough for all that they are doing in terms  
16 of taking paraprofessionals to teacher  
17 assistants, our district initiatives based on  
18 English language learners training -- all of  
19 these things are the valuable services that  
20 are being put forth by our Teacher Center.

21 The Positive Learning Collaborative is  
22 something we are doing in New York City. It  
23 goes into a school and absolutely trains  
24 everyone on every aspect -- not just

1       restorative justice, but on each and every  
2       element of a school that will make it a  
3       positive culture. And we believe that is  
4       something we should continue, and we look to  
5       the state to help us to do that.

6               Career and Technical Education, I was  
7       very happy last night to see, on the floor of  
8       the Congress of the United States, where  
9       everyone got together, all the parties, and  
10      said, This is something we need to do. So I  
11      am happy to report to you that we are working  
12      with the State Education Department to make  
13      it a streamlined proposal to the Board of  
14      Regents in terms of Career and Technical  
15      Education. But once that is done, I would  
16      like to say that education has all of its  
17      ducks in a row, and it is now time to really  
18      look at our economic and workforce  
19      development and aligning it with the K-12  
20      education system.

21             And last but not least, childcare.  
22      Right now we know this is a challenge. New  
23      York City is in a crisis. We are looking for  
24      an increase in childcare funding. We have

1           tens of thousands of families who do not have  
2           the ability to get free or affordable  
3           childcare, and we believe very strongly if we  
4           want everyone to move forward, that this is  
5           something we need to offer the families not  
6           just of New York City, but across the entire  
7           state.

8                     Thank you very much.

9                     CHAIRWOMAN YOUNG: Thank you,  
10           Mr. Mulgrew.

11                    Mr. Pallotta and Mr. Black from NYSUT,  
12           do you have testimony too?

13                    MR. PALLOTTA: We gave it.

14                    CHAIRWOMAN YOUNG: Oh, okay. So you  
15           don't have anything on top of that. Okay,  
16           gotcha.

17                    I think Senator Marcellino had a  
18           question. I'm sorry, you know what? I'm  
19           sorry, you know what, it's the Assembly, so  
20           it would be Assemblywoman Nolan.

21                    ASSEMBLYWOMAN NOLAN: No, that's fine.  
22           Please go. We always have questions we can  
23           ask.

24                    But I know Shelley Mayer had one, so

1           let me just turn to her right away.

2                   ASSEMBLYWOMAN MAYER: Thank you for  
3 being here. And a particular thank you to  
4 NYSUT for working so collaboratively in  
5 Yonkers to try to achieve a resolution of  
6 some really extraordinary challenges. Thank  
7 you for your efforts on that.

8                   I had a question for you, Mr. Mulgrew,  
9 about the percentage of funding for the  
10 school budget that the City of New York  
11 contributes. And I know Chancellor Fariña  
12 also mentioned this. But you mentioned that  
13 the City of New York now contributes  
14 57 percent. Is that of the total public  
15 school budget?

16                   MR. MULGREW: Yes.

17                   ASSEMBLYWOMAN MAYER: And when was it  
18 49 percent?

19                   MR. MULGREW: I believe five years  
20 ago.

21                   ASSEMBLYWOMAN MAYER: And what do you  
22 think is the basis for their increased  
23 participation? Is that just a collaborative  
24 effort, or is it pressure from parents --

1           MR. MULGREW: It's a combination of  
2           many of the things that you're speaking  
3           about. We have many more professional  
4           development, we're rolling out programs that  
5           are based upon research. All of that  
6           obviously requires funding. The expansion of  
7           an entire grade in terms of pre-K. Some of  
8           that was supplied by the state, but portions  
9           of it had to be from the city itself.

10           It really is a combination of a  
11           commitment to trying to make sure that every  
12           school is the center of its community. So  
13           you have outreach to parents in a much more  
14           rigorous way than we had four years ago. We  
15           have -- as I said, we have a very rigorous  
16           training regimen for all the teachers of  
17           New York City that we now have in place, as  
18           well as all of these different programs.

19           The literacy for every child, literacy  
20           in terms of being on the correct literacy  
21           rate by the beginning of third grade, that's  
22           required an immense amount of training and  
23           coordination between all of the schools.

24           So you put all of these variables

1           together, we've increased the budget. And  
2           the state has picked up some of that, but the  
3           city, because of this administration's belief  
4           in so many of the programs that they have  
5           publicly and privately just been pushing out  
6           there, this is why we've had an increase on  
7           the city side.

8           ASSEMBLYWOMAN MAYER: Okay. And the  
9           other question was about the receivership  
10          schools, to NYSUT. Can you just describe the  
11          current state where basically the lawsuit --  
12          the court determined that the \$75 million,  
13          the amount should be allocated to those  
14          schools that came off the list of struggling  
15          and then were denied the money, I think by  
16          the Division of Budget. Have you been able  
17          to move any of that money out the door?

18          NYSUT EXECUTIVE VP PALLOTTA: No. But  
19          we do believe that that money should go to  
20          those schools, because they have been working  
21          very hard to improve the student outcomes.  
22          So we're supporting anything that can be done  
23          to move that money into the schools.

24          ASSEMBLYWOMAN MAYER: Well, as you

1        know, when we passed the legislation, the  
2        intent was that the money go to the schools  
3        that were on the list. And the fact that  
4        they did well enough to come off the list  
5        should never have been a reason to deny them  
6        the money. And I think we're going to  
7        continue to need your participation in  
8        pushing that issue.

9                MR. PALLOTTA: Right, we agree. And  
10       we celebrate that they were able to get off  
11       that list.

12               ASSEMBLYWOMAN MAYER: Thank you.

13               ASSEMBLYWOMAN NOLAN: I just have a  
14       brief question.

15               CHAIRWOMAN YOUNG: Sure.

16               ASSEMBLYWOMAN NOLAN: I want to first  
17       thank you both for being here. And thank you  
18       for the team, Chris and Cassie. You know,  
19       not new faces, but stepping up to leadership  
20       roles, both of you, and I appreciate the good  
21       working relationship we've had. I knew Steve  
22       and Carol so well, I want to sort of give  
23       them both a shout out. But I want to thank  
24       the new team for all the work that -- and the



1 cooperation with our office on a really, you  
2 know, constant level. And I really, really  
3 appreciate, Cassie, you getting in touch with  
4 me even this morning. And Chris, we really  
5 appreciate that kind of back and forth.

6 I just want to read something into the  
7 record, and then if either of you would like  
8 to respond. Michael Rebell, a professor at  
9 Columbia University -- who was a cocounsel  
10 for plaintiffs in the Campaign for Fiscal  
11 Equity vs. The State of New York lawsuit --  
12 who we've had at our committee and we intend  
13 to have him again at a breakfast to talk to  
14 our members who are interested -- but Michael  
15 Rebell, in an op-ed in the Daily News,  
16 singled out -- it was a response to an op-ed  
17 that Paul Francis, a member of the Governor's  
18 staff, wrote where he said -- Paul Francis  
19 said -- that the Court of Appeals' CFE ruling  
20 at this point is merely "symbolism" and has  
21 no lasting significance.

22 And Professor Rebell said that  
23 actually that was not the case, that CFE was  
24 not a one-time ruling issued solely to remedy

1       inadequate funding levels that the court had  
2       found in New York, but that like any other  
3       pronouncement about constitutional rights,  
4       the opinions were definitive, enduring, and  
5       highly significant legal proclamations for  
6       the future of the state's children.

7               And as you know, right now we're  
8       looking to -- the Regents recommended a  
9       larger increase in Foundation Aid than the  
10      Executive, and the Executive has come back  
11      with essentially ending Foundation Aid as  
12      well as a much smaller amount of money with a  
13      different formula overlay.

14             So if either of you would like to  
15      comment on that or on Professor Rebell's  
16      thoughts on the importance of CFE and -- or  
17      do you think it is a one-time-only thing that  
18      has lost its significance, or is it something  
19      that we should continue and that should be an  
20      enduring ruling?

21             MR. MULGREW: Thank you for bringing  
22      this up. It is not a one-time-only. When  
23      that court case was being decided, it was  
24      clear -- and I think it was correctly

1 identified and dealt with by the  
2 Legislature -- that this would now lead to  
3 additional court cases throughout the state  
4 because the funding formula was unequal and  
5 it was not being based upon need. And at  
6 that point the Legislature adopted a phase-in  
7 period of doing the CFE and moving towards a  
8 Foundation Aid that would become permanent.  
9 So there was never a "it's over." It never  
10 was ever contemplated at that point in time.

11 Now, people can argue because we had a  
12 severe financial crisis in the middle -- it  
13 was my first year as president of the UFT,  
14 and I came up here and it was somewhat, as  
15 you could imagine, somewhat chaotic, to say  
16 the least, because everyone was going back  
17 home and listening to all of the horrible  
18 cuts that were going to take place.

19 So the Legislature dealt as best it  
20 could with each time the CFE thing came into  
21 question. But it is clear now, after last  
22 year -- how do you fund the GEA and now, when  
23 it's finally time to actually start using the  
24 Foundation Aid in a more meaningful way, that

1       there is a discussion about not doing that  
2       anymore and it's just wrong?

3               I understand that there are school  
4       districts in this state, because of -- you  
5       know, could quickly have a shift in student  
6       population, the type of student population it  
7       has. We need to look at some of that. It's  
8       clear that that should be part of the  
9       discussion of this Legislature. There should  
10      be some fluidity in terms of having to help  
11      school districts deal with that in terms of  
12      just not having a very rigid formula. But in  
13      the end what we were saying in CFE is, this  
14      is the way you should adequately fund your  
15      schools as a state. And it was never  
16      intended to say, all right, this program is  
17      over, bye-bye.

18             So we believe very strongly that the  
19      Foundation Aid formula needs to be put in  
20      permanently. And if the Legislature believes  
21      that there should be a process for changing  
22      it at times, based off of shifting  
23      demographics or a need that they think would  
24      help school districts in a better way, then

1 fine, put that process in. But just to say  
2 "Get rid of it, and here's a new one," just  
3 does not work.

4 ASSEMBLYWOMAN NOLAN: Thank you.

5 I don't know if Andy wants to -- and  
6 then I'm done, thank you, Senator Young.

7 CHAIRWOMAN YOUNG: Thank you.

8 ASSEMBLYWOMAN NOLAN: Andy, if you  
9 want to.

10 MR. PALLOTTA: Just an agreement that  
11 the current Foundation Aid formula takes into  
12 consideration so many different factors. And  
13 this was something that we had supported for  
14 so long to make sure that we actually bring  
15 the tremendous amount of money that is  
16 necessary to run the school system.

17 ASSEMBLYWOMAN NOLAN: Thank you.

18 Thank you, Senator Young.

19 CHAIRWOMAN YOUNG: Thank you.

20 Senator Marcellino.

21 SENATOR MARCELLINO: Good afternoon,  
22 gentlemen -- and lady. Microphone? Good  
23 afternoon, I'll repeat it again.

24 The Governor is proposing about a

1 billion-dollar increase in his budget; that's  
2 the state budget overall. You're asking for  
3 a 2.1 increase over the last budget.

4 Everything I read tells me that New York  
5 State is the highest-taxed state, or one of  
6 them, in the country. Perhaps California may  
7 be higher; I don't know. But we certainly  
8 are up there. We are losing population from  
9 our state. I'm told that should we do the  
10 census now, we would lose potentially at  
11 least one congressional district in  
12 Washington. That's not a good thing for us.  
13 That's where the money comes from. So we  
14 don't want to lose that, but that's a  
15 possibility.

16 I need to know, how do we fund this?  
17 I'm not opposed to giving you money. I'm not  
18 opposed to funding the schools. It's how I  
19 made my living, it's how my wife made her  
20 living. We're education people. We believe  
21 in schools, we believe in public schools.  
22 We're there. But I also have constituents  
23 who are telling me they can't afford their  
24 taxes. Property taxes is how we fund it on

1 Long Island and most of the state. They're  
2 out of sight. It could be 70 percent of your  
3 property tax is school tax.

4 How do we keep senior citizens, how do  
5 we keep young people, how do we get young  
6 people to be able to afford to buy a home so  
7 that you get more youngsters to go to the  
8 schools, we put more bodies in the  
9 classrooms? We need to be able to attract  
10 them here. I'm not afraid or ashamed to ask  
11 for some help. Talk to me. Tell me some  
12 thoughts, some ideas, some concerns, some  
13 ways to deal with this problem, because  
14 it's -- it seems like it is a real issue  
15 here. And it's an issue for my constituents.  
16 If I go back to my constituents now and I  
17 tell them I want to raise property taxes or  
18 state taxes or whatever, there will be a  
19 lynch mob outside my house. It wouldn't take  
20 long. And my wife might be leading it, so I  
21 don't know. But the nature of the beast is  
22 it will be a problem.

23 What are your thoughts?

24 MR. PALLOTTA: On the increase in

1 funding, just to keep school aid just where  
2 we keep services the same, we've seen the  
3 number \$1.7 billion. So the Regents call for  
4 \$2.1 billion. They're the experts in  
5 education, and we follow their lead on this.  
6 The Educational Conference Board has also put  
7 forward the number \$2.1 billion as an  
8 increase in education funding.

9 When you talk about the taxes that are  
10 paid in various parts of the state, we know  
11 that that is difficult, especially senior  
12 citizens. We did propose a circuit breaker a  
13 few years back. People live in districts,  
14 they love their public schools, they support  
15 them. And the reason that they move to some  
16 of those districts is just because of the  
17 public schools. We have --

18 SENATOR MARCELLINO: I have just -- I  
19 don't mean to interrupt you, but I have  
20 neighbors who came from Queens. They bought  
21 the house next door to me. It's an Asian  
22 family. They come from Flushing, my old  
23 stomping ground. They bought the house,  
24 their kids are going to the public schools.



1       They intend to sell -- as soon as the kids  
2       graduate from public schools, they intend to  
3       sell to another couple who will do pretty  
4       much the same thing.

5               Now, this is a thing that is happening  
6       all over the Island. People are coming into  
7       districts, living there for the schools, as  
8       soon as the kids no longer have to be in the  
9       schools, they go back to wherever they  
10      were -- maybe the city, wherever -- where the  
11      property tax burden is a lot less. Or  
12      wherever they want to move that they feel  
13      they can afford. So, you know, it is  
14      impacting us in a lot of ways.

15             MR. PALLOTTA: So our proposal also  
16      includes expanding the millionaire's tax,  
17      which would bring in billions. And if we  
18      look at it that way, we say, Well, it's not  
19      adding an additional burden on the real  
20      estate tax that folks pay. Also the carried  
21      interest. The folks that are the hedge  
22      fundors that have been getting away without  
23      paying their fair share throughout these  
24      years, that is where the money would come

1 from.

2 SENATOR MARCELLINO: Thanks.

3 Appreciate your thought.

4 MR. PALLOTTA: Thank you.

5 SENATOR MARCELLINO: And I  
6 appreciate -- and I mean this -- I appreciate  
7 the work you do and the work that your  
8 members do. It isn't easy. It is not easy  
9 work. You don't always get the thank you  
10 that you deserve, nor do your members get the  
11 thank yous that they deserve. They're  
12 standing there on the front lines, they're  
13 dealing with issues, they're dealing with  
14 youngsters who come in and they're not always  
15 in a good mood. You know, there might have  
16 been a night in the family, there could have  
17 been something going on that night, the kid's  
18 in a bad mood and takes it out on the teacher  
19 in the classroom the next day. So they have  
20 to maintain calmness and still teach biology.  
21 So it's not easy to do. And I congratulate  
22 you, and I congratulate your members for the  
23 work they do for us and for our kids.

24 MR. MULGREW: Thank you, Senator.

1                   MR. PALLOTTA: Thank you.

2                   ASSEMBLYWOMAN NOLAN: Nicely said.

3                   We're done. I think we're done.

4                   SENATOR KRUEGER: Oh, we're not.

5                   SENATOR MARCELLINO: No, Savino

6 wanted -- go get her, will you?

7                   SENATOR KRUEGER: While Diane comes

8 in, I just -- so, one, thank you.

9                   Two, I wanted to just point out --

10 because I'm assuming you were up in the back

11 but I don't know -- that when the State

12 Education Department chancellor testified,

13 she highlighted that countries that

14 prioritize their teachers and appreciate

15 their teachers -- I think she meant it from

16 both a monetary and a cultural perspective --

17 have the best outcomes for students.

18                   And so to follow in on what Senator

19 Marcellino just closed with, it continues to

20 be apparent to many of us that there's not

21 actually enough respect for teachers, or

22 appreciation, and so we're not necessarily

23 drawing people into the profession that we

24 desperately need in the profession. So I'd

1           like both of your opinions on what we could  
2           do better to ensure that our best and  
3           brightest recognize that as hard as it is,  
4           they do want to be teachers.

5                   MR. PALLOTTA: Well, definitely in the  
6           SUNY system, where we have many schools that  
7           graduate teachers, there has been a  
8           significant drop in the amount of folks that  
9           are going into teaching. So throughout the  
10          last few years ago with the Common Core and  
11          the debacle of that, we've just seen folks  
12          that are discouraged from going into the  
13          profession. So just hearing what you have  
14          said today, encouraging and showing the  
15          respect for the profession, that's important.  
16          And also making sure that each and every day  
17          we go into schools that are fully funded. I  
18          mean, that is the key piece here. That's why  
19          we're at the budget hearing, to make sure  
20          that the funding is sufficient for the  
21          schools.

22                   MR. MULGREW: It's appropriate that  
23          actually today is Show Your Love for Public  
24          Schools Day. That's what we're doing across

1           the state today.

2                   ASSEMBLYWOMAN NOLAN: I saw those  
3           valentine hearts. I saw those valentine  
4           hearts.

5                   MR. MULGREW: This is something of  
6           really great concern to us. Dr. Linda  
7           Darling-Hammond, in her research think tank  
8           out in Stanford, just addressed a group of  
9           leaders and she said, "We keep talking about  
10          this education teacher shortage that's about  
11          to hit," and she is clear that within the  
12          next two years, it's going to hit major  
13          league. We have shortage areas throughout  
14          the City of New York.

15                   Now, we like to think that we can  
16          continue to attract people, but right now  
17          there are districts in New York City where we  
18          do not have all our vacancies full. And  
19          everything that we're being told is that's  
20          actually going to get worse. And clearly  
21          that had a lot to do with the bashing of  
22          education for over a decade.

23                   So as we move forward, it's more about  
24          celebrating what we're doing inside of the

1 schools. But addressing the actual needs, if  
2 you're in a high-needs district, the  
3 Community Learning School push has truly  
4 proven to be something that's working,  
5 solving something that's a very difficult  
6 equation in education. That's starting to  
7 work. As well as elected officials like  
8 yourselves. I mean, in New York City we can  
9 tell, because we survey on a yearly basis,  
10 you know, they're definitely feeling better  
11 at this moment in time. It does make a  
12 difference when they hear from elected  
13 officials that, you know, we understand what  
14 you do is a great thing -- because they don't  
15 hear that all the time. But the recognition  
16 of how difficult the job is and then saying  
17 you're not going to be able to solve this by  
18 yourself, you're going to need help, we'll  
19 get you support and help, you have to go for  
20 your training, you have to really integrate  
21 all the other things, that's how we're going  
22 to move education.

23 But we're going to have, at the  
24 minimum, we're going to -- it's almost like

1       global warming, I guess, at this point.  
2       There's certain things that are just going to  
3       happen. And there is just not enough  
4       teachers in the pipeline. That's why  
5       retention becomes a huge issue right now.  
6       Because if you can't fill a slot, every slot  
7       you lose is even a bigger problem. So this  
8       is something we're having a lot of  
9       discussions on. We've started a lot of  
10      things. But it's a real problem that I am  
11      sure we'll be talking about here over the  
12      next couple of years.

13                SENATOR KRUEGER: Thank you.

14                I know Senator Savino did have some  
15      questions, if somebody can find her.

16                ASSEMBLYWOMAN NOLAN: Otherwise I  
17      think we need to -- we have 24 other  
18      witnesses.

19                MR. MULGREW: Here she is.

20                SENATOR MARCELLINO: She's coming.

21                SENATOR SAVINO: Thank you. Thank  
22      you, Senator Krueger and Senator Young. I'm  
23      doing double duty with alumni, a young group  
24      of students from St. John's. I am in fact

1           the only female graduate from St. John's  
2           University in the entire legislature, so  
3           whenever they bring up students, I have to  
4           meet with them.

5                     But thank you. It's always good to  
6           see you, President Mulgrew, and of course  
7           Andy and all of you. You know, President  
8           Mulgrew is my constituent, so I have to be  
9           nice to him.

10                    (Laughter.)

11                   MR. MULGREW: It would be  
12           inappropriate for me to say your sign was on  
13           my lawn, wouldn't it?

14                    (Laughter.)

15                   SENATOR SAVINO: I want you to speak,  
16           though, about something that you briefly  
17           touched on in your comments, but I don't  
18           think you really explained well enough, and I  
19           think that they're very important programs:  
20           Community schools and the Positive Learning  
21           Collaborative.

22                   MR. MULGREW: We came to you six years  
23           ago with the idea of Community Learning  
24           Schools. I know everybody talks about it



1       now, but six years ago nobody was talking  
2       about it. And we came to you, and the state  
3       was the first group to actually fund  
4       Community Learning Schools in New York City.  
5       And I don't think that gets enough credit.

6               And we were able to, at that point in  
7       time, put together a program. There is a lot  
8       of different ways to do a Community Learning  
9       School. And what we felt, especially to the  
10      comments made -- correct comments -- by  
11      Senator Marcellino, is I said what we see out  
12      there right now requires huge amounts of  
13      funding, so we have to teach schools how to  
14      make a lot of these services  
15      self-sustainable. We have to teach local  
16      municipalities that you're funding a lot of  
17      these services, and they're not being  
18      utilized correctly. And we can utilize these  
19      services in a much more efficient way if you  
20      actually start to sit down and plan out with  
21      us.

22              You know, it's important that a  
23      hospital is connected to the clinic inside of  
24      a school, because the hospital has a way to

1 bill for those services for children. It's  
2 important that every area of this state has  
3 all sorts of social service supports, but why  
4 aren't they at the place where you know the  
5 community is going to touch every day, which  
6 is inside of the school? And if they are at  
7 the school, how do you make sure they're  
8 actually being utilized in the right way?  
9 And then when you have a hospital who's  
10 actually where we can tell them that we can  
11 guarantee 80 percent of the children in the  
12 school will be using your clinic, then we can  
13 then go to them and say, We need you now to  
14 pay for the after-school tutoring program,  
15 which they're more than happy to do.

16 So we did all of that because it was  
17 just a smarter way, with the hope that we  
18 would see the academic achievement move. And  
19 community schools can benefit any  
20 socioeconomic group. I know it's spoken  
21 about mostly in terms of high-need areas, but  
22 it can benefit any socioeconomic group,  
23 because there's all sorts of services that  
24 every area and every school has that really

1       could be better utilized if it was brought in  
2       in a much more integrated way into the school  
3       itself.

4               But in New York City we now have the  
5       28 schools that we originally offered the  
6       program I just spoke about in New York City,  
7       and those schools have beaten all the odds.  
8       They are clearly performing in ways they had  
9       not done for generations. So I think it's a  
10      very smart way, and I think it -- and right  
11      now our resource coordinators -- that's the  
12      person we train to be in the school. And  
13      everybody's like, well, that costs us more  
14      money. Those resource coordinators are  
15      individually bringing in an average of over  
16      \$3 million of services to the school. So for  
17      the one position where we're doing the  
18      training, you get \$3 million in additional  
19      support inside of the school. You want to  
20      talk about smart government and how to make  
21      it work? That's where you go. And you also  
22      get a better result in terms of the other  
23      social services in your area, because now  
24      they're being utilized in a much better way.

1                   We took that same approach to school  
2                   culture, and because it became such a hot  
3                   topic -- remember No Child Left Behind? I  
4                   remember testifying up here. Do you know how  
5                   you make sure your school is a safe school?  
6                   Don't report the incidents. Yeah, that made  
7                   a lot of sense. So we had schools who didn't  
8                   have any incidents, and they were safe  
9                   schools. But that was called No Child Left  
10                  Behind. So every school was basically told:  
11                  Don't do anything until you are forced to do  
12                  a suspension. By that time, the child is  
13                  really doing something egregious. And then  
14                  that led to -- just think that through --  
15                  children were being suspended in ways they  
16                  should not have been, they weren't getting  
17                  the services they were supposed to be. And  
18                  now people are saying no suspensions,  
19                  restorative justice -- and I'm like, that's  
20                  not the answer either. You have to have an  
21                  approach where the school is actually being  
22                  trained on what is a welcoming environment.  
23                         So we put a lot of funding in terms  
24                  of these are all union dollars, just as it

1       was -- in the beginning, it was a combination  
2       of union dues money and your money. We did  
3       the same thing with the Positive Learning  
4       Collaborative. We went in, we had people  
5       trained at Cornell, they went in, and we have  
6       to get one guarantee from the school: Every  
7       single person is trained. If you're in  
8       charge of the boiler, you are trained. If  
9       you're the security guard at the front,  
10      you're trained. And you walk into these  
11      schools, and everyone understands it's their  
12      responsibility to have a positive place, and  
13      they case-conference and they really make  
14      sure that things are done in a smart way.

15               I open those programs and schools up  
16      to anyone in the Legislature who wants to see  
17      them, because I believe they are shining  
18      examples of smart, efficient ways to use  
19      government and its funding and smart  
20      approaches to actually make changes for  
21      children.

22               SENATOR SAVINO: Thank you.

23               CHAIRWOMAN YOUNG: Thank you very  
24      much.

1 MR. MULGREW: Thank you.

2 MR. PALLOTTA: Thank you.

3 MR. MULGREW: Happy Valentine's Day.

4 ASSEMBLYWOMAN NOLAN: I like those  
5 heart-shaped buttons. Thank you very much.

6 I think we have the Big 5 now. We're  
7 going to have all of them come down, right,  
8 so that we can --

9 CHAIRWOMAN YOUNG: Yes.

10 ASSEMBLYWOMAN NOLAN: Yeah. It's  
11 Dr. Edwin Quezada, Dr. Kriner Cash,  
12 Ms. Barbara Deane-Williams, Mr. Jaime Alicea.  
13 Rochester, Syracuse, Yonkers and Buffalo.

14 (Discussion off the record.)

15 ASSEMBLYWOMAN NOLAN: As I said, I  
16 don't know if you want to flip a coin, go  
17 right to left, left to right, seniority --

18 SUPERINTENDENT CASH: We're ready.  
19 We're ready.

20 ASSEMBLYWOMAN NOLAN: Okay, jump in.

21 SUPERINTENDENT CASH: Okay. Good  
22 afternoon, everyone, and I appreciate you  
23 taking your time at the end of a long day to  
24 hear from your colleagues from the Big 5

1 school districts.

2 My name is Kriner Cash, and I'm the  
3 superintendent of the Buffalo public schools.  
4 I'd like to frame my remarks in about six or  
5 seven minutes, as we've been requested to  
6 keep our remarks brief so we can all have a  
7 shared time with you.

8 I'd like to thank the leaders and  
9 those of you who remain for being here to  
10 listen to us.

11 As you know, in Buffalo right now  
12 there is an exciting economic renaissance  
13 occurring, in the city and for the Western  
14 New York region. I'm also pleased to tell  
15 you that there is an exciting educational  
16 renaissance occurring in the City of Buffalo  
17 right now. And that is possible because we  
18 have a new vision, we have a new leadership.  
19 And that plan is focused on the new education  
20 bargain. The new education bargain has six  
21 important elements, and they align to what  
22 many of your colleagues have been talking  
23 about here today, including Commissioner  
24 Elia. It starts with a much more rigorous

1       early elementary education. It's focused  
2       around strong community schools. We've  
3       launched 13 of those in just the last year.  
4       It focuses on new innovative high schools,  
5       with new CTE programs aligned to emerging  
6       industry in Western New York, like software  
7       application design and cybersecurity, medical  
8       and the allied health fields. Those are the  
9       new CTE of the future.

10               It also has enriched and strong  
11       after-school programs, services for our  
12       neediest children and families, and a new  
13       relationship with our teachers -- very  
14       important.

15               You have before you a synthesis or a  
16       summary of the State of the State, so I won't  
17       go back through that. But what I can tell  
18       you is that the early results are  
19       encouraging. We have -- graduation rates are  
20       up 6, even 7 points now, we just found out  
21       yesterday, over just the last two years. And  
22       it's up to 64 percent; we're going to head to  
23       70 percent over the next two years.

24               We have a strategy for every single



1        area of improvement in our work, both on the  
2        academic side and on the operational side.  
3        We're trying to improve all aspects of  
4        operation in Buffalo public schools.

5                So let me summarize, then, for you  
6        what the ask is. The ask is a \$65 million  
7        ask overall over last year. It is a  
8        \$45 million increase in the Foundation Aid  
9        aligned to what the commissioner is saying,  
10       an increase up to that \$2.1 billion  
11       Foundation Aid amount that we'd like to see  
12       the state get to. And of that share, we'd  
13       like \$45 million. And the Governor has  
14       already given us 24 -- well, \$20 million,  
15       \$21 million at this point. So that would be  
16       an additional \$25 million that we're asking  
17       over and above the Governor's proposal.

18               And then, second, you heard  
19       Commissioner Elia talk about the critical  
20       investment need in the area of universal  
21       pre-K, additional support for our English  
22       language learners, support for college and  
23       career pathways, and creating a special fund  
24       for professional development for our teachers

1           and principals. We support that  
2           wholeheartedly and enthusiastically. We  
3           would like \$20 million for those critical  
4           investments as our share of that state school  
5           aid ask.

6                     That's the summary, colleagues. I  
7           don't want to go much further. I know that  
8           18 minutes is the limit for adult education  
9           attention span. You're well past that today.  
10          So I thank you for your listening attention,  
11          and I conclude my remarks. And I thank you  
12          for hearing all of us, and share the needs  
13          that I know my colleagues from the other  
14          Big 5 school districts will tell you about  
15          now. Thank you.

16                    SUPERINTENDENT QUEZADA: Thank you,  
17          and I will follow Dr. Cash.

18                    So distinguished members of the Joint  
19          Legislative Fiscal and Education Committee,  
20          thank you for the opportunity to address you  
21          on behalf of the Yonkers City School  
22          District. I am Dr. Edwin Quezada,  
23          superintendent of schools. The City of  
24          Yonkers is an amalgamation of diverse

1 citizens from every continent and social  
2 socioeconomic strata. It is in this city  
3 where over 32,000 children and their families  
4 strive to achieve the American dream. We,  
5 the City of Yonkers in New York State, are  
6 responsible to provide the intellectual,  
7 social and emotional foundation for our  
8 children to thrive as productive citizens in  
9 our great country. It is a responsibility  
10 that comes with many challenges.

11 Who are Yonkers students? They are  
12 over 32,000 urban students; over 26,000 pre-K  
13 to Grade 12 students in the district's 39  
14 public schools, 427 students with  
15 disabilities in out-of-district placements,  
16 696 students in the charter school, and over  
17 4,600 children in City of Yonkers parochial  
18 and private schools. District enrollment is  
19 projected for continuous growth through 2021.  
20 Our students reside in Westchester County and  
21 deserve to have the same educational  
22 experiences and opportunities as their peers  
23 throughout the county. And their needs are  
24 decisively greater. Many Yonkers students

1 face extreme poverty and require academic,  
2 social, and emotional supports. Seventy-nine  
3 percent of our students are economically  
4 disadvantaged. Seventeen percent are  
5 students with disabilities. Twelve percent  
6 are English language learners. Fifty-seven  
7 percent are Hispanic, and 19 percent are  
8 African-American or black.

9 Last year I came before this body and  
10 reported that the state of the Yonkers public  
11 schools is strong, and invited you to invest  
12 where success is becoming a reality for all  
13 children. I asked you to help us move  
14 towards compliance, and you did. Together we  
15 were able to remove five schools out of eight  
16 from the list of persistently struggling and  
17 struggling schools, achieve a commanding  
18 graduation rate, expand the Community School  
19 model, accept the My Brother's Keeper  
20 challenge, reduce out-of-school suspensions  
21 and the dropout rate, and we championed the  
22 Rebuild Yonkers Schools campaign.

23 Today, Yonkers is poised to becoming a  
24 model district for urban education. All of

1       the necessary elements for sustainable  
2       solutions for student success are within  
3       reach. The essential missing element is  
4       recurrent revenues aligned to our pupil  
5       demographics. We will continue to plead for  
6       Foundation Aid with poverty measures that  
7       accurately reflect the populations being  
8       served.

9               Work with us to make Yonkers schools  
10       complete. The state, the city and the school  
11       district share the responsibility. Schools  
12       throughout New York State have full-time  
13       counselors, psychologists, librarians, social  
14       workers, music and art teachers, reading  
15       teachers and more. Unfortunately, this is  
16       not the case in Yonkers schools. Our 39  
17       schools servicing over 26,000 students have  
18       only 25 psychologists, 13 social workers, 36  
19       school counselors, eight librarians. How are  
20       we expected to support the needs of our  
21       students and their families?

22              Partner with Yonkers. Support our  
23       work as we create a model district for urban  
24       education. Your help is needed to make

1       Yonkers schools complete for the urban  
2       students we serve. So I ask you, change the  
3       Foundation Aid formula to allow for more  
4       recurrent revenues. Increase funding to  
5       address the needs of students with  
6       disabilities and English language learners.  
7       Increase the allocation for Career and  
8       Technical Education. Ensure that full-day  
9       pre-K is permanently funded for Yonkers  
10      through recurrent revenues rather than  
11      grants. Increase funding for professional  
12      development. Increase funding for extended  
13      day and after-school programs.

14             For Yonkers schools to attain  
15      sustainable solutions for student success,  
16      recurrent revenues must be the norm. Our  
17      students require consistent, long-term  
18      interventions, and this cannot be  
19      accomplished with intermittent one-shot or  
20      short multiyear grants.

21             Let me provide you a concrete example.  
22      Our proposed 2017-2018 budget, which includes  
23      only a status quo and required sustainable  
24      expenses, presents a gap of \$38 million

1       dollars. To balance the budget, I must  
2       identify \$38 million of savings. This is not  
3       realistic, nor is it acceptable. Who gets  
4       affected by this practice? Our students.  
5       Once again, we are forced to eliminate  
6       programs that work by cutting needed staff  
7       and reducing services.

8               Finally, I want to say thank you to  
9       the State Legislature and Governor. Last  
10      year Mayor Spano, his administration, the  
11      trustees of the Board of Education, the  
12      entire community and I advocated for the  
13      Rebuild Yonkers Schools legislation. With  
14      your support, this bill -- submitted by our  
15      outstanding Yonkers delegation -- is now the  
16      law. Rebuilding Yonkers schools can no  
17      longer be a conversation, it must become a  
18      reality. Our students are learning in spaces  
19      that are not suitable for a 21st-century  
20      education. This is a travesty that must be  
21      corrected. Please consider providing Yonkers  
22      support with this work that is aligned to  
23      what has been provided to similar  
24      communities.

1           With limited funds, we have proven  
2           that we are a community on the move, and our  
3           magnificent students excel. Last week the  
4           State Education Department released the 2016  
5           graduation data. Yonkers' August graduation  
6           rate went up by 4 percentage points,  
7           graduating 82 percent of the Class of 2016.  
8           That is higher than the state average of  
9           81 percent. And our dropout rate is down to  
10          4 percent, half of what it was last year and  
11          2 percentage points lower than the statewide  
12          average.

13           You can clearly understand why Yonkers  
14          is determined to pursue sustainable solutions  
15          for student success. Be a part of our  
16          history, dream with us, and I can assure you  
17          that success will be a reality for every  
18          child in the City of Yonkers. Thank you.

19           SUPERINTENDENT DEANE-WILLIAMS: Thank  
20          you. My name is Barbara Deane-Williams, and  
21          I began serving as the superintendent of the  
22          Rochester City Schools last August. As I'm  
23          new to the group, I will share that I have  
24          35 years of experience as a school and



1 district administrator, with 11 years as a  
2 superintendent in rural and large districts,  
3 including Greece, New York, and served most  
4 recently as the senior deputy superintendent  
5 for the Boston, Massachusetts, public  
6 schools.

7 Since August, my team in Rochester is  
8 moving aggressively to address systemic  
9 issues that contribute to some of the lowest  
10 achievement levels in New York State. School  
11 chiefs have been redeployed to supervise  
12 principals, and they are now accountable to  
13 ensure that every student's academic behavior  
14 and attendance performance is assessed every  
15 five weeks, and that interventions are  
16 monitored for quality and results.

17 To support the new chiefs of schools,  
18 we have redeployed, as of one week ago,  
19 40 district office educators on teams that  
20 will visit each and every Rochester classroom  
21 between now and the end of the semester.  
22 These teams report on a progress tracker to  
23 our newly appointed deputy superintendent,  
24 Dr. Kendra March, on specific services,

1 interventions, and training needed to improve  
2 student performance, including building  
3 strong early education programs, summer  
4 learning, and Community School models. And  
5 we're doing this specifically to get to the  
6 root causes and to support our new budget  
7 process, being led by our newly appointed  
8 CFO, Dr. Everton Sewell. We are in the  
9 process of conducting a line-by-line analysis  
10 to build a budget that is based squarely on  
11 the needs of our students and on achievement.

12 Our review of staff and student  
13 schedule information, Semester 1, revealed a  
14 very disturbing fact. Rochester simply does  
15 not have the reading and math teachers in  
16 place to provide adequate instruction for our  
17 students to meet grade-level expectations in  
18 reading and math.

19 We also need to meet and expand CTE  
20 opportunities, and we need to focus squarely  
21 on ensuring equitable access to Advanced  
22 Placement and Early College opportunities for  
23 all of our youth.

24 We need to increase the quantity of

1 teachers as well as improve the quality of  
2 instruction, by funding and focusing squarely  
3 on the professional learning of our school  
4 principals and our teachers. We will fund  
5 requirements and quality instruction first  
6 and then prioritize the other services we  
7 want our students and our schools to have.

8 Our team is implementing a new  
9 academic return-on-investment model so that  
10 we can see, using data, which programs and  
11 services are working well and which are not  
12 yielding the results that we would expect,  
13 given the resource allocations. We will  
14 redeploy and reinvest in the high-priority  
15 and high-return areas.

16 We intend to significantly lower costs  
17 for service contracts that don't benefit  
18 students. We will decrease our use of  
19 substitute teachers, reduce staff overtime,  
20 and seek efficiencies across the operation.  
21 By taking these measures, we expect that we  
22 can generate about \$15 million to reinvest  
23 ourselves in that which is most important.

24 However, that being said, the district

1 faces a remaining budget gap of \$58 million  
2 for the 2017-2018 school year, and there are  
3 several areas where the needs of Rochester  
4 children cannot be met without additional  
5 support from you. Most critical to our need  
6 is to secure additional certified teachers,  
7 especially in reading and math, so that we  
8 can provide the intervention services needed  
9 to reach grade-level proficiency under the  
10 commissioner's Part 100 and Part 154  
11 regulations.

12 To meet these and other instructional  
13 requirements, Rochester City Schools need a  
14 Foundation Aid increase to cover our  
15 shortfall, over the Governor's proposal.  
16 This will enable the eight schools in our  
17 Receivership and Innovation Zone to maintain  
18 the resources the State Education Department  
19 has directed us to put in place in order to  
20 ensure that our student achievement improves  
21 immediately.

22 The Governor's proposal to unfreeze  
23 charter school tuition will result in an  
24 additional cost of \$14.3 million to our

1 district, which brings our total projected  
2 charter school expense to \$87 million next  
3 year.

4 Finally, we request \$2 million to  
5 maintain our outstanding school nursing  
6 services in Rochester schools at the current  
7 level.

8 I thank you for allowing me the  
9 opportunity to testify today. And in  
10 summary, we deeply appreciate the support of  
11 public education and respectfully request a  
12 total of \$58 million additional than the  
13 Governor has proposed. And the rest of my  
14 testimony is submitted for review in writing,  
15 and I thank you.

16 SUPERINTENDENT ALICEA: Thank you very  
17 much.

18 Good afternoon. My name is Jaime  
19 Alicea. I am the interim superintendent of  
20 the Syracuse City School District. Many  
21 years back, I had the opportunity to sit back  
22 there with the former superintendents that  
23 came down here, to do the same thing that I'm  
24 doing today, to talk about my district, to

1        talk about the kids that we have in the  
2        Syracuse City School District, and not only  
3        my district, but the needs that we have in  
4        the Big 5 school districts in New York State.  
5        Together, we educate more than 50 percent of  
6        the students in the state.

7                The Syracuse City School District  
8        serves a student population of 21,000  
9        students. We have this year over 1800  
10       students in pre-K programs. And we have a  
11       refugee population and ELL population of  
12       3,500 students. Every day there is a new  
13       kid, a new student coming to the Syracuse  
14       City School District. Sixteen percent of our  
15       students are English language learners, and  
16       20 percent of our students are students that  
17       need and receive special education services.

18               My colleagues here, we're all asking  
19       for money. What is Syracuse asking for?  
20       Syracuse has a need for \$23 million that  
21       we're asking this year. After the Governor  
22       presented his proposal and after we put our  
23       budget together, we have a need that is over  
24       the amount of money allocated to us.

1           In Syracuse we want to continue to  
2           provide academic intervention services to our  
3           students. We want to continue to provide  
4           personalized learning, so instead of  
5           providing remediation, we want to enrich our  
6           kids. We want to continue to provide extra  
7           support for our English language learners.

8           We want to increase Career and  
9           Technical Education. Five years ago we had  
10          six CTE programs in Syracuse; this past year  
11          we had 23 programs. And I believe that  
12          that's one of the reasons why the graduation  
13          rate in Syracuse went from 55 percent to 61  
14          percent. It is not where it needs to be yet,  
15          but we're working hard to make sure that our  
16          students are walking across the stage.

17          And we're also asking for school-based  
18          health services. We want to make sure that  
19          we have the nurses, the staff that we need to  
20          provide the services to our students in the  
21          district.

22          So in Foundation Aid, we're asking for  
23          an extra \$12 million. We appreciate the gap  
24          elimination that you acted on. And we're

1 looking forward to continuing to provide the  
2 support that is needed for our students.

3 In Syracuse we know that it snowed all  
4 over the state, but some of the streets are  
5 not safe. And I have a student population  
6 that is deemed very vocal and a parent  
7 population that is asking me to please reduce  
8 the walking distance for a 5-year-old --  
9 instead of having to walk a mile and a half,  
10 to at least walk only a mile to school. So  
11 we're asking for \$4.6 million for us in order  
12 to provide transportation to all the students  
13 in kindergarten through 8th grade who are  
14 more than one mile from the school.

15 As I said before, we're increasing  
16 Career and Technical Education. We have  
17 expanded to include cybersecurity, computer  
18 forensics, and the Governor talked about the  
19 Central New York region being a drone  
20 technology area. We did begin the  
21 implementation of a drone technology program  
22 at one of our high schools this past year.

23 We're also asking for school health  
24 services, \$1.2 million so we can continue to



1 provide a nurse in all our schools and  
2 provide health attendants so we can assist  
3 our students and their families in the  
4 district.

5 So in closing, it's a total of  
6 \$23.8 million. And I appreciate the support  
7 that you have provided to Syracuse -- and not  
8 only to Syracuse, to all the Big 5 school  
9 districts.

10 SUPERINTENDENT KARAM: Good afternoon.  
11 My name is Bruce Karam, superintendent, Utica  
12 City School District. I am grateful for the  
13 opportunity to speak to all of you at this  
14 very important budget hearing.

15 I am here today to report on a  
16 financial situation of the Utica City School  
17 District and to respectfully request  
18 additional funding as our school district  
19 faces yet another significant budget deficit  
20 for the 2017-2018 school year in the amount  
21 of \$1.4 million.

22 Over the past five years, we have cut  
23 approximately \$24 million in spending to  
24 close annual multi-million-dollar budget

1 deficits ranging from this year's projected  
2 deficit of \$1.4 million up to a budget  
3 deficit of over \$10 million during the  
4 2013-2014 school year.

5 The consequences of these spending  
6 cuts have been staggering and led to the  
7 layoffs of over 350 full-time teachers,  
8 administrators and support staff over the  
9 past five years. These reductions in  
10 personnel significantly drove up class sizes  
11 and student-to-support-staff ratios, making  
12 it much more difficult to meet the individual  
13 needs of our most at-risk students.

14 Once again, we will be forced to make  
15 personnel cuts in order to offset our  
16 projected deficit and balance our budget for  
17 the 2017-2018 school year unless we receive  
18 an appreciable amount of additional state aid  
19 funding.

20 One of the main reasons for next  
21 year's budget deficit is the fact that our  
22 district received a smaller increase in  
23 Foundation Aid than we did last year. As you  
24 know, Foundation Aid was specifically

1       designed years ago to provide much-needed  
2       financial relief to high-need public school  
3       districts such as ours.

4               We also have concerns about a proposal  
5       to eliminate the phase-in of Foundation Aid  
6       beginning next year and what that would mean  
7       for districts like Utica. The Utica City  
8       School District continues to be one of the  
9       poorest high-needs school districts in the  
10      State of New York. In fact, we were recently  
11      informed that our school district is now tied  
12      for the third-poorest school district in the  
13      state.

14             We are also unique in the fact that  
15      our school district continues to be one of  
16      only a few districts in New York State with a  
17      growing population of students. Over the  
18      past five years, our student enrollment has  
19      increased by 1500 students, or 14 percent.  
20      Many of these new students are high-needs  
21      students, including refugee and immigrant  
22      students.

23             This year alone, we have enrolled over  
24      450 new English language learners in the

1 district. English language learners now make  
2 up nearly 20 percent of our total student  
3 population. We are trying desperately to  
4 meet their unique academic needs with small  
5 class sizes and intensive instruction to help  
6 them achieve academically along their path  
7 towards graduation.

8 The additional enrollment of  
9 high-needs students each year without  
10 adequate aid to support them continues to put  
11 a tremendous amount of pressure on our  
12 district's finances. We would ask that the  
13 state consider a separate funding stream for  
14 districts like Utica who have a high  
15 concentration of English language learners,  
16 in order to account for the higher cost of  
17 educating students with high academic needs.

18 Even in the face of the overwhelming  
19 challenges I have discussed, we are proud of  
20 the fact that our school district continues  
21 to make significant strides in student  
22 performance. We currently have no schools in  
23 receivership, with several of our schools  
24 upgraded to good standing during the last

1 school year. Our high school graduation rate  
2 continues to climb each year and has  
3 increased 7 percent over the past several  
4 years.

5 We are currently working on expanding  
6 our Career and Technical Education offerings  
7 at our high school, which includes offering  
8 six articulated pathways that students can  
9 access and apply towards their graduation  
10 credential. Although we have worked very  
11 closely with our regional BOCES and students  
12 are bused there for CTE programming, we have  
13 the student interest and student population  
14 to further expand these programs in-house,  
15 especially for our ELL students and students  
16 with disabilities who would greatly benefit  
17 from these programs.

18 Allowing the Utica City School  
19 District to expand our programs by providing  
20 the necessary funding stream to make these  
21 Career and Technical Education Programs a  
22 reality will help support our existing  
23 programs.

24 While we are very proud of our

1       accomplishments, we believe that we could be  
2       doing so much more to support the academic  
3       and socio-emotional needs of our students.  
4       We know this because we received the  
5       additional financial resources from the state  
6       after a district school was placed into  
7       receivership a couple of years ago. We were  
8       able to utilize these resources to quickly  
9       turn the school around and remove it from  
10      receivership. We could only imagine the  
11      possibilities for success if we receive the  
12      funding we need before a school begins to  
13      show any signs of trouble.

14               With this in mind, we would ask that  
15      the state consider additional funding so  
16      districts like Utica can sustain the  
17      improvements made by our schools whose  
18      accountability designations have been  
19      upgraded.

20               Finally, unless the Utica City School  
21      District is fully funded and an equitable  
22      distribution of aid is made a reality,  
23      high-poverty, high-needs school districts  
24      like Utica will never fully recover from the

1           endless cycle of massive budget deficits and  
2           the devastating consequences that these  
3           deficits have had on our ability to provide a  
4           sound basic education to our children.

5                     Once again, thank you for affording me  
6           this opportunity to address this committee.  
7           The Utica City School District is very  
8           grateful for any financial support we are  
9           able to receive as you work to finalize the  
10          state budget.

11                    CHAIRMAN FARRELL: Thank you very  
12          much.

13                    Assemblywoman Nolan.

14                    ASSEMBLYWOMAN NOLAN: Thank you very  
15          much for all that you do. Very difficult,  
16          challenging districts. I hope we have more  
17          time to get together when -- we want to keep  
18          the hearing going -- but I've had that  
19          opportunity, so I know Shelley and others  
20          have questions. But I just want to thank you  
21          for being here and for waiting. It's always  
22          a long day. So I hope to come up and get to  
23          see you all again soon. Thank you.

24                    CHAIRMAN FARRELL: Senator?

1                   CHAIRWOMAN YOUNG: Thank you.

2                   I do have a couple of questions.

3                   Mr. Karam, you talk about an influx or a  
4                   student population growth of 14 percent,  
5                   about 1500 students. And probably all of  
6                   your districts have had an increase in  
7                   student population, which actually isn't the  
8                   norm for upstate New York, where we've been  
9                   losing population over the past several  
10                  years.

11                  Are most of the student growth numbers  
12                  related -- because you pointed out 20 percent  
13                  of your population is refugee or immigrant.  
14                  You know, would all of you agree, if you have  
15                  student growth in the population numbers, is  
16                  it mostly because of refugee or immigrant  
17                  students?

18                  SUPERINTENDENT KARAM: Yes.

19                  CHAIRWOMAN YOUNG: Okay. I had asked  
20                  Commissioner Elia earlier today about Part  
21                  154 of the regulations that were created by  
22                  State Ed in 2014, which resulted in unfunded  
23                  mandates for the districts. Are you having  
24                  issues finding teachers that are dually



1 certified?

2 ALL PANELISTS: Yes. Yes, we are.

3 CHAIRWOMAN YOUNG: Yes. So are you  
4 having to double up and put two teachers in  
5 one classroom in many cases?

6 SUPERINTENDENT KARAM: Sometimes, yes.

7 CHAIRWOMAN YOUNG: Is that true? Does  
8 somebody want to speak to that?

9 SUPERINTENDENT ALICEA: We are working  
10 with the colleges in the area. We are  
11 working closely with Syracuse University and  
12 SUNY Oswego to get programs in ESL going in  
13 our area. The big need that we have in  
14 Syracuse is for the kids that we have to  
15 provide bilingual education, and there are no  
16 bilingual programs in the Syracuse area. So  
17 we're working with Brockport and trying to  
18 get programs in the Syracuse area.

19 One of the things that Syracuse is  
20 going to be doing in September, we're going  
21 to start our own career program in one of the  
22 high schools to grow our own teachers. We  
23 know that they are already in Syracuse, they  
24 are going to our schools, so we're going to

1           get our own grown -- our own teacher program  
2           in September.

3                   CHAIRWOMAN YOUNG: Thank you.

4                   SUPERINTENDENT QUEZADA: And I think  
5           it's important to note for all of us that a  
6           student that begins in our district as an  
7           English language learner, the state requires  
8           and the federal government requires that we  
9           continue to service that young person for  
10          another two years, and no additional services  
11          are provided. No additional funding, rather,  
12          are provided.

13                   It's important to note that just  
14          because the youngster achieves success in the  
15          NYSED slot, that in no way, shape or form  
16          means that the child is ready to perform at a  
17          high level in the general education  
18          classroom.

19                   So although our numbers are below  
20          20 percent, I would say that for all of us  
21          the number of English language learners, with  
22          our long-term ELLs -- for which we do not  
23          receive any additional funding either -- plus  
24          those students that have recently been

1 removed from ESL, the percentage of English  
2 language learners is much higher than the  
3 identified number.

4 CHAIRWOMAN YOUNG: So if you had to  
5 make this up by taking money from other parts  
6 of your programming as far as providing  
7 double teachers, that sort of thing, how have  
8 you dealt with that? Dr. Cash, you're  
9 shaking your head.

10 SUPERINTENDENT CASH: I don't think  
11 that would be a good solution for us from a  
12 cost standpoint. It's a --

13 CHAIRWOMAN YOUNG: I'm just wondering  
14 how you've dealt with it. Because this is an  
15 unfunded mandate on the districts, right?

16 SUPERINTENDENT CASH: We haven't been  
17 dealing effectively with it. This is an  
18 issue where it's a mandate, but we don't have  
19 the numbers of qualified teachers to assist  
20 with the demand. So we've been having --

21 CHAIRWOMAN YOUNG: Right. So it's  
22 just a shortage of teachers who --

23 SUPERINTENDENT CASH: We push in  
24 qualified teachers where we can, and when we

1           can. We don't -- I don't have enough. And  
2           other colleagues can speak for themselves.  
3           But we need a significant huddle around this  
4           issue. And that's why we align our requests  
5           with what the commissioner asked for earlier.  
6           We're very much in alignment with her  
7           request. She talks with us all the time, and  
8           we concur that this is the need.

9                   CHAIRWOMAN YOUNG: Thank you.

10                  CHAIRMAN FARRELL: Shelley?

11                  ASSEMBLYWOMAN MAYER: Thank you.

12                  Thank you very much, all of you. And  
13           it's good to see even in these challenges  
14           your performances of your students has  
15           continued to get better as we've tried to  
16           push more money into these districts.

17                  I just -- Dr. Quezada, you mentioned a  
18           \$38 million shortfall basically for a  
19           stay-even budget, and that -- just to  
20           clarify, that is after the add that is in the  
21           Governor's proposed budget?

22                  SUPERINTENDENT QUEZADA: That is  
23           correct, Assemblywoman.

24                  ASSEMBLYWOMAN MAYER: So if you were

1 to just maintain the status quo and you have  
2 this \$38 million shortfall, if you were to be  
3 able to fill that shortfall, what are the  
4 services that you could actually add? For  
5 example, I don't know, can you add JV sports,  
6 can you add art and music in every school,  
7 can you add guidance counselors? Could you  
8 just describe what you could do if you just  
9 met this \$38 million shortfall?

10 SUPERINTENDENT QUEZADA: Of course.  
11 And, Assemblywoman Meyer, thank you for your  
12 relentless commitment to supporting the  
13 Yonkers public schools and the Big Five. You  
14 are a champion in this work, so thank you so  
15 very much.

16 ASSEMBLYWOMAN MAYER: Thank you.

17 SUPERINTENDENT QUEZADA: So  
18 absolutely, \$38 million, it will not give me  
19 everything I need in my schools. As you well  
20 know, I firmly believe that every school  
21 should have a psychologist, social worker,  
22 art teacher, music teacher, and so on and so  
23 forth. However, the \$38 million will  
24 guarantee that I will have at least 10

1 additional psychologists, 10 additional  
2 social workers, bring back JV sports,  
3 increase the number of guidance counselors in  
4 our schools, which are essential, and perhaps  
5 provide some extended learning for our  
6 students as well.

7 ASSEMBLYWOMAN MAYER: Okay, thank you.

8 And lastly, on this issue I've raised  
9 before about the persistently struggling, we  
10 have Roosevelt High School in our district  
11 that was on the list, came off the list, and  
12 now has an 86 percent graduation rate, which  
13 is a great accomplishment. How much money is  
14 owed to Roosevelt High School under the  
15 statutory scheme that we adopted?

16 SUPERINTENDENT QUEZADA: So the  
17 immediate answer is \$1.8 million that was  
18 guaranteed to us two years ago, and in two  
19 years we transformed the high school. It's a  
20 high school that is a model high school in  
21 New York State. And it was because there was  
22 additional funding and additional support.

23 However, that -- those dollars were  
24 taken away. And that is just incredible that

1           that actually took place. So we need to  
2           bring those dollars back.

3                     And similarly, as you well know, we  
4           have \$75 million out there that was  
5           appropriated last year for our persistently  
6           struggling and struggling schools. I don't  
7           know where those dollars are. I'm still  
8           waiting for them. I'm supposed to create  
9           three community schools, and we are ready to  
10          do that. However, our districts have not  
11          received those fundings yet.

12                    So we would very much appreciate if we  
13          figure out where are those \$75 million. And  
14          Yonkers desperately needs its share, as we  
15          all do.

16                    ASSEMBLYWOMAN MAYER: Thank you very  
17          much. Thank you, Dr. Quezada.

18                    CHAIRWOMAN YOUNG: Thank you.

19                    Senator Marcellino.

20                    SENATOR MARCELLINO: Thank you for  
21          coming. I appreciate your efforts, and I  
22          appreciate the work you do.

23                    I was looking at some numbers of the  
24          ELL students that went into your districts.

1           You seem to have gotten a fairly high  
2           percentage. What is the percentage of ELL  
3           students in your districts?

4                   SUPERINTENDENT CASH: I'm sure it  
5           varies district to district. For us, we have  
6           between 5,000 and 6,000 students, so that  
7           particular population -- the overall  
8           population of 32,000 has remained fairly flat  
9           for 10 years, but the ELL population within  
10          that population has grown steadily and  
11          significantly.

12                   It's -- the percentage issue overall  
13          is less the issue for us than in certain  
14          schools and in certain communities. We have  
15          some schools with as high as 57 percent ELL  
16          students, for example. And that is just a  
17          school that requires --

18                   SENATOR MARCELLINO: Are they all on  
19          level, or do they need remedial work?

20                   SUPERINTENDENT CASH: I'm sorry?

21                   SENATOR MARCELLINO: Are they on level  
22          or are they --

23                   SUPERINTENDENT CASH: No.

24                   SENATOR MARCELLINO: As I suspect,



1           they need remedial work.

2                   SUPERINTENDENT CASH: These would be  
3           priority schools, schools that need  
4           significant improvement and support.

5                   SUPERINTENDENT QUEZADA: For us in  
6           Yonkers, the identified student is  
7           12 percent. However, I spoke about the  
8           long-term ELLs, and I also spoke about those  
9           students that were recently declassified as  
10          English language learners. And there's  
11          another population that we are all extremely  
12          concerned, and that is those young people  
13          that are English language learners and are  
14          also students with disabilities. And that  
15          requires a special approach, and funding is  
16          desperately needed to ensure that we are  
17          addressing the needs of those young people.

18                  SUPERINTENDENT ALICEA: For Syracuse,  
19          as I said before, it's almost 16 percent of  
20          our students, with 3,500. We're getting a  
21          lot of students that are coming to school  
22          with interrupted instruction or that they  
23          have no previous schooling before, so we have  
24          to provide services to those students also.

1 SUPERINTENDENT DEANE-WILLIAMS:

2 Rochester is about 14 percent. We're seeing  
3 increases as well with the same kinds of  
4 challenges that are being seen by my peers  
5 across the state.

6 SUPERINTENDENT CASH: The short  
7 answer, sir, is 20 percent.

8 SENATOR MARCELLINO: What percentage  
9 of your teachers are fully certified in  
10 license, in subject area?

11 SUPERINTENDENT ALICEA: In all areas?

12 SENATOR MARCELLINO: The district, the  
13 whole district.

14 SUPERINTENDENT ALICEA: The whole  
15 district? In Syracuse it's about 96 percent  
16 of our teachers are certified.

17 SENATOR MARCELLINO: Certified and  
18 licensed in the subject areas they teach?

19 SUPERINTENDENT CASH: I don't think he  
20 heard the question.

21 SENATOR MARCELLINO: When I taught in  
22 the city schools --

23 SUPERINTENDENT CASH: If I heard the  
24 question, it's what percentage of our

1 teachers are fully certified to teach in the  
2 subject they teach.

3 SENATOR MARCELLINO: Yeah. My next  
4 question is going to be are you fully  
5 staffed.

6 SUPERINTENDENT CASH: No.

7 SUPERINTENDENT ALICEA: No.

8 SUPERINTENDENT QUEZADA: No.

9 SUPERINTENDENT CASH: But close to a  
10 hundred percent fully certified.

11 SENATOR MARCELLINO: Of the teachers  
12 that are teaching, they're fully certified.  
13 But of the -- so nobody is teaching out of  
14 license, is what you're saying?

15 SUPERINTENDENT CASH: Yes.

16 SENATOR MARCELLINO: Or 90-some  
17 percent are teaching in-license.

18 But are you -- do you have a full  
19 complement of teachers?

20 SUPERINTENDENT CASH: We have  
21 shortages.

22 SENATOR MARCELLINO: Because I was  
23 going to say, when I taught in the city many  
24 years ago, we had a good 10,000 teachers

1 teaching out of license, they just -- you  
2 couldn't get them at that point in time.  
3 There was no way. So we were forced to take  
4 people in and plug them into classrooms.

5 Thank you very much. Appreciate the  
6 work you do.

7 SUPERINTENDENT CASH: Thank you.

8 CHAIRMAN FARRELL: Further questions?

9 Thank you all very much.

10 CHAIRWOMAN YOUNG: Thank you for all  
11 you do.

12 SUPERINTENDENT CASH: Thank you.  
13 appreciate your time.

14 SUPERINTENDENT ALICEA: Thank you.

15 SUPERINTENDENT DEANE-WILLIAMS: Thank  
16 you.

17 SENATOR MARCELLINO: Safe home.

18 CHAIRMAN FARRELL: Alliance for  
19 Quality Education, Jasmine Griper,  
20 legislative director. "Gripper" I think is  
21 better.

22 (Laughter.)

23 CHAIRMAN FARRELL: Good afternoon.

24 MS. GRIPPER: Good afternoon.

1 Chairwoman Nolan and Chairwoman Young, thank  
2 you, Chairmen Farrell and Marcellino, thank  
3 you for giving me the opportunity to testify  
4 on behalf of the Alliance for Quality  
5 Education regarding the 2017-'18 Executive  
6 Budget proposal. My name is Jasmine Gripper.  
7 I am the legislative director for the  
8 Alliance for Quality Education.

9 The Executive proposal is grossly  
10 inadequate. The Governor proposes to erase  
11 the state's commitment to fully funding its  
12 constitutional obligation to a sound basic  
13 education by eliminating the Foundation Aid  
14 formula starting in the 2018-'19 school year.  
15 This proposal would only perpetuate  
16 systematic racist policies of leaving schools  
17 that educate black and brown students  
18 woefully underresourced and underfunded.  
19 Fifty-eight percent of the unpaid  
20 Foundation Aid is owed to black and brown  
21 students.

22 In these uncertain times of Donald  
23 Trump and Betsy DeVos, they pose a clear and  
24 present threat to our public schools in New

1        York State. However, Governor Cuomo's budget  
2        proposal actually proposes the greatest harm  
3        to our schools. He is proposing to repeal  
4        the Foundation Aid formula. The vast  
5        majority of this funding is owed to schools  
6        with high concentrations of economically  
7        disadvantaged students and students with  
8        disabilities and black and brown students.  
9        Governor Cuomo's proposal to repeal the  
10       \$4.3 billion in Foundation Aid commitments  
11       exceeds the total of all federal funding to  
12       New York schools by \$1.8 billion.

13                Any repeal of the \$4.3 billion in  
14       Foundation Aid is entirely unacceptable and  
15       would do irreparable damage to the education  
16       of New York's 3 million students.

17                This is not an upstate versus  
18       downstate, large city versus small city, or  
19       rural versus suburban issue. For instance,  
20       Jamestown schools are owed \$10.3 million in  
21       Foundation Aid; Rochester is owed  
22       \$93 million; Utica is owed \$47 million in  
23       Foundation Aid; Brentwood is owed  
24       \$138 million; Ossining is owed \$16 million;

1 New York City is owed \$1.9 billion.

2 High-need rural schools are owed \$191 million  
3 in Foundation Aid. This is a representative  
4 sampling of students in schools throughout  
5 the state that would be deprived of  
6 educational opportunities they deserve if the  
7 Foundation Aid formula is repealed as  
8 proposed by Governor Cuomo.

9 Our recommendation is that you deliver  
10 a resounding rejection of the Executive  
11 proposal to repeal Foundation Aid and instead  
12 add an adequate amount of funding in order to  
13 get back on track with CFE with a two-year  
14 phase-in of the Foundation Aid formula.

15 For pre-kindergarten outside of  
16 New York City, the overwhelming majority of  
17 4-year-olds, 81 percent are denied access to  
18 full-day pre-K still. In addition, there are  
19 seven different pre-K programs with different  
20 requirements and different standards, with  
21 expiration dates. We recommend that the  
22 enacted budget begins the process of  
23 consolidating these different programs and  
24 increase access by allocating \$150 million.

1       We also welcome the proposal to consolidate  
2       the Priority Pre-K and the Universal Pre-K  
3       Program.

4               For the Community Schools, Community  
5       Schools are a proven-to-work strategy. The  
6       Executive proposal does not renew the  
7       \$75 million grant. The state had made the  
8       investment in last year's budget, which was  
9       smart and cost-effective. It would be unwise  
10      and fiscally irresponsible to not continue to  
11      expand access and funding to Community  
12      Schools.

13             We also want to support solutions and  
14      not suspensions, so we support including  
15      \$50 million to support safe and healthy  
16      schools for New York students through  
17      competitive grants to develop or expand  
18      school models that reduce the reliance on  
19      suspensions and expulsions and school-based  
20      arrests and reduce disparities in school  
21      discipline and provide a safe and supportive  
22      school climate for students.

23             Thank you for your time and your  
24      consideration. Please read my full testimony



1           for more details on these recommendations,  
2           and I'm happy to take comments or questions.

3                   CHAIRMAN FARRELL:   Thank you.

4                   Any questions?

5                   ASSEMBLYWOMAN NOLAN:   So how bad would  
6           it be if we didn't have Foundation Aid?

7                   MS. GRIPPER:   If we didn't have  
8           Foundation aid, we would lose the  
9           predictability in school funding formulas  
10          that schools depend on.   For our high-needs  
11          school districts, who are already dealing  
12          with overcrowded classrooms, who don't have  
13          access to JV sports, who don't have access to  
14          music and art, those students would not get  
15          access to the educational opportunities they  
16          deserve.

17                  ASSEMBLYWOMAN NOLAN:   I asked some of  
18          the earlier witnesses if they thought that  
19          the article in the Daily News that said CFE  
20          was a one-off -- even though Michael Rebell I  
21          thought answered that -- how would you  
22          respond to that, that CFE is finished or it  
23          was a one-off or doesn't need to be  
24          addressed?

1                   MS. GRIPPER: It still needs to be  
2                   addressed. CFE was the constitutional  
3                   obligation of the state Governor and the  
4                   Legislature. The Foundation Aid was enacted  
5                   in order to satisfy that court case.

6                   We have not met the needs of students.  
7                   When you look at schools around New York  
8                   State, as you hear from people today, all the  
9                   things that are missing in our schools, we  
10                  are still not meeting with the constitutional  
11                  obligation of providing students with a  
12                  quality education.

13                 ASSEMBLYWOMAN NOLAN: Thank you.

14                 CHAIRWOMAN YOUNG: Thank you.

15                 Senator?

16                 CHAIRWOMAN YOUNG: We're all set.

17                 CHAIRMAN FARRELL: Thank you very  
18                 much.

19                 CHAIRWOMAN YOUNG: Thank you.

20                 MS. GRIPPER: Thank you for your time.

21                 CHAIRMAN FARRELL: Oh, I'm sorry,  
22                 Assemblyman Lopez. I keep forgetting.

23                 ASSEMBLYMAN LOPEZ: Thank you,  
24                 Chairman. I'll make it brief.

1 Jasmine, thank you for joining us.

2 So again, I know that we are in step  
3 with the issue of high need, low wealth. I  
4 understand that is part of your mission. I'm  
5 also looking at outlying schools in rural  
6 areas. I guess my question for you, in your  
7 organization's opinion, does Foundation Aid,  
8 if fully funded, does it still get at the  
9 desperate divergence in our schools, the lack  
10 of opportunity, the lack of Advanced  
11 Placement, all these other burdens with  
12 poverty, special needs -- does Foundation Aid  
13 alone do it, or do we need to come back and  
14 reconsider the weights for supplemental  
15 funding for poverty, for English language,  
16 for special ed?

17 Do we need to change the weights, or  
18 do we need to look at some supplemental  
19 funding to offset and make all schools equal,  
20 give every student an equal chance?

21 MS. GRIPPER: So the biggest problem  
22 with the Foundation Aid formula is it's not  
23 being funded. It was intended to go with at  
24 least a billion dollars going through

1           Foundation Aid each year, which the  
2           Legislature has not done in several years,  
3           since the two years that they started to  
4           fulfill the case.

5                     We do agree that there could be some  
6           tweaks and modifications made to the  
7           Foundation Aid formula in order to increase  
8           weighting for English language learners,  
9           there's one example where the weighting could  
10          be increased. And there are other  
11          modifications that we can consider. But by  
12          no means can we repeal the Foundation Aid  
13          formula. It is the fairest formula we have  
14          on the books. And the biggest problem is not  
15          using it and putting enough dollars into the  
16          funding formula.

17                    ASSEMBLYMAN LOPEZ: So just to finish  
18          my line of questioning, so recognizing our  
19          collective challenge of providing full  
20          funding -- absent that, my observation is we  
21          have schools that may be overfunded and  
22          schools that may be underfunded. And so my  
23          premise is, are there things we should and  
24          could be doing now, absent being fully

1 funded, that can provide meaningful relief to  
2 high-need, low-wealth schools?

3 MS. GRIPPER: I mean, the way to  
4 provide adequate relief to high-need  
5 low-wealth schools is to put more funding  
6 into those schools. And simply the proposal  
7 before us is completely inadequate, and we  
8 need a significant increase. The Board of  
9 Regents is recommending \$2.1 billion, and  
10 that's a step in the right direction.  
11 Anything below that is leaving our kids left  
12 in the dust.

13 We by no means are supporting an  
14 effort to take from wealthy districts to give  
15 to low-income districts. The reality is  
16 New York has some of the best schools in the  
17 country, but they're only located in certain  
18 zip codes. What we want to make sure is that  
19 all kids, no matter what zip code they live  
20 in, have access to a quality education. And  
21 the only way we can do that is if the state  
22 increases its responsibility to these schools  
23 and provides more funding.

24 ASSEMBLYMAN LOPEZ: Thank you,

1 Jasmine. Thank you, Chairman.

2 MS. GRIPPER: Thank you.

3 CHAIRMAN FARRELL: Thank you very  
4 much.

5 Next, New York State Council of School  
6 Superintendents, Robert Lowry, deputy  
7 director.

8 ASSEMBLYWOMAN NOLAN: Jasmine, keep  
9 fighting.

10 MR. LOWRY: Chairwoman Young, Chairman  
11 Farrell, other members of the Assembly and  
12 Senate, thank you very much for this  
13 opportunity, and thank you for your past  
14 efforts to support our schools, ending the  
15 GEA and preserving Foundation Aid. Your  
16 efforts have made a difference.

17 We also appreciate the uncertainties  
18 that you'll face and the Governor has faced  
19 in trying to put together a budget, given  
20 what's happened with state revenues and the  
21 prospects of perhaps drastic change at the  
22 federal level.

23 Our members are accustomed to dealing  
24 with financial uncertainties as well, and in

1           our exchanges with them we detect as much  
2           concern about the long term as about the year  
3           immediately ahead.

4                       Last November, the Educational  
5           Conference Board identified a need for a  
6           \$1.5 billion increase in school aid, given a  
7           set of moderate assumptions about school  
8           costs -- not a wish list, but assumptions  
9           based on independent sources. The Governor's  
10          budget would increase school aid by  
11          \$961 million, but \$150 million of that would  
12          be unallocated in a fiscal stabilization  
13          fund, another \$100 million or so would be  
14          devoted to categorical initiatives. That  
15          leaves about \$718 million right now that  
16          districts can identify as available to help  
17          them meet this \$1.5 billion need that we  
18          see -- about half that total.

19                      We support a number of the  
20          programmatic initiatives: Expanding  
21          Community Schools, expanding pre-K, providing  
22          opportunities to better connect high school  
23          and what comes next, whether it's P-TECH or  
24          AP fee waivers. We hope that that would also

1       be joined by increasing BOCES and special  
2       services aid to support Career and Technical  
3       Education.

4               We're troubled by the proposal to  
5       unfreeze charter school tuition and to  
6       implement transition aid on a year lag. That  
7       would create a significant hit on school  
8       district budgets that they'd have to absorb  
9       within their tax cap.

10              A word that we hear over and over  
11       again in our exchanges with superintendents  
12       is sustainability. We've done surveys each  
13       of the last six years about financial  
14       questions; we've seen a change in the last  
15       couple, more superintendents saying their  
16       district's financial position has improved,  
17       but still there's a lot of pessimism and  
18       those gains are fragile.

19              We see a need for a four-part agenda  
20       to create a more sustainable future. It  
21       begins with continuing and updating the  
22       Foundation Aid formula. And on that score,  
23       I'd say the Governor's proposal is a doubly  
24       disappointing retreat. First, because the



1       2007 formula was a significant  
2       accomplishment. It generally directed the  
3       greatest aid per pupil to the neediest  
4       districts, and it still does. It promised  
5       all districts greater predictability in aid  
6       going forward, and it also used elements that  
7       have some basis in facts that makes state  
8       funding decisions more transparent and more  
9       accountable.

10               But leaving aside questions about what  
11       the state owes as a result of the CFE  
12       decision, having a formula like Foundation  
13       Aid that creates some predictability is a  
14       cornerstone in building a more sustainable  
15       system. Some other parts to that would be  
16       adjustments in the tax cap. It's advertised  
17       as a 2 percent tax cap, but it hasn't been  
18       for the last path four years. Making the  
19       starting point for the tax cap 2 percent, not  
20       the lesser of 2 percent or inflation, and  
21       couple that with a carryover provision that  
22       gives districts an incentive to hold their  
23       levy increases below that if they can manage  
24       it.

1           We also see a need to help school  
2           districts control costs, and my written  
3           testimony includes some ideas for that.  
4           Frankly, I don't have a lot of optimism that  
5           we'll see significant action on mandate  
6           relief or change in the tax cap. So part of  
7           our message is if the state is not going to  
8           change these rules, then it has to fund the  
9           rules by continuing to provide strong  
10          increases in state aid -- for example, as the  
11          Foundation formula would provide.

12          Finally, we would say give school  
13          districts access to reserves like local  
14          governments have. We read the Comptroller's  
15          audits finding that some schools have more  
16          money in reserve than the law allows, but  
17          frankly not all the laws make sense. And the  
18          Comptroller's own report in 2010, on the  
19          first five years of school district audits,  
20          recommended some additional ways to allow  
21          districts to put money into reserve.

22          Our priority would be a reserve for  
23          Teachers Retirement System obligations.  
24          Local governments can essentially set aside

1 funds for all their pension obligations;  
2 school districts can only do it for the  
3 20 percent who are in the Employees  
4 Retirement System, not the 80 percent who are  
5 in the Teachers Retirement System.

6 Finally, I'd conclude by urging you to  
7 reject the proposal to give the Governor's  
8 budget director unilateral authority to  
9 impose reductions and amounts available to be  
10 spent in the event of a shortfall in  
11 receipts. The potential impact of drastic  
12 federal changes is something that we should  
13 all be concerned about, but you and your  
14 colleagues should have a hand in making the  
15 decisions of how to deal with that  
16 eventuality if it comes.

17 And finally, we would hope that you  
18 would make every effort to avoid midyear cuts  
19 in state aid to schools if budget reductions  
20 become necessary.

21 So thank you, and I'd be happy to try  
22 and answer any questions.

23 CHAIRMAN FARRELL: Questions?

24 ASSEMBLYWOMAN NOLAN: Just quickly.

1       You know, we so appreciate, Bob, your  
2       expertise. You know that. I rely on you, as  
3       many of us do in the Legislature, to make the  
4       dry language of these things clear and  
5       understandable.

6               If we were to ever -- obviously I  
7       don't want to ever see us do this. But what  
8       would be some of the consequences do you  
9       think if we were to move away from a  
10      Foundation Aid formula that's fair, based on  
11      high-needs kids? What would be some of the  
12      consequences of that?

13             MR. LOWRY: Well, I think, you know --

14             ASSEMBLYWOMAN NOLAN: You and I were  
15      both around for the old system, let's just  
16      say that, so ...

17             MR. LOWRY: You know, first of all,  
18      again, I really think it was a significant  
19      accomplishment for all the reasons that I  
20      elaborated. And it would be a shame to lose  
21      that.

22             And again, part of what we hear from  
23      superintendents is a concern about  
24      sustainability over the long haul, having

1 predictability. Most other states have aid  
2 formulas that continue from year to year, and  
3 we used to have that in New York State, so  
4 losing that predictability. But with the tax  
5 cap as tight as it is, and with the  
6 consequence that if you don't get your budget  
7 approved by the voters you can't increase  
8 your tax levy at all, that makes schools even  
9 more dependent on state aid. And that's one  
10 of the attractions of the Foundation formula.  
11 Yes, it would generate large increases, but  
12 we would need large increases given the  
13 restrictions of the tax cap and some of the  
14 cost pressures that schools face.

15 ASSEMBLYWOMAN NOLAN: Thank you.

16 CHAIRMAN FARRELL: Thank you.

17 Senator?

18 CHAIRWOMAN YOUNG: We're all set,  
19 thank you. Thanks, Bob.

20 SENATOR MARCELLINO: No, we're not.

21 CHAIRWOMAN YOUNG: Oh, I'm sorry.

22 Senator Marcellino.

23 SENATOR MARCELLINO: Just one. Just  
24 one.

1                   Thanks for coming. Good thing that  
2                   you're awake at this hour. I'm barely.

3                   We have a very high tax state, we have  
4                   a population decline statewide, upstate much  
5                   worse than downstate, but it's there. I  
6                   agree with you the property tax cap number  
7                   should never be negative, and we have to look  
8                   at that and make sure that that's fixed.

9                   But we are in a position where people  
10                  can't stay in their homes. They can't afford  
11                  to stay in their homes. Average citizens,  
12                  senior citizens on a retirement basis can't  
13                  live here, so they have to leave. Not  
14                  necessarily because they want to, they just  
15                  have to. So I'm not too sure that that's  
16                  what we want to do to people, force them out.  
17                  I don't think you need to do that or you want  
18                  to do that.

19                  But give us some thoughts. How can we  
20                  keep them here?

21                  MR. LOWRY: You know, when the tax cap  
22                  was being debated, we said our position was  
23                  so simple it could be expressed in 10 words:  
24                  Tax caps will hurt our schools, there are

1           better options.

2                   The better options, the state needs to  
3           be a reliable partner in funding schools.

4           The Foundation Aid is an attempt to do that.

5                   Second, provide a circuit breaker that  
6           can target the greatest help to the people  
7           who are most stressed by your taxes.

8                   Finally, help schools with costs. And  
9           you know, some of the ideas that would make a  
10          meaningful difference just simply aren't on  
11          the table right now, like amending the  
12          Triborough Law, limiting step increases after  
13          an expired contract. My testimony identifies  
14          some other steps that could be taken.

15                   Health insurance, in my written  
16          testimony I have a lot of comments from  
17          superintendents, and a lot of them concern  
18          the soaring cost of health insurance for  
19          them. Let's receive a joint committee of  
20          labor and management to identify strategies,  
21          put both sides at the table, identify ways  
22          that we could perhaps save money on health  
23          insurance, reduce costs for both school  
24          districts and their employees and retirees.

1           There are other measures that we've  
2           talked about in the past -- you know, greater  
3           reliance on shared services, regional high  
4           schools in places where they're just  
5           frankly -- in that case it's more running out  
6           of kids to be able to support a comprehensive  
7           education. I'd be happy to give you more  
8           ideas. But again, I think the fact of the  
9           matter is 75 percent of school spending is in  
10          personnel; it's hard to save significant sums  
11          without looking at different changes in that  
12          area.

13                 SENATOR MARCELLINO: Thank you.

14                 ASSEMBLYMAN OAKS: Thank you.

15                 CHAIRMAN FARRELL: Thank you.

16                 Further? Thank you very much.

17                 Next, Council of School Supervisors  
18          and Administrators, CSA, Mark Cannizzaro,  
19          executive vice president.

20                 MR. CANNIZZARO: Good afternoon,  
21          everyone, and Happy Valentine's Day.

22                 CHAIRWOMAN YOUNG: The same to you.

23                 CHAIRMAN FARRELL: Yes, thank you.

24                 MR. CANNIZZARO: Thank you. Thank



1           you.

2                   Assemblymember Farrell, Senator Young,  
3           Senator Marcellino and Assemblymember Nolan,  
4           thank you for this opportunity to present  
5           testimony today.

6                   I would also just like to comment -- I  
7           know they're no longer here, but it was so  
8           nice to see so many members of the Board of  
9           Regents here this morning showing a real  
10          collaborative effort. And from listening to  
11          what I've heard transpire the last several  
12          hours, I really do see such a willingness and  
13          a want to try to fully fund our schools for  
14          the children of New York State. So thank you  
15          for that commitment, it is great to see and  
16          hear.

17                  My name is Mark Cannizzaro. I'm the  
18          executive vice president of the Council of  
19          School Supervisors and Administrators. CSA  
20          is a labor organization. We represent 6100  
21          active and 10,000 retired principals,  
22          assistant principals, educational  
23          administrators and other supervisors working  
24          in the New York city public schools. We do

1       represent five charter schools, and we're  
2       also the collective bargaining unit for 200  
3       Early Childhood directors and assistant  
4       directors who work in New York City-  
5       subsidized Early Childhood Education Centers.

6               Most of my colleagues this morning  
7       have touched on the most important parts of  
8       my testimony today, number one being  
9       Foundation Aid. We understand that there is  
10      an increase on the table; it is certainly not  
11      an adequate increase. At this time, New York  
12      is owed, according to this formula,  
13      \$4.3 billion had the phase-in been fully  
14      implemented already.

15             We worked on the GEA elimination last  
16      year, and we ask you to turn your attention  
17      to doing the same with Foundation Aid this  
18      year, fully fund our schools within the next  
19      three years, and reject the Executive Budget  
20      proposal to repeal the Foundation Aid  
21      formula. We understand that difficult  
22      decisions need to be made. We are certainly  
23      not experts in the entire New York State  
24      budget in order to make those decisions, but

1       we do know that the costs will be greater if  
2       we do not fully fund the education of our  
3       children in New York State.

4               The only other piece I would like to  
5       speak to you about this afternoon is school  
6       leader professional development, an area that  
7       nationally is sorely lacking from the  
8       educational conversations. Recently the  
9       federal government has said that 3 percent of  
10      funding, Title III funding, could be put  
11      aside for professional development for school  
12      leaders. We think this is a wonderful idea  
13      and certainly a necessary one.

14             The role and work of our instructional  
15      leaders has become even more crucial in  
16      recent years as policymakers have focused on  
17      supporting student achievement and  
18      eliminating college and career readiness gaps  
19      among our youth. To ensure that school  
20      leaders successfully manage and meet the  
21      ongoing challenges as well as succeed as  
22      instructional leaders, New York State must  
23      provide our principals and assistant  
24      principals with access to ongoing

1 professional development. The research-based  
2 literature related to effective schools and  
3 student achievement has long acknowledged the  
4 critical role of principals in providing  
5 school leadership that will shape a highly  
6 human organization into a cohesive and  
7 collaborative community of learners.

8 A number of years ago, CSA  
9 established, for those very reasons, the  
10 Executive Leadership Institute. It is a  
11 nonprofit organization designed to deliver  
12 practical, relevant and essential  
13 professional development for today's school  
14 leaders. ELI provides standards-based,  
15 results-driven leadership training to help  
16 school leaders successfully fulfill their  
17 responsibilities as instructional leaders.  
18 We need to invest in more of this kind of  
19 high-level training and support. ELI's  
20 programs give school leaders the tools they  
21 need to create true learning communities.

22 It should be noted that ELI is also a  
23 registered provider for CTLE instruction or  
24 professional development through the state's

1 new professional development mandates, one of  
2 the few already registered in New York State.  
3 It should also be mentioned that as  
4 challenges come, ELI is at the ready. With  
5 changes to English language learners  
6 regulations this year, ELI quickly put  
7 together some quality professional  
8 development and has been working with school  
9 leaders throughout New York City and New York  
10 State.

11 The Dignity for All Students Act, ELI  
12 is a provider and has already done seven or  
13 eight workshops with several hundred folks  
14 attending so that they can be certified in  
15 the DASA training.

16 We have met the early requirements of  
17 ESSA, and we look forward to continuing, as  
18 ESSA fully rolls out, to support our leaders  
19 with that.

20 We also have to acknowledge and  
21 provide our thanks and let you know how  
22 grateful we are that this body has approved  
23 \$475,000 in appropriation for ELI in the  
24 past, with many of your strong support. We

1           need these professional development services  
2           to continue not only in New York City but  
3           throughout this state.

4                     We have been working with other  
5           professional organizations to provide this  
6           professional development. We've worked in  
7           Long Island as well as upstate New York.  
8           With your help and support, ELI's programs  
9           can grow, providing standards-based,  
10          high-quality and results-driven leadership  
11          training to help school administrators in  
12          New York City and New York State.

13                    We ask for your continued support in  
14          that very important work. And we certainly,  
15          as we do every year, invite you to come to  
16          see some of our trainings. The summertime is  
17          probably the best time. We'd love to have  
18          you down as we do summer workshops for a  
19          couple of weeks in July.

20                    I appreciate the time given. If  
21          anyone has any questions for me, I would be  
22          happy to entertain them now.

23                    CHAIRMAN FARRELL: Yes. Questions?

24                    ASSEMBLYWOMAN NOLAN: Just principals

1           are always very concise. It was terrific  
2           testimony, thank you.

3                   MR. CANNIZZARO: Oh, thank you.

4                   ASSEMBLYWOMAN NOLAN: School leaders.

5                   CHAIRMAN FARRELL: Senator?

6                   CHAIRWOMAN YOUNG: We're all set.

7                   Thank you very much.

8                   MR. CANNIZZARO: Okay, thank you very  
9           much.

10                   CHAIRMAN FARRELL: Cynthia Gallagher,  
11           director, government relations, School  
12           Administrators Association of New York State,  
13           SAANYS.

14                   MS. GALLAGHER: Honorable members of  
15           the Senate Finance and Assembly Ways and  
16           Means Committees, thank you and good  
17           afternoon. I appreciate this opportunity to  
18           provide testimony on the Executive Budget for  
19           '17-'18.

20                   I am Cynthia Gallagher. I'm the  
21           director of government relations for the  
22           School Administrators Association of New York  
23           State. We are the largest professional  
24           association of school leaders, with a

1 membership of over 7,000 members. And on  
2 behalf of those principals, assistant  
3 principals, directors, deans, supervisors,  
4 and lots of others titles, we thank you very  
5 much for your energy, for your commitment,  
6 and for your ongoing support of public  
7 education.

8 I'd like to present this testimony  
9 through the eyes of the school leader. Their  
10 perspective is as unique as there are roles  
11 in school districts. Every day it is a race  
12 to meet the needs of students, parents,  
13 teachers, support staff, community leaders,  
14 parents, board members, and superintendents.  
15 And while being responsive, they are still  
16 responsible for the core missions of schools,  
17 which is the education and assessment  
18 programs, safety, environment, comprehensive  
19 reporting, and achievement and improvement as  
20 well as 100 -- probably more than 100 --  
21 reporting requirements from all of us.

22 And their jobs take place in a very  
23 dynamic and sometimes volatile environment.  
24 So what would a school leader expect out of a



1 state budget that would provide education  
2 funds for them? Three things: Stability,  
3 sustainability, and support.

4 In sustainability, we are requesting  
5 just two things, and you've heard them before  
6 today. A Foundation Aid that is predictable.  
7 Help us predict at least part of a position  
8 that most times is highly unpredictable. We  
9 ask that the Foundation Aid formula be set  
10 again and phased in, as have my colleagues in  
11 their former testimony -- as well, the  
12 property tax to be either the higher of  
13 2 percent of the CPI or at fixed amounts so  
14 that we can also predict that piece of state  
15 aid.

16 Sustainability. Governor Cuomo  
17 recently stated, and we applaud his  
18 statement, that New York State would continue  
19 to be a welcoming and open state. That  
20 affirmation starts with a public education  
21 that meets the needs of every student that  
22 arrives at our front door. A Foundation Aid  
23 that will support those students is the first  
24 line of our responsibility. So we, like our

1 colleagues, support an increase over last  
2 year's State Budget of \$2.1 billion.

3 We have four priority areas for that  
4 funding -- certainly you've heard it again.  
5 Students with English language needs as well  
6 as multi-language needs, we suggest starting  
7 the phase-in formula again, as well as  
8 perhaps an upward-weighting of ELL and MLL  
9 students to meet their needs going forward.

10 We certainly would look for use of  
11 that money for Career and Technical programs.  
12 We know of their success, you've heard that  
13 this morning. In terms of students who  
14 participate in schools with CTE programs, the  
15 graduation rate for those students tends to  
16 be about 93 percent as compared to an  
17 applaudable 79 percent, which is an increase  
18 of students in schools without the CTE  
19 programs. So we would love to see that  
20 continue, and certainly CTE will be a  
21 priority for our association.

22 Lastly, universal pre-K. We applaud  
23 the \$5 million increase and would like to  
24 submit that that would be just a start for

1           this year, as well as we applaud the merging  
2           of the seven funds. But at that rate, the  
3           fundings will be merged together by 2021.  
4           For those of you who have been around, as I  
5           have been, in pre-K, we know that that  
6           program started in 1967. Those first pre-K  
7           students will be ready for retirement by the  
8           time the seven funding areas are merged. So  
9           we would ask for a quickened timeframe for  
10          those programs to be combined into one. Our  
11          school districts and our principals and our  
12          administrators certainly need it.

13                 The last area that we would ask out of  
14          a budget as a school leader is to be  
15          supportive. And we, like my former  
16          colleague, would request that there be money  
17          put in for our school leaders for  
18          professional development. It certainly has  
19          been an area that has been lacking in prior  
20          years, and we would be very supportive of the  
21          State Education Department's request for  
22          \$30 million to support the professional  
23          development of our school leaders.

24                 So if you like the succinct nature of

1 school leaders, I hope that this would  
2 suffice for that kind of brevity, but with  
3 the idea that we do ask three things:  
4 Stability, sustainability, and support.

5 So thank you for this opportunity  
6 today, and we thank you for your support in  
7 the ongoing years.

8 CHAIRMAN FARRELL: Thank you.

9 Questions?

10 SENATOR KRUEGER: Thank you very much.

11 ASSEMBLYMAN OAKS: Thank you.

12 MS. GALLAGHER: You're welcome.

13 CHAIRMAN FARRELL: Dr. Bernadette  
14 Kappen, executive director and chair, 4201  
15 School Associations.

16 DR. KAPPEN: Good afternoon. Thank  
17 you so much for having us here today.

18 As the chair of the 4201 Schools  
19 Association, I represent nine schools that  
20 are private schools, state-supported, that  
21 are serving children that are deaf, blind,  
22 and children with severe physical  
23 disabilities throughout New York State. Even  
24 though our schools are located maybe in a

1 particular city, we serve a wide range of  
2 students, not just in that particular area  
3 that we serve our children.

4 I want to express our appreciation for  
5 the opportunity to talk with you today and  
6 for information that we received in the  
7 Executive Budget.

8 To begin, I'd like to thank the  
9 legislators. They've been our true  
10 supporters, each and every year, for the  
11 students. We appreciate the 2.4 percent  
12 increase that was provided in last year's  
13 budget, and this increase resulted in a  
14 \$2.3 million increase for our schools. And  
15 this was the first time in six years, the  
16 past six years, that we received an increase.  
17 And this was really welcomed. It probably  
18 brought us from 2008 up to what our -- back  
19 to 2008, what our current amount is now. So  
20 we're really helpful for being able to  
21 continue and provide and invest in our  
22 teachers.

23 We talked a lot about that here today,  
24 investment in the teachers, and this is

1       really critical for children with special  
2       needs. At all of our schools we have highly  
3       qualified staff, staff who are certified in  
4       their area of specialization -- that could be  
5       deafness, blindness, or in the area of  
6       special ed for the physically disabled  
7       children -- and they're also certified in  
8       their subject area or the grade level that  
9       they service.

10               What's happening at our schools -- we  
11       have highly qualified folks, and because of  
12       the struggles that we've had with our  
13       finances, these individuals often will leave  
14       our schools -- they can walk out the door in  
15       New York City and immediately have \$15,000  
16       added to their salary compared to what we can  
17       offer. So we really do appreciate what's in  
18       the Executive Budget, and this hopefully will  
19       continue to help us invest in our teachers  
20       and the professional staff that work with our  
21       children.

22               It's really the staff that creates the  
23       environment for the children and those  
24       relationships, particularly for children who

1       come to us with very special needs. And many  
2       of our children come to us and they're way  
3       behind in their levels, and the teachers  
4       bring them up fairly quickly. It's not just  
5       about the school academics that we need for  
6       our children, it's really working on  
7       communication for those children that are  
8       deaf and appearing -- and socialization for  
9       all of our children.

10               We'd like to, in our proposal, ask for  
11       parity with the school aid that would be  
12       offered and that any additional investments  
13       in public education would be considered for  
14       our children as well. I believe, as do the  
15       people in the association, that our children  
16       are deserving in this area, and they have  
17       unique needs that require this level of  
18       support.

19               I was listening today about outcomes,  
20       and I'll share with you -- we know that the  
21       graduation outcomes in New York City were  
22       reported at about 72.6 percent of children  
23       graduating. I can tell you at our school,  
24       and most of the 4201 schools, we have

1       100 percent graduation rates. And these are  
2       children with low-incidence disabilities. In  
3       the Bronx, the graduation rate was  
4       64.8 percent. So whatever investment is made  
5       into the 4201 schools for special needs  
6       children, I think we deliver for the children  
7       that we do service.

8               Many of the children at our schools  
9       are children of color and Hispanic children.  
10      They're reported as having lower graduation  
11      rates. That does not happen at schools for  
12      children that are in the 4201 Association.  
13      They receive the same support as other  
14      children.

15             The parity would really help us a lot  
16      with the specialized equipment that's  
17      required for our children, those children  
18      that need Braille devices -- which are very  
19      expensive -- for them to succeed. The deaf  
20      children need visual alerting systems. And  
21      children with special physical needs have  
22      therapy equipment that's expensive to allow  
23      them to participate.

24             I was looking today, when thinking



1       about coming here, at a quote from Abigail  
2       Adams. And she says: "Learning is not  
3       attained by chance. It must be sought for  
4       with ardor and attained with diligence." I  
5       would say that's what happens at our schools.

6               And finally, we ask you to think about  
7       short-term capital and long-term capital  
8       needs of our students. Most of our schools  
9       are old. The School for the Deaf, the  
10      New York School for the Deaf in White Plains,  
11      they're celebrating 200 years this year. The  
12      New York Institute has just finished their  
13      185th anniversary. So we have wonderful  
14      campuses, but campuses that need care. And  
15      we're looking to really focus on the health  
16      and safety needs of the children. And that  
17      could be with capital investments in boilers,  
18      roofs, windows, fire alarm systems. So it's  
19      not beautification, it's really what's needed  
20      to make the environment suitable for the  
21      children.

22              So we're asking you to consider a  
23      \$5 million support for us in the area of  
24      short-term capital. We also are trying to

1 work together to engage with the Dormitory  
2 Authority to provide services for long-term  
3 capital needs.

4 So the 4201 schools are proud to be  
5 part of the education system here in New York  
6 State. We feel we partner with the State  
7 Education Department. We are working  
8 cooperatively with the school districts to  
9 provide the best services we can for children  
10 with low-incidence disabilities, and we ask  
11 that you would try to help support us in  
12 those areas.

13 And finally, JFK once said, "Let us  
14 think of education as the means of developing  
15 our greatest abilities, because in each of us  
16 there is a private hope and dream which,  
17 fulfilled, can be translated into a benefit  
18 for everyone and greater strength for our  
19 nation." And that's what we're all about for  
20 our children.

21 Thank you.

22 CHAIRMAN FARRELL: Thank you very  
23 much.

24 Questions? Yes, Mr. Otis.

1                   ASSEMBLYMAN OTIS: Thank you. Thank  
2                   you for your testimony and for what you do.

3                   One thing I'd like to delve in a  
4                   little more is if you could give some sort of  
5                   overview about the level of financial stress  
6                   for 4201 schools. What are the pressures in  
7                   the last few years in terms of schools being  
8                   able to provide services in a tight economic  
9                   environment with the labor-intensive service  
10                  that you're providing?

11                  DR. KAPPEN: Yes, it is a struggle for  
12                  many of the schools. As you know, we have a  
13                  per-pupil charge where we receive tuition  
14                  from the school districts, and that often  
15                  presents a challenge. If you're not being  
16                  paid every month, you can count on that the  
17                  school districts eventually pay, but they  
18                  have hardships as well, so that holds us  
19                  back. We have some schools that have a very  
20                  difficult time even getting a credit line at  
21                  the banks because of the financial situation  
22                  that we're in.

23                  We participate, and we're grateful for  
24                  that, in the New York State Employee

1 Retirement System, and that's a fairly large  
2 payment that people have to pay out if we  
3 want to do it in December to get that  
4 discount rate. So it really does challenge  
5 folks.

6 Over the years, I would say that at  
7 our schools the children have additional  
8 disabilities, maybe not just blind but have  
9 other needs, so that increases the costs for  
10 providing those services to the children.  
11 Many of the children have additional  
12 social/emotional areas that we deal with. So  
13 I think that the type of population and then  
14 the way we are funded has created increased  
15 demands for us.

16 ASSEMBLYMAN OTIS: Are there  
17 limitations in terms of multiple disabilities  
18 and how schools are reimbursed? You don't  
19 really get reimbursed fully for multiple --

20 DR. KAPPEN: Right, that's correct. I  
21 mean, we're reimbursed basically on what your  
22 disability is. And many of the children have  
23 dual disabilities. Some of the children  
24 could be deaf and blind that we have at our

1 school. The Schools for the Deaf also have  
2 children that have vision problems in  
3 addition to that, social/emotional problems.  
4 Many of the schools have -- the children have  
5 intellectual disabilities.

6 So you're really not reimbursed on the  
7 severity of the disability, it's just  
8 whatever your category is.

9 ASSEMBLYMAN OTIS: Thank you very  
10 much.

11 DR. KAPPEN: Yes.

12 CHAIRMAN FARRELL: Thank you.

13 Senators?

14 CHAIRWOMAN YOUNG: I just want to say  
15 thank you very much. And do you have a  
16 lobbying day coming up?

17 DR. KAPPEN: Yes, we do. We're going  
18 to come on March 1st with our great kids, so  
19 we hope --

20 CHAIRWOMAN YOUNG: Great.

21 DR. KAPPEN: -- to be able to see you  
22 all.

23 CHAIRWOMAN YOUNG: I always look  
24 forward to seeing my friend Julia.

1 DR. KAPPEN: Great.

2 CHAIRWOMAN YOUNG: So thank you so  
3 much for all your great work.

4 DR. KAPPEN: Right. Thanks so much.  
5 Thank you.

6 CHAIRWOMAN YOUNG: Thank you.  
7 Bye-bye.

8 CHAIRMAN FARRELL: Thank you.  
9 New York School Boards Association,  
10 Julie Marlette, director of government  
11 relations.

12 MS. MARLETTE: Good afternoon.

13 CHAIRMAN FARRELL: Good afternoon.

14 CHAIRWOMAN YOUNG: Good afternoon.

15 MS. MARLETTE: I'm joined here today  
16 by my colleague Brian Fessler. On the off  
17 chance that you might have any specific  
18 questions about money, he would be the one I  
19 would want to defer them to.

20 I want to start by thanking you so  
21 much, both for having us here today but also  
22 thank you for the commitment that both houses  
23 have shown to serving public education in  
24 recent years. The elimination of the GEA and

1       the efforts to continue to try and push  
2       additional resources to school districts,  
3       even in really the worst of the fiscal  
4       crisis, has not gone unnoticed or  
5       unappreciated by my members.

6               Given that it's nearly 4 o'clock and  
7       you've managed to refrain from asking us all  
8       to limit to a few minutes, I'll save you the  
9       effort and try to do so because I know you  
10      have my written testimony in front of you,  
11      and we're certainly happy to answer any  
12      questions now or in the future. But I did  
13      just want to take a few moments to touch on a  
14      few of the top priorities for our association  
15      and our members.

16             Like many of my colleagues, we  
17      certainly come here both grateful for the  
18      investments of the past, but we're  
19      regrettably having to continue to ask for  
20      more of an investment, specifically an  
21      additional billion dollars in Foundation Aid  
22      above and beyond what's been proposed by the  
23      Executive. We would hope to see this  
24      financial commitment go hand in hand with a

1       firm three-year commitment to fully phase in  
2       the Foundation Aid formula, now that we've  
3       moved past the economic problems in recent  
4       years, and see that all districts get to the  
5       point that they deserve and need to be funded  
6       at.

7               One of the most troubling aspects  
8       related to the proposal to repeal the  
9       statutory Foundation Aid formula is not just  
10      that it leaves so many questions about how  
11      schools would be funded in the future, but  
12      that it has the potential to effectively lock  
13      in our most underfunded districts at that  
14      present level of underfunding, perhaps in  
15      perpetuity. These districts are those who  
16      need the most assistance and who have been  
17      allowed to stay as far behind as they have  
18      for far too long, and we'd really want to see  
19      them brought forward to the funding levels  
20      they need.

21             In addition, we would hope to see a  
22      more significant investment this year in the  
23      paying down of our prior-year claims. Each  
24      year we see a very small investment made,



1       about \$18 million, to make good on these  
2       approved expenses. And what we've learned in  
3       looking at the growth of the list is that at  
4       this point an expense incurred when a child  
5       enters kindergarten this year likely will not  
6       be paid off for the district until that child  
7       has graduated high school. Again, this is  
8       another pot of funding which is  
9       disproportionately owed to our highest-needs  
10      districts, and they would be incredibly  
11      grateful for the paying down of that  
12      \$350 million obligation owed to them.

13               Beyond that, and slightly off-topic  
14      from my written testimony, I would say I  
15      found myself thinking increasingly, even  
16      today when Chancellor Fariña, you know, was  
17      talking about the importance of social  
18      studies education and how our government  
19      works and the importance of checks and  
20      balances -- and to that end, I hope that you  
21      going forward knowing that you would have the  
22      full support of our association in rejecting  
23      any proposal that would eliminate the  
24      Legislature as part of the decision-making

1 process for any necessary midyear budget  
2 adjustments that are based on allocations  
3 from the federal government.

4 We think that it's incredibly  
5 important that all three parties continue to  
6 come together and, in the unpalatable  
7 situation that something would have to change  
8 midyear, that that should be done with the  
9 full participation of you and all of your  
10 colleagues on behalf of your constituencies.

11 I'd like to also just reference  
12 quickly our shared support with our  
13 colleagues at NYSCOSS for embracing some  
14 changes to the tax cap. Part of the reason  
15 we feel so compelled to come and ask for such  
16 a large number each year at the state level  
17 is that we have a limited ability to generate  
18 the funds needed at the local level.

19 And if we could make some comments and  
20 suggestions based on the lessons we have  
21 learned in recent years, eliminating negative  
22 caps and in fact maybe just moving forward to  
23 actualize the changes that the Legislature  
24 and Governor already agreed to, specifically

1           around including PILOT properties in our tax  
2           base and, equally importantly, allowing our  
3           BOCES capital projects to be treated  
4           equitably with the way we treat school  
5           district capital projects.

6                     There's a little cognitive dissonance  
7           in the way we treat those programs, because  
8           we are on the one hand increasingly looking  
9           toward our BOCES to provide services that  
10          districts may be unable to provide, but at  
11          the same time are effectively limiting their  
12          ability to grow without cutting other  
13          programs at the district level.

14                    I certainly have many more priorities,  
15          but again, owing to the lateness of the hour,  
16          I want to be respectful of your time, and  
17          I'll end my comments there, unless you have  
18          any questions.

19                    CHAIRMAN FARRELL: Thank you.

20                    CHAIRWOMAN YOUNG: Thank you.

21                    And thank you for traveling around the  
22          state; it was good to see you the other day.

23                    MS. MARLETTE: Nice to see you again,  
24          Chairwoman. Thank you.

1                   CHAIRMAN FARRELL:  Yes.  Next, Michael  
2                   Borges, executive director, New York State  
3                   Association of School Business Officials.

4                   MR. BORGES:  Good afternoon.  Thank  
5                   you for having me today.

6                   With me is Deborah Cunningham, my  
7                   director of education and research, who's  
8                   here to help answer any complicated  
9                   questions.

10                  Again, I want to echo my colleagues  
11                  from Superintendents and School Boards; we  
12                  want to express our gratitude for all the  
13                  support the Legislature has provided the  
14                  public schools over the last couple of  
15                  years -- the increases, the 6 percents, doing  
16                  away with the GEA last year.  We really  
17                  appreciate all your efforts and your ongoing  
18                  efforts to help schools.

19                  You have our testimony in front of  
20                  you, and I'll just give you some highlights  
21                  from that.

22                  Obviously, we join with our colleagues  
23                  to urge you to reject changes to the  
24                  Foundation Aid formula phase-in.  We believe

1       that's important to maintain that commitment  
2       to provide equity, adequacy, and stability to  
3       school aid.

4               We welcome the changes in calculating  
5       poverty that were recommended by our own  
6       Foundation Aid task force back in September,  
7       including using more accurate census data to  
8       calculate poverty, removing the cap on income  
9       wealth, how that recognizes the depth of  
10      poverty in communities, as well as  
11      transitioning to direct certification data.  
12      So we welcome those changes.

13             While recent graduation rates show  
14      improvement, more needs to be done to address  
15      the disparity between high- and low-need  
16      districts. Our report that we released  
17      yesterday that's included in our testimony  
18      details some of the issues that are  
19      afflicting some of our highest-needs school  
20      districts. It shows graduation rates in  
21      low-need districts were 30 percent higher  
22      than high-need districts.

23             Looking at combined wealth ratio, the  
24      achievement gap is even greater. School

1 districts in the lowest-wealth decile  
2 graduated 70 percent of their students, while  
3 those in the wealthiest graduated 94 percent.  
4 On 8th-grade standardized tests, districts  
5 with the least wealth only had 7 percent that  
6 scored proficient or better in math, and  
7 20 percent scored proficient or better in  
8 English, while for students in the wealthiest  
9 districts, 55 percent scored proficient or  
10 better in math and 67 percent scored  
11 proficient or better in English.

12           These dramatic achievement gaps are  
13 closely linked to Foundation Aid due.  
14 Low-need districts are owed \$508, and  
15 high-need urban/suburban are owed 3,109.

16           There is actually a chart attached to  
17 our testimony which shows the disparity and  
18 highlights the importance of phasing in the  
19 Foundation Aid formula. On page 12 there's a  
20 Foundation Aid due per pupil in 8th-grade  
21 math proficiency, and that really  
22 demonstrates really well those school  
23 districts that are owed the most are doing  
24 the worst in terms of proficiency, both in

1 math and in English.

2 And for the fourth year also, in terms  
3 of the Foundation Aid amount, I think my  
4 colleagues talked about the inadequacy of it.  
5 Truly there's only \$428 million in new  
6 Foundation Aid, and of that, \$150 million is  
7 also set aside for Community Schools. We  
8 believe that amount is definitely inadequate,  
9 given the needs demonstrated in our report  
10 and in the testimony of others.

11 Also, for the fourth year in a row,  
12 the tax cap is below 2 percent. We believe  
13 the cap should be made a straight 2 percent,  
14 and at the very least the Legislature should  
15 enact the changes that were made back in 2015  
16 dealing with PILOT properties included in the  
17 tax-base growth factor as well as providing  
18 an exclusion to the tax cap for school  
19 districts' share of the costs of BOCES  
20 capital projects.

21 Mandate relief, the Governor has  
22 included some mandate relief in the budget  
23 for last three or four years. We believe  
24 it's lacking and limited in scope. We have

1       many recommendations, as well as our  
2       colleagues from other associations, about how  
3       to make incremental mandate relief. Every  
4       little bit helps, whether it's cost-sharing  
5       for transportation costs, whether it's  
6       removing the duplicate -- the needs for  
7       fingerprinting of bus drivers. We also  
8       recommend doing away with a lot of the  
9       internal audit requirements that were imposed  
10      on us.

11               So there's lots of different things  
12      that the Legislature and state policymakers  
13      can do to help school districts besides  
14      increases in the Foundation Aid formula  
15      that's mostly dealing with the tax cap and  
16      mandate relief. We also support the  
17      consolidation of the pre-K programs, and we  
18      welcome the expansion of the grant program  
19      for Farm-to-School programs, although it  
20      falls short of our request to increase the  
21      school reimbursement rate for school lunches  
22      from 6 cents per meal to 25 cents, which  
23      hasn't been changed in over 40 years.

24               So to end my testimony, I'd just like



1           to do a quote from my own op-ed piece in the  
2           Times Union that was two weeks ago: "One  
3           year can make an enormous difference in a  
4           student's academic success. Every year that  
5           goes by without fully funding Foundation Aid  
6           is a lost year for tens of thousands of  
7           students."

8                     Thank you for your time. If you have  
9           any questions, I'd be happy to answer.

10                    CHAIRMAN FARRELL: Questions?

11                    Yes, Mr. Lopez.

12                    ASSEMBLYMAN LOPEZ: Thank you,  
13           Chairman.

14                    Just quickly, I know your organization  
15           had put out a report which called for changes  
16           in Foundation Aid.

17                    MR. BORGES: Right.

18                    ASSEMBLYMAN LOPEZ: And I know you  
19           made a positive reference to the changes that  
20           the Governor made in his proposed budget.

21                    When you talk about funding the  
22           Foundation Aid more robustly, is that  
23           including those changes, or are you using the  
24           existing Foundation Aid?

1                   MR. BORGES: It includes those  
2 changes.

3                   ASSEMBLYMAN LOPEZ: Okay. And I've  
4 asked this of a couple of other folks -- my  
5 region that I represent is largely rural,  
6 it's northern Appalachia. By definition.  
7 And as I look at the mantra of having all  
8 students equally educated, in my view our  
9 small rural districts fall behind with  
10 Advanced Placement, lack of distance learning  
11 facilities, you name it. High costs per  
12 pupil, but very, very limited resources.

13                   Is there more adjustment needed to  
14 address -- I see your high need and low  
15 wealth, but I have trouble equating the urban  
16 and rural. The rural piece seems to be  
17 understated, and I'm having trouble equating  
18 what I know to be happening in rural America  
19 with the need that you're describing. So my  
20 question for you is, is there more tweaking  
21 that needs to be done, particularly for high  
22 need/low wealth and particularly rural  
23 schools?

24                   MR. BORGES: Yes. I mean, the changes

1           that are being proposed by the Governor in  
2           his Executive Budget are welcome changes in  
3           terms of again, addressing poverty,  
4           addressing -- using new census data. The  
5           Governor's proposal, as well as our proposal  
6           and many others, also maintained  
7           hold-harmless, which prevents rural school  
8           districts from losing state aid if the  
9           Foundation Aid formula was fully operational,  
10          so to speak.

11                 So can other things be done to help  
12          particularly rural schools? Yes. That's in  
13          terms of cost savings. In terms of allowing  
14          school districts to share transportation,  
15          doing away with some of the mandates.

16                 There are other things that the  
17          Legislature and state policymakers can do to,  
18          in particular, help rural schools deal with  
19          their costs. Because it's very difficult --  
20          as you know, coming from a rural area, it's  
21          hard to merge those school districts. You  
22          just can't consolidate school districts that  
23          cover hundreds of square miles.

24                 So how can you provide a better

1 education, a more quality education to kids  
2 in rural schools? I think Bob Lowry  
3 mentioned regional high schools as one way of  
4 doing it. Using the Internet more. There  
5 are ways to bring AP classes, honors classes,  
6 through regional high schools, through the  
7 Internet, using technology -- there are ways  
8 to get around the remoteness of rural schools  
9 and the lack of resources.

10 ASSEMBLYMAN LOPEZ: Thank you.

11 The reason -- I did a quick analysis  
12 of schools in my district, and we've had  
13 per-pupil costs in the mid-to-high \$30,000  
14 range, which is staggering. But still, they  
15 are not receiving the services they need.  
16 And we haven't this economy of scale in the  
17 rural areas. So those comments are very  
18 welcome.

19 I was just wondering, too, if there  
20 was anything from an aid category standpoint.  
21 So the mandate relief, the allowing schools  
22 to share more services. I think we can do  
23 more with BOCES in statute. But is there  
24 anything else from an aid category standpoint

1           that we should do?

2                   MS. CUNNINGHAM: I think our biggest  
3           concern is with Foundation Aid and having it  
4           fully funded. Another way of saying this is  
5           that a funding formula is like a garden, you  
6           have to constantly tend it. Inequities crop  
7           up, and you have to review that over time and  
8           see the consequences of the funding formula.

9                   ASSEMBLYMAN LOPEZ: Pull a few weeds,  
10          right.

11                   MS. CUNNINGHAM: And our paper on the  
12          resource and achievement gap points out an  
13          opportunity gap in every region of the state,  
14          including the rural areas, that needs to be  
15          addressed. And right now the funding that is  
16          not provided under the Foundation formula is  
17          exactly where the problems are.

18                   ASSEMBLYMAN LOPEZ: So rather than a  
19          wholesale reduction of the Foundation Aid as  
20          proposed by the Governor, you're suggesting  
21          taking the changes that he's proposed and  
22          funding it more robustly.

23                   MS. CUNNINGHAM: Yes. Yes.

24                   ASSEMBLYMAN LOPEZ: Thank you.

1 MS. CUNNINGHAM: The other important  
2 point is that the full amount of  
3 Foundation Aid is based on a cost study of  
4 actual school districts and actual students,  
5 so that's a research-based amount that we're  
6 trying to get to. And so just to throw that  
7 away and say, Well, we'll just kind of do a  
8 little better each year, that's not going --  
9 that's a partial solution to a big problem.

10 ASSEMBLYMAN LOPEZ: I understand.

11 MS. CUNNINGHAM: We need to have a  
12 full solution.

13 ASSEMBLYMAN LOPEZ: Thank you so much.  
14 Thank you, Chairman.

15 SENATOR KRUEGER: Thank you.

16 ASSEMBLYMAN LOPEZ: Thank you.

17 CHAIRMAN FARRELL: Thank you.

18 New York State School Facilities  
19 Association, Fred Koelbel, chair, legislative  
20 committee.

21 MR. KOELBEL: I thank you all, and I  
22 congratulate you on your stamina. I will be  
23 brief. I'm sure you can all read, so you  
24 have my testimony. Let me just hit a couple

1 of highlights.

2           You know, one of the things I want to  
3 just mention, school buildings today aren't  
4 where children learn, they're actually part  
5 of how children learn. And that's why what  
6 we do is so important. You know, we're faced  
7 with challenges in this era of TAP. We are  
8 the stepchild, okay? I often speak of having  
9 a school board member look at me at one  
10 meeting and say, "Fred, money we give you for  
11 the buildings is money we take away from  
12 education." And I could think there could be  
13 nothing farther from the truth. Healthy,  
14 well-lit, well-maintained facilities are the  
15 place where children learn. They're the  
16 table that is set for children to learn at.

17           So a couple of items we'd like you to  
18 consider. You know, it was really  
19 heartening, and it's something I haven't  
20 heard before, but to have the Commissioner of  
21 Education highlight the School Facilities  
22 Planning Department and their needs -- it's  
23 something we've been talking about for  
24 several years, and to have the commissioner

1 speak about it was really heartening.

2 But, you know, she spoke about the  
3 software that Facilities Planning uses to  
4 track our projects, to approve our projects.  
5 I'll just summarize it this way: It runs on  
6 DOS, okay? Not Windows 7, DOS. It's  
7 something that, you know, if that should go  
8 down and not be repairable, we're in chaos.

9 Building aid. We continue to endorse  
10 building aid. It's what keeps -- it's our  
11 lifeline, in many cases, because getting  
12 money within our budget for maintenance is  
13 becoming tougher and tougher. Building aid  
14 becomes the thing that lets us fix things  
15 after they do down.

16 School safety funds. And this is an  
17 important thing. We support the continuation  
18 of the New York SAFE Act proposed in the  
19 2017-'18 Executive Budget, but one of the  
20 things we'd like to point out, you know,  
21 we've all been able to do many very wonderful  
22 things in New York State that BOCES schools  
23 can't. And our BOCES schools, the population  
24 in many of our BOCES programs are some of our



1       most vulnerable population. The BOCES  
2       schools are not eligible for that New York  
3       SAFE Act funding, and I think we can all work  
4       together to figure out a way to get some of  
5       that funding to them.

6               Maintenance funding. As I mentioned  
7       in this era of the property tax cap, dollars  
8       are becoming very dear for us. And we  
9       support and are grateful to Senator Valesky  
10      and Assemblymember Englebright for sponsoring  
11      legislation to establish a minimum standard  
12      for maintenance funding and allow school  
13      districts to make these investments outside  
14      the restrictions of the property tax cap.

15             You know, school facilities are many  
16      communities' biggest investment and biggest  
17      asset. We need to have the funds to maintain  
18      them.

19             BOCES capital projects. I'm sure many  
20      of you are familiar -- and we again thank  
21      Assemblymember Galef and Senator Marcellino  
22      for bringing this to the forefront. We  
23      thought we had this licked. You know, like,  
24      it hasn't come about. We need to figure out

1       a way to get BOCES capital expenditures  
2       outside the cap. Because again, to get  
3       component districts to vote for a capital  
4       project that fits within the cap is not going  
5       to happen in many areas.

6               And then the last would be -- second  
7       to last -- an increase to \$250,000 to the  
8       threshold for capital projects. That would  
9       be a capital project that if we fund it in  
10      one year, we get our aid back the next year.  
11      It's very helpful to many school districts.  
12      Right now it's at \$100,000. We were trying  
13      the other day to figure out how long it's  
14      been at \$100,000. That's over 30 years, I  
15      know that, because that was the oldest guy on  
16      the call said, "Well, since I've gotten into  
17      this, it's been at that."

18             But the other thing to realize is that  
19      \$100,000 after you take away the  
20      architectural fees, the legal fees, the  
21      borrowing -- the advertising fees, is more  
22      like \$75,000, \$80,000 of actual project work.  
23      There's not a lot you can get done for that  
24      in this day and age.

1                   And last but not least -- and it's  
2                   interesting, I've heard a number of groups  
3                   today speak about reserve funds. And we know  
4                   they've for many years been a nasty word,  
5                   reserves. But we've been for years now  
6                   endorsing -- and Assemblymember Cahill and  
7                   Senator Funke have been carrying this  
8                   legislation for us. It establishes an energy  
9                   reserve fund. And I think -- you know, right  
10                  now energy costs are relatively low. Two or  
11                  three years ago, they weren't. I think given  
12                  the climate we're in now, we're starting to  
13                  see natural gas start to creep back up. You  
14                  know, I'm from Long Island, I can tell you  
15                  about electric costs.

16                 But what we're looking for is  
17                 something that allows us -- I and my  
18                 colleagues can tell our school boards how  
19                 much of the commodity we're going to use, we  
20                 just can't tell you what it's going to cost  
21                 from year to year. And in the era of the  
22                 cap, if we have something -- a disruption in  
23                 the Middle East, whatever -- that causes  
24                 energy to soar, I don't know where that money

1           is coming from. It's going to come from some  
2           other program.

3                   Having that reserve fund as the  
4           circuit breaker for those problems would be  
5           greatly appreciated.

6                   And I thank you for your time, and I  
7           congratulate you once again for doing this.  
8           And if you have any questions, I'd happy to  
9           answer them.

10                   CHAIRMAN FARRELL: Thank you.

11                   Shelley Mayer.

12                   ASSEMBLYWOMAN MAYER: Thank you very  
13           much.

14                   I have a question for you. I don't  
15           see in your testimony -- and I can understand  
16           why not -- any sort of structural  
17           recommendations to allowing districts to fund  
18           to restore or rebuild old schools. And it's  
19           a statewide problem.

20                   And I wonder if your group has come up  
21           with suggestions on how ultimately we are  
22           going to be able to fund either the repair or  
23           the rebuilding of over-100-year-old schools  
24           like we have in my district.

1                   MR. KOELBEL: You know, one of the  
2                   things we've talked about is that the thing  
3                   we really need to address is maintenance.  
4                   Because these buildings get in the condition  
5                   they are because maintenance is neglected.

6                   The last time I had a discussion with  
7                   SED, and this was a few years ago, because it  
8                   was a discussion with Chuck Szuberla, he  
9                   indicated to me the average building aid in  
10                  New York State is 72 percent.

11                 ASSEMBLYWOMAN MAYER: Right.

12                 MR. KOELBEL: Okay? So that means if  
13                 I put a roof on my building and I'm the  
14                 average school district, the state is going  
15                 to give me 72 cents on the dollar to pay for  
16                 that roof.

17                 Now, if I send my men up there on a  
18                 regular basis and I maintain that roof and I  
19                 clear the drains and I patch the flashing, I  
20                 do everything I can, and I make that 15-year  
21                 roof last 20 years, all the expenditure for  
22                 that came from the budget, the local budget  
23                 within the cap. Or if I do nothing and I go  
24                 back in 10 years and put another new roof on,

1       the state's going to give me 72 cents on the  
2       dollar to put another roof on.

3               So there's this disincentive to do  
4       good maintenance. There's this disincentive  
5       to spend the local dollar out of the annual  
6       budget to do these things.

7               So one of the things we've talked  
8       about in the past, and still continue to talk  
9       about, is incentivizing maintenance, saying,  
10      Okay, here's the minimum level of maintenance  
11      you need to spend to maintain your school.  
12      Industry says that's 3 percent of the  
13      replacement cost of the building. I don't  
14      know that we can afford that as schools. But  
15      whatever number we agree on, we say if you  
16      spend that on the maintenance of your  
17      building, we'll give you building aid on that  
18      annually.

19              Now, that's the carrot. The stick  
20      would be, however, if you didn't do that and  
21      you come in to me in 10 years instead of 15  
22      years for the new roof, I'm going to say,  
23      Well, you only spent half of that, so I'm  
24      going to give you half of the building aid

1           for the new roof.

2                   Encourage people to maintain the  
3           assets they have, you know, and it will work  
4           out well -- it will work out much better, I  
5           think.

6                   ASSEMBLYWOMAN MAYER: Thank you.

7                   CHAIRMAN FARRELL: Thank you.

8                   MR. KOELBEL: Thank you.

9                   CHAIRMAN FARRELL: Thank you very  
10          much.

11                   Dan White, district superintendent,  
12          BOCES of New York State.

13                   DISTRICT SUPT. WHITE: My thanks to  
14          Chairpersons Farrell and Young, and  
15          Chairperson Nolan for the opportunity to very  
16          briefly give you a few remarks today. I know  
17          it's been a long day.

18                   I'm joined by my colleague Lynda  
19          Quick, who's district superintendent at  
20          Cattaraugus-Allegany BOCES and currently  
21          chair of the New York State District  
22          Superintendents.

23                   A couple of things -- of items that  
24          I'll notice. Career and Technical Education

1           has been mentioned often today. BOCES serves  
2           over 36,000 11th-and-12th-grade students on a  
3           yearly basis in Career and Technical  
4           Education programs. These students graduate  
5           at a rate of 94 percent over four years.  
6           It's a very important piece.

7                     Chairperson Nolan, you brought up  
8           adult education. We serve over 60,000 adult  
9           learners on a yearly basis as well, and many  
10          of you know we provide programming for some  
11          of the neediest students in New York State  
12          that can't be served in traditional  
13          educational settings, as well as a number of  
14          other things.

15                    So to that end, I'd like to raise a  
16          couple of salient points and then pause to  
17          see if you have any questions for us, in  
18          respect of time.

19                    First of all, the BOCES capital issue  
20          has been raised by a number of groups  
21          previous to us. The fact of the matter is  
22          BOCES capital debt is not considered like  
23          school district debt that is outside of the  
24          tax cap calculation. This is beginning to



1           pose a number of concerns for us.

2                       First and foremost, if we're to  
3           upgrade facilities to meet industry needs for  
4           Career and Technical Education, that requires  
5           some facility investment. In addition, with  
6           the special education services we provide,  
7           there are a number of students on wait lists  
8           around this state. To adequately provide  
9           facilities for some of our highest-need  
10          students is an imperative. The inability to  
11          do this under the current tax cap structure  
12          for BOCES capital is a significant barrier to  
13          us fulfilling our mission.

14                     Number two, and without rehashing  
15          what's in our testimony, we do have a  
16          specific recommendation for increasing the  
17          financial support or aidability, if you will,  
18          for Career and Technical Education. That's  
19          been echoed by a number of groups, including  
20          the State Education Department. So we would  
21          propose that as well.

22                     And I would add just in general  
23          there's been discussion on Foundation Aid and  
24          Foundation Aid formulas. We're in support of

1 the Regents recommendations as well as their  
2 ask for additional support for ELL services  
3 and Career and Technical Education.

4 So that's really ours in a nutshell.  
5 I'm going to pause and see if any of you have  
6 any questions.

7 (Pause.)

8 CHAIRMAN FARRELL: Thank you.

9 CHAIRWOMAN YOUNG: Thank you very  
10 much. Thank you, Lynda.

11 DISTRICT SUPT. WHITE: Thank you.

12 ASSEMBLYWOMAN NOLAN: We do look  
13 forward to following up on adult ed with you.  
14 Thanks.

15 CHAIRMAN FARRELL: David Little,  
16 executive director, Rural Schools Association  
17 of New York State.

18 MR. LITTLE: Thank you, Mr. Chairman.  
19 Thank you, members of the joint committee.

20 I want to thank you first of all for  
21 your past support. You've been stalwart and  
22 dedicated in your support of public  
23 education.

24 I've spent my day much as you have; I

1           listened to New York City talk about how  
2           they're doing better and with additional  
3           resources they would continue that progress.  
4           We listened to the Big 5 say much the same  
5           thing. We heard the suburbs talk about how  
6           well they're doing, but they have additional  
7           needs.

8                     And I'm here to tell you that in the  
9           rural schools, there is no looming crisis  
10          either. And the reason that there's no  
11          looming crisis is you're smack dab in the  
12          middle of that crisis.

13                    Rural schools have a completely  
14          different look than the rest of your schools  
15          right now. If you look at the population  
16          loss in the state, it doesn't take a lot to  
17          figure out that if the City is gaining  
18          population, the upstate cities are gaining  
19          population, the suburbs are gaining  
20          population, and the state is losing 150,000  
21          people each year for the last five years,  
22          you've got a rural population loss -- maybe a  
23          third of the students.

24                    So we have this bizarre construct

1       where EXCEL aid gave us new facilities, it  
2       gave us expanded facilities, and now we don't  
3       have kids or the money to put teachers in  
4       them. It's an odd dynamic. Because I think  
5       if you look even at the last national  
6       election, you can see that people in rural  
7       areas are tired of being ignored. And those  
8       rural individuals have seen job loss, they've  
9       seen their kids have to leave their  
10      communities in order to be employed.

11             And I can tell you -- the Cornell  
12      Research half of our association has just  
13      completed a study on teacher recruitment and  
14      retention in New York State, and I can tell  
15      you that Mr. Mulgrew has informed you that  
16      within a couple of years you've got an issue  
17      with New York City schools being able to  
18      correctly get certifiable teachers for the  
19      appropriate classes. I can tell you that  
20      right now, you can't get them in rural areas.  
21      They don't have them. Okay? What used to be  
22      50 applications per position, they now go  
23      left unfilled.

24             The things that we expect in our

1       suburban schools as a matter of course, we  
2       don't even begin to provide in our rural  
3       areas. Advanced Placement courses -- and I'm  
4       speaking generally; there are exceptions, of  
5       course. But Advanced Placement courses,  
6       Community Schools, After School Program,  
7       preschool, transportation for things back and  
8       forth -- they don't exist there.

9               And I'll give you the example of my  
10       own son, who wanted to go to Ithaca College  
11       for a photography degree and was told,  
12       "Danny, you're okay, but your school's not.  
13       You don't have the coursework to be able to  
14       put the information we're going to give you  
15       into context, and as a result you won't be  
16       able to compete with your peers in this  
17       program." And so he went to RIT, and RIT  
18       kicked his tail for four years. It took him  
19       every bit of every bit of time, with no  
20       extracurricular activities, in order to  
21       complete that program, because Ithaca College  
22       was right. And it's directly the result of  
23       our approach to rural areas.

24               In the 1970s, the upstate rural

1           economy was strong enough to be able to bail  
2           out New York City. Now the exact opposite is  
3           happening. I talked about the population  
4           loss. I can also tell you that in the 1970s  
5           New York State had 17 million acres in  
6           agricultural production, and now it has 7.  
7           We don't have the ability to generate the  
8           jobs. And we have a state jobs program for  
9           our rural areas that apparently is simply to  
10          build casinos.

11                 We've starved our rural schools. And  
12          by starving our rural schools, we aren't  
13          providing those children the opportunity to  
14          generate the revenue, and thus for New York  
15          State to have anything but a second-rate  
16          future.

17                 I've laid out in the testimony that's  
18          been printed there for you the things within  
19          the Governor's Executive Budget proposal that  
20          will help, those things that will hurt, and  
21          the things that we need. I won't reiterate  
22          those things specifically, because they're  
23          right there in front of you and I'm always  
24          available to be able to go over any of those

1 things with you.

2 But I will tell you that over the past  
3 few years, as we've focused on the last  
4 efforts of trying to restore the GEA, those  
5 last efforts largely benefited those  
6 districts that needed it the least. When the  
7 Governor first took the GEA, it was like  
8 John Dillinger with banks -- we'll take it  
9 from who gets Foundation Aid. And our rural  
10 schools are the ones that get the  
11 Foundation Aid.

12 I disagree with my colleagues slightly  
13 about the tax cap. And I'm all for  
14 particularly making the changes to the tax  
15 cap that you all offered last year and the  
16 Division of the Budget has seen fit to  
17 ignore -- changing BOCES capital projects and  
18 pilot programs to adjust for the cap.

19 But I will tell you this. Rural  
20 schools don't have anything to tax. So the  
21 rate of the tax cap is not a legitimate  
22 approach to how we're going to fix our rural  
23 schools. So if we have a 1.5 percent tax cap  
24 or we have a complete freeze on local taxes,

1       if you're only raising \$30,000 under the tax  
2       cap to begin with, it doesn't make one bit of  
3       difference.

4               We need a legitimate and sustainable  
5       means of trying to fund public education in  
6       this state if we're going to move forward.  
7       And I wish Senator Marcellino were here,  
8       because he asked everybody else -- you know,  
9       he talked about everybody being able to stay  
10      in their homes and not be able to be taxed,  
11      and I couldn't agree more. Local taxes are  
12      not the way to do this. And we spend an  
13      extraordinary amount of money on public  
14      education already -- more than a quarter of  
15      the countries on the planet make as a gross  
16      domestic product. More than 10 percent of  
17      all the money in the United States of America  
18      spent on public education is already spent in  
19      New York State. Our issue is not how much we  
20      spend, it's how we distribute it.

21             And the way we distribute it is  
22      criminal. It needs to be fixed, it needs to  
23      be sustained. And we need to have, as my  
24      colleagues have mentioned, we need to have



1       the mandate relief that was promised when we  
2       instituted the tax cap. But more importantly  
3       than simple mandate relief is allowing the  
4       kind of things that have made sense in other  
5       places for a generation.

6               Regional high school. I went to a  
7       regional high school in the early 1970s in  
8       Connecticut, and another one in Illinois.  
9       This is not a new concept. It allows  
10      communities to keep their identity, and it  
11      allows their children to get a proper  
12      education that's not being provided now, and  
13      which merger and consolidation don't come  
14      close to being able to provide.

15             And I'm not worried, as some of the  
16      folks in the union sector of our profession  
17      are, that the regional high schools or magnet  
18      schools or mergers and consolidation would  
19      result in fewer jobs. I don't want one  
20      teacher to lose their job over this, because  
21      we are so dramatically constricted in the  
22      kind of curriculum that we can provide in  
23      rural schools that we simply need all of  
24      those people to be able to broaden the things

1           that we teach to be able to provide our kids  
2           an adequate education to be competitive  
3           either in college or in their career.

4                   Rural America, they say, feeds, fuels  
5           and fights for this country. That's where  
6           you get the people who fight for the country,  
7           the fuel that fuels us, and the products and  
8           produce that feeds us. And yet we've chosen  
9           to ignore them. We've chosen to ignore them  
10          for nearly a generation now. And we do it at  
11          our peril, both politically and economically.

12                   So I'll leave you with what I hope is  
13          a concise statement about what's needed and  
14          what's harmful within the Governor's budget,  
15          and leave it to you to do the things that  
16          you've done for us in the past, and hope that  
17          we can change course in a direction that's  
18          workable for you, knowing that you have to  
19          buy everything back that he puts in there. I  
20          know how difficult that is, but I also know  
21          how vital it is.

22                   CHAIRMAN FARRELL: Thank you very  
23          much.

24                   Questions? Thank you.

1                   CHAIRWOMAN YOUNG: Yes. David, good  
2                   to see you. And I want to sincerely thank  
3                   you and Bob Lowry and several of the speakers  
4                   today, because you've brought up regional  
5                   schools. And as you know, they would be a  
6                   tremendous opportunity for rural students who  
7                   cannot -- who are in schools that cannot  
8                   provide all of the classwork that they need  
9                   in order to have a high-quality education.

10                  I agree with you that we would not  
11                  lose jobs if we had regional schools. In  
12                  fact, I believe we would save jobs if we had  
13                  regional schools. So I'm hopeful that the  
14                  Assembly will pass the legislation that we  
15                  have passed several times in the State  
16                  Senate, because it certainly would help our  
17                  rural children all over the state.

18                  So I want to thank you for your  
19                  advocacy on a lot of issues, and all the  
20                  speakers who have brought those very  
21                  important things forward today. So thank  
22                  you.

23                  MR. LITTLE: Thank you, Senator.

24                  CHAIRMAN FARRELL: Mr. Lopez.

1                   ASSEMBLYMAN LOPEZ: Yes, thank you,  
2           Chairman.

3                   And David, just so you know, I'm  
4           channeling Charlie Cook, if that means  
5           anything to you. So I worked for Charlie for  
6           15 years with his Rural Resources Commission.  
7           I know Senator Young has helped take on that  
8           mantle in many ways.

9                   So I'm very keenly interested in your  
10          comments on the rural, and we're going to  
11          look at this very closely and just, myself  
12          and my colleagues working with the chairwoman  
13          here, have some frank conversation, because  
14          my premise is inner city and rural are mirror  
15          images of each other. The percentages are  
16          the same -- lack of educational attainment,  
17          percentage of children in poverty -- just the  
18          numbers are different. And we're hidden with  
19          trees and pastoral fields and mountains, but  
20          we're there.

21                  MR. LITTLE: The more you study the  
22          difference between our urban needs and our  
23          rural needs, the more you find out that  
24          they're virtually identical. They have them

1           for different reasons, but they have the  
2           exact same problems.

3                   ASSEMBLYMAN LOPEZ: I'm reflecting on  
4           Paul Ebert's socioeconomic studies that were  
5           done back in the '80s that showed the  
6           percentages to be mirror images. So I think  
7           those numbers still hold. And again, we'd  
8           like to explore -- and maybe if you have more  
9           suggestions, we can carry them back to our  
10          colleagues here. So thank you.

11                   MR. LITTLE: Thank you.

12                   CHAIRMAN FARRELL: Thank you very  
13          much --

14                   SENATOR KRUEGER: Just one second, I'm  
15          sorry.

16                   CHAIRMAN FARRELL: Oh, I'm sorry.  
17          Senator.

18                   SENATOR KRUEGER: Hi. I come from  
19          Manhattan island, so about as far as you can  
20          imagine in comparison to rural New York. But  
21          I want to comment that, one, your testimony  
22          and your report is amazingly excellent.

23                   Two, I think you're absolutely right,  
24          some of the problems you're seeing for the

1       smallest school districts in the state are  
2       exactly parallel to what big cities are  
3       seeing. You're highlighting --

4               MR. LITTLE: And some of the solutions  
5       are the same.

6               SENATOR KRUEGER: Exactly.

7               MR. LITTLE: The Community Schools,  
8       the whole community approach, the  
9       after-school programming, transportation to  
10      get kids to things, trying to deal with their  
11      medical issues in a way that doesn't take  
12      them out of class the entire day -- all of  
13      those things are identical.

14              SENATOR KRUEGER: And it ties in so  
15      perfectly to your statement about we have the  
16      buildings but we don't actually have the  
17      people in them to do the things the children  
18      need. And I agree completely that the  
19      Community School model for rural areas has  
20      the potential to have a huge win, I think on  
21      your entire municipal budgets, when you can  
22      bring everything into one location and  
23      provide the services and ensure that people  
24      are getting the things they need.

1           I did have a question in addition to  
2           appreciating your testimony. What are other  
3           states with big rural areas doing better than  
4           we are for their schools? Have you looked  
5           into additional recommendations we really  
6           ought to be following?

7           MR. LITTLE: Yeah, the other states  
8           start off with a more equitable funding  
9           model. That's really where they have an  
10          advantage over us. In virtually every other  
11          state, the state provides for two-thirds of  
12          the funding for public education and they  
13          leave the final third, usually for extras, to  
14          the local community. They provide the  
15          state's minimum requirements at the least,  
16          and then they leave the extras to the local  
17          community.

18          We do exactly the opposite here. We  
19          expect locals to pay for about two-thirds the  
20          cost of public education, and that means that  
21          for many communities that don't have the  
22          resources to provide sometimes even the state  
23          minimum requirements, you start from a  
24          deficit in all of those things. So that's

1       really the most profound thing that happens  
2       in other states.

3               Other states have other models. I  
4       don't know that people are doing things that  
5       are any more innovative, except that they've  
6       progressed along a different line. I  
7       mentioned how long other states have had  
8       regional high schools. And it's a solution  
9       to an issue that -- the Governor keeps  
10      calling for mergers and consolidations, and  
11      in fact I can tell you that this has been  
12      interesting for me, as we've partnered with  
13      Cornell Research, to find out there is no  
14      place on the planet that shares services,  
15      municipal and school services, more than  
16      upstate New York does. And so we're leading.  
17      You know, we're leading everybody else by  
18      example, and yet our circumstances are so  
19      severe, because of the way that we fund  
20      public education in our state, that we're not  
21      able to overcome it through efficiency alone.

22              And so there are other states that  
23      have long ago said we're going to educate  
24      kids up until the eighth grade in our little



1       community schools, and we're going to keep  
2       our identity and we're going to even have the  
3       economic support that schools provide as  
4       sometimes the largest employer in small  
5       communities. But by the time they get to  
6       high school, there's a real need to have a  
7       broad enough curriculum to let these kids do  
8       what they were meant to do. And if we keep  
9       them in those little schools all the way  
10      through -- we know it's a tradeoff, but if we  
11      keep them in those little rural schools, we  
12      know that they're not going to be able to  
13      reach their potential.

14               And so what happens is to get the kind  
15      of jobs that they're able to keep, once they  
16      get out of high school, they leave. Every  
17      state has their kids leave, but they come  
18      home someday. Our kids can't come home.  
19      We've set up a construct, in our rural areas  
20      in particular, where our kids can't come  
21      home. And that has profound social  
22      consequences as well as economic consequences  
23      for rural areas being able to support the  
24      economy of the state and allow us to regain

1           our preeminent position.

2                   SENATOR KRUEGER: Thank you very much  
3           for your work.

4                   MR. LITTLE: Sure.

5                   CHAIRMAN FARRELL: Thank you.

6                   James D. Cultrara, director of  
7           education, New York Catholic Conference.

8                   MR. CULTRARA: Honorable chairpersons,  
9           honorable members, thank you for your time.  
10          I apologize on behalf of Bishop  
11          Scharfenberger, who could not be here much  
12          beyond his anticipated testimony time. But  
13          you have his testimony for the record. I'm  
14          going to dispense with reading it and focus  
15          on four points.

16                   And I'm going to lead off with  
17          thanking Assemblyman Lopez for channeling  
18          Senator Charlie Cook. As an employee of  
19          Charlie Cook, a former employee, I want to  
20          point out how much I think you would  
21          recognize how much concern he had for  
22          families. And I want to talk about the  
23          families that we serve and that we could  
24          serve and who want to be served by our

1 schools.

2 And we are facing a continuing tuition  
3 crisis that morphs the tuition crisis that  
4 the Governor is focusing on in higher  
5 education. And so many members are  
6 rightfully looking at providing increased  
7 tuition assistance at higher education, when  
8 there exists no similar program at elementary  
9 and secondary schools. So you have families,  
10 whether or not they are immigrants from the  
11 80 countries that we serve in our schools,  
12 low-income families, middle-income families,  
13 or even higher-income families -- families  
14 want options for their children. That's why  
15 immigrants come to this country. And they  
16 are being denied those options simply because  
17 of an inability to afford those options.

18 Your counterparts in 26 other states  
19 and the District of Columbia have seen fit to  
20 enact a variety of mechanisms to assist  
21 tuition-paying families at the elementary and  
22 secondary school level. And despite what we  
23 hear from the opposition, from those invested  
24 only in public schools, that it will destroy

1       public schools, if you look at the public  
2       education system in those 26 other states,  
3       spending has grown and enrollment has not  
4       dropped in those other states.

5               I think if Bishop Scharfenberger were  
6       here, he would ask you to examine some of the  
7       recent articles and reports from the Board of  
8       Regents and news articles about graduation  
9       rates in public schools and how graduation  
10      rates are on the rise. Right?

11             However, if you disaggregate that data  
12      and look at graduation rates compared to  
13      children of color in public school versus  
14      children of color who have been given access  
15      to our schools through a scholarship, you'll  
16      see that the families of children of color  
17      have graduation rates above 95 percent in the  
18      Catholic schools, the historically black  
19      independent schools, the Lutheran schools of  
20      this state.

21             And if you were to examine that, you  
22      should ask yourself: Why aren't we giving  
23      those families the same options that they  
24      have in 26 other states?

1           The Education Affordability Act,  
2           sponsored by Assemblyman Mike Cusick and  
3           Senator Marty Golden, needs to be enacted.  
4           If you're going to enact a program of tuition  
5           assistance at the higher education level,  
6           don't do it without helping those families  
7           that are burdened with tuition at the  
8           elementary and secondary school level.

9           Secondly, I want to talk about the  
10          Smart Schools Bond Act, which as you know was  
11          enacted in 2014 and is just beginning to be  
12          implemented. There are three rounds of  
13          grants that have been approved, and  
14          unfortunately the implementation of that  
15          program has resulted in religious and  
16          independent schools being denied their  
17          equitable share, that to which they have been  
18          entitled, we believe, under the statute. And  
19          in many cases, there are school districts  
20          that are spending money on classroom  
21          technology but only for connectivity, which  
22          benefits only the public schools. And  
23          because of how it's being implemented, the  
24          religious and independent school students are

1 receiving no benefit.

2 The Governor has provided \$25 million  
3 in his Executive Budget to begin to address  
4 these inequities. That is far below what we  
5 believe is necessary. It can also be fixed  
6 within the existing \$2 billion bond issue.  
7 We will be submitting language to do both,  
8 rectify the inequities for existing, already  
9 approved grants as well as those grants that  
10 have yet to be approved.

11 The second-from-last item is mandated  
12 services and cap reimbursement. We are  
13 grateful for the \$250 million that has been  
14 finally disbursed to our schools over the  
15 last two years to try to resolve the prior  
16 year obligations to our schools, but there  
17 are more than 100 schools that have not  
18 received their reimbursement. Those are  
19 schools that did not have the vendor IDs  
20 through which they can get paid.

21 So there's more than 100 schools that  
22 are still owed, and \$250 million is  
23 exhausted. So we will be asking for access  
24 to the appropriation that's already there for

1       \$60 million for supplemental cap to be used  
2       to satisfy those prior year obligations to  
3       those schools that did not have vendor IDs.

4               Further, the Education Department in  
5       this program is arbitrarily reducing  
6       reimbursement to schools by moving away from  
7       a long-established standard of reimbursing  
8       schools on the basis of instructional time.  
9       And by moving away from that standard, our  
10      schools are receiving less reimbursement.  
11      The irony there is, as teachers and  
12      principals put in more work, the more time  
13      that's recorded, the less the reimbursement  
14      to the school. Which is not, we think, what  
15      was the intent of lawmakers in establishing  
16      that program.

17             And the last item is the State Office  
18      of Religious and Independent Schools. As you  
19      know, we've been fighting to have the  
20      department restore that office. You, for  
21      which we are grateful, provided \$2 million in  
22      funds to support that office and initiatives  
23      for schools through that office. The  
24      Governor reappropriates the \$2 million but

1           advances only \$800,000 for the next fiscal  
2           year going forward.

3                   That office is crucial to helping the  
4           department overcome the tremendous backlog in  
5           work, including disbursing funds that have  
6           already been appropriated many years ago that  
7           are still sitting there at the Education  
8           Department waiting to get out the door.  
9           Hiring staff is absolutely critical to  
10          getting those dollars out to our schools to  
11          serve teachers and students, and we urge you  
12          to restore the full appropriation to  
13          \$2 million.

14                   Thank you very much.

15                   CHAIRMAN FARRELL: Thank you.

16                   CHAIRWOMAN YOUNG: Thank you.

17                   CHAIRMAN FARRELL: Questions?

18                   Shelley Mayer.

19                   ASSEMBLYWOMAN MAYER: Jim, thank you.

20                   On this issue of the Smart Schools  
21          Bond Act, is it your testimony that SED is  
22          interpreting the statute to deny applications  
23          by religious schools?

24                   MR. CULTRARA: The Smart Schools



1       Review Board consists of the State Education  
2       Department, the Governor's office, and the  
3       State University of New York.

4               The State Education Department has  
5       been the principal entity behind the  
6       regulations as well as the guidance in  
7       guiding school districts on how to determine  
8       the nonpublic school share.

9               We believe that it's clear in the  
10       statute that any expenditure for classroom  
11       technology needs to be shared with the  
12       nonpublic schools on an equitable basis. We  
13       understand that school districts can spend  
14       money on high-tech security as well as  
15       building needs, to which we do not have  
16       access, but any expenditure on classroom  
17       technology needs to be shared on an equitable  
18       basis.

19              The State Education Department, and  
20       technically the review board, has divided  
21       classroom technology into two pots --  
22       connectivity, which is wiring, and loanable  
23       devices, resulting in the determination that  
24       the calculation of the nonpublic school share

1           is only what is spent on loanable devices  
2           divided by enrollment. Right?

3                   So you have school districts spending  
4           money in many cases on only connectivity, and  
5           we believe lawmakers did not intend school  
6           districts to spend money on classroom  
7           technology without sharing it with the  
8           nonpublic schools.

9                   ASSEMBLYWOMAN MAYER: I understand.

10                   MR. CULTRARA: So we have families  
11           that parents who voted for that, expecting  
12           their students and their schools to get  
13           equitable access -- and that's being denied.

14                   ASSEMBLYWOMAN MAYER: Okay. Thank you  
15           for the clarification.

16                   Thank you.

17                   MR. CULTRARA: Thank you very much.

18                   SENATOR KRUEGER: I have a question.

19                   CHAIRMAN FARRELL: Senator?

20                   SENATOR KRUEGER: I'm sorry, Jim. One  
21           question, or maybe two.

22                   So you give some testimony about how  
23           many schools have closed in the last six  
24           years, in the last 20 years.

1 MR. CULTRARA: Right.

2 SENATOR KRUEGER: Do you know how many  
3 children are going to Catholic schools in the  
4 State of New York now, compared to 10 years  
5 ago?

6 MR. CULTRARA: Approximately 200,000  
7 now, compared to 325,000, roughly, 21 years  
8 ago.

9 SENATOR KRUEGER: And even though it's  
10 not fair for you as a question, but I'll try  
11 it anyway, do you know in total how many  
12 children go to the parochial and independent  
13 schools, 10 years ago versus today? I'm  
14 wondering whether they shifted to other  
15 schools or they shifted back into the public  
16 schools.

17 MR. CULTRARA: As of last year, there  
18 are just over 411,000 students in all  
19 independent and religious schools, and about  
20 20 years ago there was about 485,000. So  
21 there has been growth among the Jewish  
22 schools, some Christian schools, the Islamic  
23 schools, and losses in primarily Catholic  
24 schools but also Lutheran schools,

1           historically black independent schools, some  
2           Christian schools.

3                   SENATOR KRUEGER: Got it. And when  
4           you were talking about the formula not  
5           reflecting the number of days as opposed to  
6           the number of instructional hours, you sort  
7           of lost me there. So can you explain that?

8                   MR. CULTRARA: Mandated services, when  
9           it was established in 1974, was very rigorous  
10          and was looking at and requiring schools to  
11          maintain records on actual expenditures --  
12          what a school paid for for this graphing  
13          calculator, what the teacher's salary was in  
14          this school versus another teacher in the  
15          same school. And trying to be so exacting in  
16          ensuring that schools were not reimbursed  
17          more than that to which they're entitled, it  
18          created an enormous burden on both the  
19          schools and the State Education Department in  
20          implementing it.

21                   Then in the early eighties, they  
22          developed a series of parameters saying let's  
23          come up with some actual averages for which  
24          we can reimburse schools to simplify without

1        overreimbursing our schools. So I'll give  
2        you a simple example. All schools that  
3        administer the science exams that require  
4        science kits get reimbursed for an average  
5        cost of that science kit, an average cost of  
6        a graphing calculator. Even though it might  
7        cost one school more, another school less,  
8        the state has determined those averages.

9                Among those averages was a  
10       determination of the amount of time teachers  
11       were spending not only on the task at hand,  
12       for which they're getting reimbursed, but how  
13       do you determine their average hourly rate?  
14       Private school calendars and schedules are  
15       all over the place.

16               And so the State Education Department  
17       said -- and this goes back 30 years -- let's  
18       base the school day and the school year on  
19       what the state requires for instruction. And  
20       that's five and five and a half hours -- five  
21       hours for elementary schools, five and a half  
22       for high schools -- and the average school  
23       year, which ranges from 177-180 days.  
24       Because that's the basis for public school

1 aid. And it was public school aid, the  
2 equitable reimbursement based on public  
3 school aid, for which the U.S. Supreme Court  
4 upheld this program.

5 The State Education Department and the  
6 Comptroller's office, to some degree, in  
7 their most recent audit about 10 years ago,  
8 started to go back and say, We need to be  
9 more exacting, we need to dig deeper into  
10 these expenses. So they're reverting back to  
11 what was back in 1974. So in effect, in  
12 doing that, they are reducing -- because  
13 they're expanding our school day and school  
14 hours, they're reducing the numerator and  
15 therefore the reimbursement is less.

16 So ironically, as public school aid  
17 increases for the same amount of time, as you  
18 require our schools to report a greater  
19 amount of time, we actually get less  
20 reimbursement.

21 SENATOR KRUEGER: Thank you for the  
22 explanation. I feel better about not  
23 understanding it in writing.

24 (Laughter.)

1                   SENATOR KRUEGER: So thank you.

2                   MR. CULTRARA: You're welcome.

3                   Thank you all.

4                   CHAIRMAN FARRELL: Thank you very  
5 much.

6                   CHAIRWOMAN YOUNG: Thank you.

7                   CHAIRMAN FARRELL: Jake Adler,  
8 director, government affairs, Orthodox Union.

9                   MR. ADLER: Thank you, Mr. Chairman.  
10 Chair Young, Chair Nolan, members, I  
11 appreciate your time.

12                   I submitted my written testimony, so I  
13 don't want to read it word for word. I just  
14 wanted to highlight a few key points of what  
15 I'm asking for this year.

16                   There are 412,000 nonpublic school  
17 students -- Jim says a little bit over 411,  
18 so I'll go with Jim's number. Of those,  
19 150,000 are Jewish; about 200 or so, I  
20 believe are Catholic, as per Jim. It's  
21 13 percent of the K-12 population in this  
22 state.

23                   My focus this year, and I think a  
24 focus going forward for the state, is what

1           can we do to make sure that all of our  
2           students, be they in public school or be they  
3           in nonpublic school, succeed and have the  
4           skills they need to enter the job market.  
5           That's what I'm asking you to take a look at  
6           this budget cycle.

7                     One of the things that we focused on  
8           this year is STEM education. I think that a  
9           proper STEM education for all students is  
10          essential, be they in rural counties, be they  
11          in urban centers, be they in public schools  
12          or private schools. I think that's a central  
13          focus that we need to have in order to  
14          compete in the new economy.

15                    Just one thing I wanted to point out  
16          about the nonpublic schools overall: There  
17          are \$11.4 billion annually contributed to  
18          New York State because of the roughly 1900  
19          hundred nonpublic schools. There's no  
20          question that the nonpublic schools remain an  
21          integral part of the overall state  
22          educational infrastructure. I think my main  
23          point, if I can make one today, is that to  
24          leave out 13 percent of the K-12 population



1 from these important skills would be bad  
2 public policy long-term for the state.

3 That's the short and sweet version.

4 CHAIRMAN FARRELL: Any comments?

5 CHAIRWOMAN YOUNG: Thank you. Thank  
6 you for being here, Director Adler.

7 I just had a quick question. Do your  
8 schools currently provide STEM programs?

9 MR. ADLER: You know, I think there's  
10 a large mix across the board of nonpublic  
11 schools. Some nonpublic schools have very  
12 good STEM education programs, some have  
13 rather weak STEM education programs.

14 And I think, across the board, what  
15 the main issue is is that there is a  
16 fundamental problem retaining and keeping  
17 these teachers as public school wages go up.  
18 If I'm a teacher and I'm a STEM-certified  
19 teacher, I want to be in a public school  
20 where I'm going to be getting a full  
21 allotment of NYSUT benefits or UFT benefits  
22 in that full package.

23 So there's definitely a vacuum taking  
24 talent out of those schools.

1                   CHAIRWOMAN YOUNG: Right. And so what  
2 percentage of your students are benefiting  
3 from scholarships? Because you provide  
4 scholarships, right?

5                   MR. ADLER: You know, it's hard to get  
6 an overall number, because a lot of people  
7 don't want to talk about it. But I know that  
8 I was at a school on the Upper East Side two  
9 or three weeks ago, and 40 percent of their  
10 students are on scholarship. And that's  
11 considered one of the more affluent schools.

12                   So it's interesting to see even in  
13 what are considered the vanguard schools,  
14 there is still a substantial population that  
15 are actually receiving some financial  
16 assistance.

17                   CHAIRWOMAN YOUNG: I agree with you  
18 that every student deserves to get the  
19 benefit of a STEM education. So thank you so  
20 much.

21                   SENATOR KRUEGER: I have a question.

22                   MR. ADLER: Senator.

23                   SENATOR KRUEGER: I think I know that  
24 school in my district. And it's not unlike

1           the private colleges where, because of the  
2           structure of the finances of how they  
3           calculate up to \$30,000 a year annual  
4           tuition, many students are in fact eligible  
5           for some percentage of scholarship.

6                     MR. ADLER:   Right.

7                     SENATOR KRUEGER:   So I don't disagree.  
8           But it's perhaps a little bit different than  
9           Cathy understood her question to be.

10                    The Catholic Conference people talked  
11           about the academic success of the graduates  
12           of their schools, and in fact I know that  
13           that's statistically true.   How many of the  
14           students from the Orthodox school system end  
15           up going on to college?

16                    MR. ADLER:   I'm sorry, can you repeat  
17           that?   I didn't hear --

18                    SENATOR KRUEGER:   What percentage of  
19           your graduates go to college?

20                    MR. ADLER:   I don't have the  
21           percentage on the top of my head.   I can get  
22           that to you.   I think there's obviously going  
23           to be a difference between which segment of  
24           the population you're looking at.

1           I think in some of the schools in your  
2           neighborhood, they're to be significantly  
3           higher than some of the other neighborhoods.  
4           I don't want to single any one neighborhood  
5           out.

6           Overall, I think the most important  
7           thing here is to give the opportunity to all  
8           the schools, as many schools as possible, to  
9           raise that skill level up and that training  
10          level up for all those kids. And I think  
11          even the schools that traditionally have  
12          lower or smaller programs, if you provide  
13          this sort of opportunity, they will start  
14          implementing it more.

15          SENATOR KRUEGER: I don't necessarily  
16          disagree, but I would love to see some data  
17          perhaps broken down by gender or the schools  
18          to show me --

19          MR. ADLER: I'd be happy to get that  
20          for you.

21          SENATOR KRUEGER: -- because I have a  
22          great concern that, at least in the City of  
23          New York, too many of these schools that you  
24          represent are not actually providing the

1 kinds of education that their children need  
2 to compete in our economy when they finish.

3 MR. ADLER: I just want to say I agree  
4 that every school should be providing a very  
5 high quality education, especially in the  
6 core subjects. And I'm looking forward to  
7 work with you and everyone up here to  
8 implement that.

9 SENATOR KRUEGER: Thank you.

10 MR. ADLER: Thank you, Senator.

11 CHAIRWOMAN YOUNG: Thank you.

12 MR. ADLER: Thank you.

13 CHAIRMAN FARRELL: Thank you.

14 Steve Sanders, executive director,  
15 Agencies for Children's Therapy Services,  
16 ACTS.

17 ASSEMBLYWOMAN NOLAN: We're so happy  
18 to see you here. And I just want to -- to  
19 some of the people who testified just prior,  
20 you know, we always want to ask questions,  
21 but I've been trying to let others and let  
22 the hearing go on. So I don't want Jim  
23 Cultrara and the other gentleman to think we  
24 don't care. We're just trying to get the

1       hearing moving, and you're always available  
2       to us for questions when we reach out for  
3       you. And some of the others, David Little  
4       and some of the others. I just think it's  
5       good to keep moving.

6               But I also just want to say how glad I  
7       am to see Steve Sanders here today. Thank  
8       you so much for coming.

9               MR. SANDERS: Well, thank you very  
10      much, Chairwoman, and Chairman Farrell,  
11      Chairwoman Young, friends, former colleagues.

12              Just as a very brief aside, I want to  
13      thank Assemblyman Lopez for invoking the name  
14      of Charlie Cook, especially at an Education  
15      Committee budget hearing. His name isn't  
16      used often enough, and his example as a  
17      public servant for so many years in this  
18      body, I think perhaps has been  
19      underappreciated. He was one of a kind, and  
20      I was privileged to work with him for a  
21      number of years on education issues.

22              As Chairman Farrell said, my name is  
23      Steve Sanders, I'm the director of Agencies  
24      for Children's Therapy Services. This is a

1 statewide association of agencies that  
2 provide Early Intervention and preschool  
3 special education around the state.

4 I'm not following to read my brief  
5 statement. I just want to make a couple of  
6 very quick observations and one  
7 recommendation.

8 My first observation is that big  
9 issues don't fall through the cracks. They  
10 don't always get resolved, they don't always  
11 get addressed, but they don't fall through  
12 cracks. They are taken note of.

13 Small but important issues, however,  
14 in thousands of pages of budget language can  
15 get lost in the shuffle. And I'm here to  
16 talk about one of those small but important  
17 issues. And you'll be happy to know I am not  
18 here to ask for any money, and I'm certainly  
19 not going to try to take up much of your time  
20 either. But I do want to bring your  
21 attention to one issue in the budget, which  
22 as I say could be easily overlooked, and it  
23 deals with a program called Preschool  
24 Integrated Special Class Programs.

1                   So what is that? This is a program  
2                   that blends children with special education  
3                   IEPs -- these are kids who have special needs  
4                   in the pre-K setting -- with other kids who  
5                   don't have IEPs. So it is a merging of  
6                   youngsters with learning disabilities or  
7                   challenges with youngsters who don't have any  
8                   identifiable problems.

9                   And it's a great thing to have kids of  
10                  that age interacting together. It's really  
11                  terrific for the socialization of both of  
12                  them. So what's the issue? It's a very  
13                  simple issue. The Governor wants to  
14                  authorize the State Education Department to  
15                  come up with a new funding methodology, a new  
16                  rate and a new rate methodology. And that's  
17                  okay. That's fine. That's fair. From time  
18                  to time, we have to look at our funding  
19                  sources and our funding mechanisms and rework  
20                  them, and that's okay.

21                  What I would ask of this joint  
22                  committee is for you to do the same thing  
23                  that you did a few years ago when the State  
24                  Education Department was authorized also by



1       the Governor, approved by the Legislature, to  
2       revamp the SEIT. That's Special Education  
3       Itinerant Teaching program. This is the  
4       program where the teachers come to the home  
5       and actually provide instruction in the home.

6               And at that time, that rate and that  
7       methodology was ordered to be revamped. And  
8       what the Legislature did -- very wisely and  
9       very effectively, I would add -- is to insert  
10      a little bit of language to say that before  
11      the State Education Department came up with  
12      this new methodology and this new rate, that  
13      they consult in some manner the stakeholders.  
14      And that's very important, because as smart  
15      as the folks at SED are, as brilliant as this  
16      new commissioner is -- and I listened to her  
17      for all three and a half hours this morning,  
18      I think she's excellent -- very often  
19      providers of agencies, the ones who are on  
20      the front lines providing the services, know  
21      something about how those rates and how that  
22      methodology ought to evolve and develop.

23              So when this happened for the SEIT  
24      program a couple of years ago, it resulted in

1       a very good product, a fair -- I didn't agree  
2       with every change, but it was a fair and  
3       effective new methodology and new rate. And  
4       I would ask you to do the same thing with the  
5       Preschool Integrated Special Class Programs.

6               I assure you that through this  
7       collaboration between SED and providers, it  
8       can only benefit SED and the providers in  
9       creating a product that takes into  
10      consideration all the exigencies that neither  
11      side may have an understanding of in its  
12      totality, but when they collaborate, the  
13      product is ultimately a very good one.

14             And that is it. That is my testimony.

15             CHAIRWOMAN YOUNG: Thank you. It's  
16      always great to see you again --

17             MR. SANDERS: So is my pleasure.

18             CHAIRWOMAN YOUNG: -- and as always,  
19      very articulate.

20             MR. SANDERS: Good luck with the rest  
21      of this day, and the next two months. Thank  
22      you very much.

23             CHAIRMAN FARRELL: Thank you very  
24      much.

1 ASSEMBLYMAN OAKS: Thank you, Steve.

2 CHAIRMAN FARRELL: Michael Martucci,  
3 New York School Bus Contractors Association,  
4 and Jimmy Hedge, vice president, ATU Local  
5 1181, New York School Bus Contractors  
6 Association.

7 MR. CORDIELLO: Good afternoon.

8 CHAIRMAN FARRELL: Good afternoon.

9 MR. CORDIELLO: Actually, I'm Michael  
10 Cordiello, president of ATU Local 1181, and I  
11 will try to -- I'm not going to read my  
12 entire statement. I've highlighted it, and  
13 try and get through this quickly.

14 I'm president of Local 1181,  
15 Amalgamated Transit union, and vice president  
16 of New York State AFL-CIO. I am joined with  
17 Jimmy Hedge, recording secretary and  
18 political director of Local 1181 of the  
19 Amalgamated Transit Union, and vice chair of  
20 the ATU-NY State Legislative Conference  
21 Board.

22 Local 1181 represents some 12,000  
23 school bus drivers, matrons, and mechanics  
24 who every day provide safe, efficient

1           transportation to about 160,000 New York City  
2           schoolchildren.

3                   I am here today for two reasons.  
4           First, I want to thank both the Assembly and  
5           the Senate for your support of our industry  
6           and for passing legislation sponsored by  
7           Assemblyman Daniel O'Donnell and Senator  
8           Marty Golden that would achieve stability in  
9           the school bus transportation industry,  
10          ensure the safe and reliable transportation  
11          for millions of schoolchildren, and provide a  
12          living wage and decent benefits for  
13          hardworking, skilled and experienced workers.

14                   This legislation was sent to the  
15          Governor for his review at the end of  
16          November. After his review, the Governor  
17          vetoed this legislation primarily, he said,  
18          because it needed to be included in the  
19          budget process.

20                   This leads me to the second reason for  
21          being here today, to ask both houses to  
22          include this school bus industry proposal in  
23          their one-house budgets. I have included a  
24          copy of the bill draft with my testimony as

1        Attachment 1. I believe that this draft will  
2        give us a path forward to finally stabilize  
3        this industry, provide decent wages and  
4        benefits to the workforce and, of course,  
5        provide safe and reliable transportation to  
6        New York City schoolchildren.

7                I am happy to go into any history or  
8        background you would like, but given that the  
9        hour is late and time is short, I will refer  
10       you to my written testimony for the  
11       specifics, and I just want to highlight these  
12       main points.

13               The Employee Protection Provision,  
14       which I'll refer to as the EPP, had been  
15       included in all transportation contracts  
16       issued by the City of New York since 1979,  
17       and in forms of the EPP even earlier than  
18       that. Under the EPP, private bus company  
19       employees, whether they are members of Local  
20       1181, another union, or no union at all, who  
21       are laid off due to a termination of a  
22       contract between their employer and the  
23       Department of Education, are, on the basis of  
24       their seniority in the industry, given

1 priority in hiring by the new contractors who  
2 are retained by the Department of Education.

3 The EPPs ensure that workers in the  
4 industry retain their wages, medical and  
5 pension benefits, which stabilizes the  
6 pension fund. Currently, there is a \$250  
7 million withdrawal liability, which New York  
8 City might be on the hook for. And with the  
9 inclusion of the EPPs back in the bids, we  
10 would get an exemption to the withdrawal  
11 liability. With the EPPs in place, the  
12 Department of Education is able to retain the  
13 most experienced, skilled drivers and matrons  
14 to best serve the children and give the  
15 parents peace of mind.

16 As a result of the ill-advised  
17 decision of the Bloomberg Administration to  
18 remove the EPPs, the entire school bus  
19 transportation industry in the City of  
20 New York has been destabilized. With the  
21 inclusion of EPPs in school bus contracts for  
22 so many years, there was a stabilizing effect  
23 on the workforce. Turnover was low, job  
24 actions and strikes were nonexistent.

1 Without the EPPs, this is no longer the case.

2 For drivers and matrons in the  
3 industry in those days, it was a career for  
4 those who chose to do that type of work. Now  
5 it has become a transient job which pays low  
6 wages, no medical, and has currently caused a  
7 shortage of drivers in New York City.

8 The administration of Mayor Bill de  
9 Blasio supports restoring the EPP to the RFPs  
10 and RFBs of the City of New York. In  
11 addition to the support of the mayor, we also  
12 have the support of the AFL-CIO, the  
13 Teamsters, the Central Labor Council, the  
14 Long Island Federation of Labor, and the  
15 New York State Contractors Association, which  
16 includes many of the bus companies that bid  
17 on these RFBs or RFPs. And parent advocacy  
18 groups, including Parents to Improve School  
19 Transportation.

20 In addition to supporting legislation  
21 to require that inclusion of the EPPs, we  
22 also support a proposal by the New York State  
23 School Bus Contractors Association that would  
24 change how extensions of existing

1           transportation contracts are priced. And I  
2           will let them cover the specifics in their  
3           proposal.

4                     In conclusion, Local 1181 strongly  
5           encourages you to include this package of  
6           proposals in your proposed budgets. We know  
7           that these proposals will once gain stabilize  
8           the school bus transportation industry in the  
9           City of New York and return to a time when  
10          there was a stable and reliable workforce  
11          available to transport our most vulnerable  
12          schoolchildren. After all, safety is our  
13          ultimate goal.

14                    Thank you.

15                    MR. MARTUCCI: Thank you, Mike.

16                    Good evening, Chairman Farrell and  
17          Chairwoman Young and the entire committee.  
18          Thank you for staying to this late hour on  
19          Valentine's Day with us. I too will be  
20          brief.

21                    My name is Michael Martucci. I'm the  
22          owner of quality bus service and the  
23          president of the New York School Bus  
24          Contractors Association, and to my right is



1 Bree Allen, association vice president.

2 As Mr. Cordiello said, we come with a  
3 package of reforms, three items that are  
4 critical to the school bus industry here in  
5 New York. He spoke to the first one,  
6 Employee Protection Provisions for New York  
7 City school bus workers, and I'll be speaking  
8 briefly to the next two.

9 Again, thank you to both houses of our  
10 Legislature that supported legislation last  
11 year with regard to these items.

12 First, the Employment Cost Index. The  
13 Employment Cost Index -- we proposed to have  
14 the Employment Cost Index replace the CPI, or  
15 the Consumer Price Index, for contract  
16 extensions here in New York State school  
17 transportation contract extensions. At  
18 present the CPI is simply an index that does  
19 not make sense for school transportation,  
20 because most of our costs are employment  
21 costs. And in order for us to forward our  
22 budgets responsibly and in order to help our  
23 school districts forward their budgets  
24 responsibly, it simply would be an index

1       that's more indicative of transportation  
2       costs.

3               Second, the ECI is a relatively static  
4       or steady number. Over the past 10 years,  
5       ECI has hovered just around 2 percent,  
6       whereas CPI has increased and decreased, even  
7       just in the last year, as you see. We're  
8       expecting nearly a 2 percent increase in CPI.  
9       So this assists our districts partners in  
10      managing their budgets well.

11             Third and finally is a provision that  
12      we've been talking about for several years  
13      and we were very happy to have your support  
14      on last year, which is the exemption of sales  
15      tax on school buses. Very simply, the school  
16      buses in New York State presently are subject  
17      to sales tax, as are the parts and the fuel  
18      associated with those school buses. And  
19      that's a cost that we're passing directly  
20      along to our school district customers each  
21      and every day here in the state.

22             There's an estimated \$14 million of  
23      savings. By exempting buses from sales tax,  
24      we would be able to pass that savings along

9                   So in sum, these three items again  
10               really are critical to maintaining the safety  
11               of the students that we transport here in  
12               New York, some 2.3 million students each day.  
13               And certainly I think one thing that we all  
14               share in common here at the table,  
15               representing both management and labor in  
16               this industry, is that the most important  
17               thing that we do and the thing that we're  
18               entrusted with is the safety of our kids.  
19               And we really want to preserve that moving  
20               forward.

23 CHAIRMAN FARRELL: Thank you.

1 labor and management can get together on  
2 important issues. So thank you so much for  
3 being here today.

4 MR. CORDIELLO: Thank you for letting  
5 us testify.

6 MR. MARTUCCI: Thank you. Thank you  
7 all for your time.

8 CHAIRMAN FARRELL: Peter Mannella,  
9 executive director, New York Association of  
10 Pupil Transportation.

11 Randi Levine will be next, and then  
12 Todd Vaarwerk. And if you come down, you can  
13 get in quicker. Come on down if you're going  
14 to be testifying.

15 MR. MANNELLA: Good evening -- or good  
16 afternoon.

17 CHAIRMAN FARRELL: Good afternoon.

18 MR. MANNELLA: Happy Valentine's Day.

19 In order to gain myself some points, I  
20 would share my new grandfatherhood with all  
21 of you. And it's mellowed me, so I won't be  
22 the contentious person I normally am.

23 My name is Peter Mannella, executive  
24 director of the New York Association for

1 Pupil Transportation. Our members are  
2 dedicated to the safe and efficient  
3 transportation of the 2.3 million children  
4 who ride school buses every day. We share  
5 that mission of safety and efficiency with  
6 our friends from the Contractors Association.

7 New York, you should know, has one of  
8 the best safety records in the nation for  
9 school bus transportation, and that's due to  
10 the consistent excellence of the  
11 professionals who manage the programs,  
12 maintain the buses, train the drivers and  
13 attendants, do the dispatching and routing,  
14 and actually sit behind the wheel of the  
15 school bus and drive. They're among the most  
16 dedicated people you'd ever want to meet.

17 We come here today with several  
18 requests, and I'll try to keep them brief  
19 because you have our written statement, which  
20 has some documentation contained.

21 First, we thank the Governor and the  
22 Legislature for continued support of  
23 transportation aid as an expense-based aid  
24 and for fully funding that year in and year

1 out. It's a very important service for our  
2 school districts and for our students.  
3 Without that yellow bus, those 2.5 million  
4 children would not get to the education to  
5 which they're entitled.

6 So we support the Governor's budget  
7 proposal which fully funds school  
8 transportation.

9 Second, we are looking for help in an  
10 area that continues to grow and that this  
11 Legislature has talked about expanding, and  
12 that's in prekindergarten programs. Whether  
13 there are one or seven, those children need  
14 transportation and we'd like to expand  
15 transportation services to cover them.

16 The problem right now is that school  
17 districts are precluded from requesting  
18 transportation aid to reimburse them for the  
19 costs of that transportation. Chapter 241  
20 that was passed in 2012 allowed districts to  
21 do the transportation, but very specifically  
22 carved them out in terms of reimbursement for  
23 those costs. And we'd request that that be  
24 rectified in this budget. We've brought this

1 to your attention the past couple of years,  
2 and we hope that this is the year that some  
3 attention can be paid to it.

4 We know that several advocacy groups  
5 as well as the other education lobbies are  
6 supportive of this, and we hope that they'll  
7 voice that support in the coming weeks.

8 Three, an area that is not talked  
9 about often, but becomes increasingly  
10 important in light of the prekindergarten  
11 transportation which puts littler kids on our  
12 buses that need more attention; security  
13 concerns in terms of some acts of violence,  
14 even potentially terrorism or just student  
15 violence on the bus; and, three, the issue of  
16 bullying and harassment and disputes between  
17 children on the bus.

18 And the issue is monitors. Currently,  
19 schools cannot be reimbursed for the cost of  
20 school bus monitors. They can be reimbursed  
21 for the cost of a school bus attendant that's  
22 identified in the student's Individual  
23 Education plan, according to special ed laws  
24 in the state. But that monitor that's put on

1           there for an additional set of eyes and hands  
2           for the school bus driver or to help maintain  
3           order on the bus or to keep the kids safe  
4           getting on and off the bus, that cost is not  
5           in fact allowable for transportation aid.

6                     We think with the kind of mounting  
7           number of issues for which that second adult  
8           might be useful and beneficial, that we  
9           should revisit the issue of monitors being  
10          eligible for transportation aid.

11                    Fourth would be the issue of our  
12          school bus driver training fund. We  
13          currently spend and have spent consistently,  
14          since 1997, \$400,000 a year on school bus  
15          driver training programs. That's still only  
16          \$400,000. I don't do math well, but I think  
17          its value right now is about \$300,000 in  
18          inflation.

19                    We're requesting an increase to  
20          \$500,000, and we've identified in our  
21          testimony four areas that we think that the  
22          Education Department would do well to invest  
23          that. We're not asking you to carve it out  
24          specifically, but at a minimum we would like



1 to work with the Education Department on  
2 pre-K transportation, some special ed  
3 transportation issues, bullying-related  
4 transportation issues, and giving drivers the  
5 skills they need in case there is an act of  
6 violence on their school bus. Again, the  
7 increase would be to \$500,000, the first in  
8 20 years.

9 And lastly, we're asking for funding  
10 to help -- and this could be built into  
11 Transportation Aid or Building Aid, but we  
12 need to have security around the school buses  
13 in the form of fencing, lighting, cameras,  
14 surveillance equipment. About 40 percent of  
15 the 50,000 buses in this state are in lots  
16 now that are open, and those are just bright  
17 yellow invitations to trouble.

18 And we've had a number of incidents  
19 that we've recorded in our testimony around  
20 the state, many in rural areas and suburban  
21 areas. But I think this is something we need  
22 to find a way to address, particularly with  
23 some of the instances that are going on in  
24 our society.

1           We're proud of the record we've  
2           attained, we're grateful for the support  
3           you've shown for transportation over the  
4           years, and we look forward to working with  
5           you in the coming weeks.

6           And I can answer any questions you  
7           have. Thank you.

8           CHAIRMAN FARRELL: Thank you.

9           MR. MANNELLA: Thank you.

10          CHAIRWOMAN YOUNG: Thank you, Peter,  
11          for everything. Look forward to talking with  
12          you soon. So thank you.

13          MR. MANNELLA: Thank you very much.  
14          Have a good evening.

15          SENATOR KRUEGER: Thank you.

16          CHAIRMAN FARRELL: Randi Levine,  
17          policy coordinator, Advocates for Children of  
18          New York.

19          MS. LEVINE: Thank you for the  
20          opportunity to speak with you today. My name  
21          is Randi Levine, and I am policy director of  
22          Advocates for Children of New York.

23          For 45 years, Advocates for Children  
24          has worked to ensure a high-quality education

1       for students who face barriers to academic  
2       success, with a focus on students from  
3       low-income backgrounds. Every year we help  
4       thousands of students and families navigate  
5       the education system, and based on this  
6       experience we have a number of  
7       recommendations.

8               First, we were glad today to see  
9       attention paid to the need for multiple  
10      pathways to a high school diploma. In 2016,  
11      about 20 percent of New York students failed  
12      to graduate from high school in four years.  
13      For English language learners, only  
14      27 percent graduated within four years, and  
15      only 52 percent of students with disabilities  
16      graduated in this timeline.

17             Career and Technical Education  
18      programs can help close the high school  
19      graduation gap. These programs can be  
20      particularly helpful for students with  
21      disabilities and English language learners,  
22      who often struggle in traditional classroom  
23      settings. Unfortunately, however, these  
24      students often encounter barriers to

We are very pleased that the Executive Budget renews the state's \$1 million investment to provide CTE programs with support and resources to help eliminate such barriers for ELLs and students with disabilities, and we urge you to include this funding in the budget.

Second, students in temporary housing.

1       We are very pleased that the Executive Budget  
2       includes changes to state law to align with  
3       the recent federal changes to the  
4       McKinney-Vento Homeless Assistance Act. The  
5       important changes include things such as  
6       extending protections for students in  
7       temporary housing to preschool students and  
8       addressing barriers to participation in  
9       summer school and after-school activities.  
10      We fully support the proposed McKinney-Vento  
11      Act amendments in the Executive Budget.

12               We do have one additional  
13      recommendation that we have in more detail in  
14      our written testimony. We're requesting that  
15      in cases where public transportation would  
16      not be a viable option for a student in  
17      temporary housing to get to their original  
18      school, that school districts be required to  
19      provide an alternative form of  
20      transportation. This applies largely in  
21      New York City, where many students in  
22      temporary housing are still given only a  
23      MetroCard to get to school. While that is  
24      sufficient for most students, there are

1 students such as those with a parent who has  
2 a physical disability and can't transport  
3 their young child on multiple subways in  
4 order to keep their child in their original  
5 school when they become homeless.

6 Next, school climate. Schools need to  
7 create safe school environments, but  
8 suspensions can create more problems than  
9 they solve because they force students to  
10 miss valuable instructional time and fail to  
11 address issues that underlie the student's  
12 behavior.

13 We recommend that the budget include  
14 \$50 million for a new competitive grant  
15 program that allows schools to implement or  
16 expand positive approaches to discipline such  
17 as restorative practices training for school  
18 staff and administrators, peer mediation  
19 training and facilitation, and additional  
20 guidance counselors, social workers, and  
21 school psychologists.

22 Next, pre-K. We are grateful to  
23 Governor Cuomo and to the Legislature for  
24 increasing funding for pre-K, allowing

1 New York City to reach the milestone of  
2 having a full-day pre-K seat available for  
3 every 4-year-old. However, we know that the  
4 state has more work to do in order to provide  
5 universal access to all children across the  
6 state. We appreciate the additional \$5  
7 million in the Executive Budget, but it  
8 doesn't go far enough. We would recommend an  
9 additional \$125 million in order to help meet  
10 the need.

11 We also support the consolidation of  
12 pre-K programs but do want to make sure that  
13 all school districts are able to sustain the  
14 funding that they've had in prior years so  
15 they can continue the pre-K programs that  
16 already exist.

17 English language learners. We support  
18 the Board of Regents' request for an  
19 additional \$100 million in order to support  
20 English language learners. And our written  
21 testimony echoes the Board of Regents in  
22 terms of how that funding could be spent  
23 effectively to help this population that  
24 really does need additional support right

1           now.

2                       Once again, as in past years, the  
3           Executive Budget includes a special education  
4           waiver. We are very concerned about the fact  
5           that this would allow school districts to  
6           seek waivers from important protections for  
7           students with disabilities. We appreciate  
8           that the Legislature has rejected this  
9           proposal in the past and ask you to ensure  
10          that the final budget does not include this  
11          proposal this year.

12                     And just quickly, we echo the call for  
13          increased Foundation Aid. We think that  
14          Foundation Aid needs to be increased by at  
15          least \$2 billion over last year, and to  
16          reject the elimination of the Foundation Aid  
17          formula in future years.

18                     Our written testimony contains more  
19          information on these recommendations as well  
20          as a few others. Thank you for your time,  
21          and I'm happy to answer any questions that  
22          you have.

23                     CHAIRMAN FARRELL: Thank you.

24                     ASSEMBLYWOMAN NOLAN: I have a



1 question, just a brief one. I know we're  
2 running so late, but ...

3 You know, there was an article -- you  
4 guys are some of the leading proponents about  
5 multiple pathways to graduation. We would  
6 love working with you. We've known you guys  
7 a long time. But if you notice, the New York  
8 Times yesterday wrote that State Ed "did they  
9 lower the bar for graduation, or did they  
10 provide multiple pathways for students?"

11 And I have to say, you know, advocates  
12 come in here every day -- we're here on our  
13 tenth hour -- but nobody helps us clarify  
14 what went on. So what do you think went on?  
15 Did we lower the bar, or did we provide  
16 multiple pathways for students? Would you  
17 comment on that?

18 MS. LEVINE: Advocates for Children  
19 certainly fully supports the need to develop  
20 additional pathways in order to reach a high  
21 school diploma. We do believe that there are  
22 multiple ways for students to demonstrate  
23 that they've mastered rigorous standards, and  
24 we think that the state has taken important

1 steps toward doing that, and that it should  
2 continue to do that.

3 We also worry in certain cases about  
4 not --

5 ASSEMBLYWOMAN NOLAN: Well, it's nice  
6 to have it both ways, but sometimes you  
7 can't. So what I would suggest for a group  
8 like yours is when you read an article like  
9 that, you consider writing a letter to the  
10 editor to talk about your work, which has  
11 influenced State Ed's decisions, but then  
12 when the decisions are made that help those  
13 students and there's criticism, we don't get  
14 the support. And it's very, very  
15 frustrating.

16 So no disrespect, love the group, not  
17 trying to seize on you. Lots of groups. But  
18 read the papers. You know, if you feel that  
19 they've done something that's valuable, say  
20 it. Because otherwise we've had 10 years of  
21 back-and-forth on that question. And I  
22 really don't believe we've lowered the bar.  
23 I think we've made it easier for students who  
24 have challenges to not be held accountable by

1           only a Regents test. We've said there are  
2           some other pathways.

3                     But we're going to need people like  
4           you to support that when other people take  
5           shots and then it's in the newspaper. That's  
6           all I'm saying.

7                     MS. LEVINE: We would definitely be  
8           happy to work with you on that. Advocates  
9           for children leads the coalition for multiple  
10          pathways to a diploma, and we would love to  
11          work with you and others on that.

12                    ASSEMBLYWOMAN NOLAN: Thank you.  
13          Thank you.

14                    CHAIRMAN FARRELL: Yes?

15                    SENATOR KRUEGER: You know, it was a  
16          parallel question, so we're done. Thank you.

17                    MS. LEVINE: Thank you.

18                    CHAIRMAN FARRELL: Thank you very  
19          much.

20                    Todd Vaarwerk, director, advocacy and  
21          public policy, WNY Independent Living, for  
22          New York Association of Independent Living.

23                    MR. VAARWERK: Thank you so much. I  
24          know at this part of the day my last name is

1           extremely hard to pronounce.

2                   ASSEMBLYMAN OAKS:   So what is it?

3                   MR. VAARWERK:   Var-work.   Vaarwerk is  
4           my name.   And I work for the Independent  
5           Living Center in Buffalo, and I also have the  
6           pleasure of delivering the testimony for the  
7           New York Association on Independent Living,  
8           which are 41 locations that assist people  
9           with disabilities from birth to death in  
10          actualizing integrated and empowered lives.

11                   I'm not going to read my testimony.   I  
12          really want to get to the high point.   And  
13          I'm going to be honest, this is the third  
14          year in a row I've done this and I'm really  
15          looking for some help.

16                   We need the budgets to support the  
17          Regents' recommendation to move the New York  
18          State Independent Living allocation to  
19          \$18 million, and here's why.   Back in  
20          Buffalo, where I'm from, Medicaid redesign  
21          has been both a blessing and a curse.   And  
22          when we're dealing with schoolchildren and  
23          young adults in transition, which is a  
24          required service paradigm for Independent

1       Living Centers, and adults who are done with  
2       the education system that we are serving day  
3       to day, we are the last line of defense in an  
4       area where silos are deepening.

5               Where Medicaid redesign was meant to  
6       make things easier for people to access the  
7       services that they need to stay healthy,  
8       we're finding that consumers of all ages are  
9       having increased difficulty getting those  
10      services, in school and out of school.  
11      Independent Living are the only people that  
12      can cross those silos.

13             For example, if you're classified by  
14      your school district as having a  
15      developmental disability, you'll get services  
16      from OPWDD, if you know enough to apply and  
17      get eligible. But you won't get mental  
18      health services if you need those services  
19      under an OPWDD waiver, because OMH won't  
20      accept them.

21             Consequently, on the other side, if  
22      you're classified as emotionally disturbed,  
23      which is a really bad classification for a  
24      mental health disability, you can get

1           counseling services and services from the  
2           Office of Mental Health. But if you have a  
3           co-occurring disability that requires  
4           additional services, that becomes really,  
5           really difficult to get.

6                   And the Centers for Independent Living  
7           in the state have been fighting that battle  
8           and going into those silos and doing it year  
9           after year. And every year I come and I say,  
10          please invest in the Independent Living  
11          Networks, and last year you did. You gave us  
12          a million dollars, which is basically a cost  
13          of living that -- because we haven't been  
14          covered in 12 years. And then, somewhere in  
15          state government, the language became "it  
16          shouldn't be used to support the network of  
17          centers, it should be used to create new  
18          ones." Now, while I'm not going to begrudge  
19          communities that need an Independent Living  
20          Center to have one, what that basically did  
21          was gut the entire support for the rest of  
22          the network.

23                   We really need to show that these  
24          services are critical, from the child who

1 goes to Early Intervention the first day, to  
2 the high schooler who's in transition to try  
3 and find work in a technical trade, all the  
4 way to the adults who may not have been  
5 appropriately served by their district but  
6 now they need help in getting a job or  
7 getting support so that they can live  
8 independently. Because if they don't, if we  
9 don't give them the supports, where they're  
10 going to end up is nursing homes and  
11 psychiatric institutions where the average  
12 cost is, according to my region of the state  
13 alone, \$124,000 per person per year, most of  
14 which is just paid for out of Medicaid  
15 dollars.

16 That's pretty much all I have. I'm  
17 available to answer any questions that you  
18 might have. I'm just -- it's a long day.

19 CHAIRMAN FARRELL: Thank you.

20 Questions?

21 SENATOR KRUEGER: Thank you.

22 It is a long day, and I appreciate  
23 your coming up here every year. And I think  
24 the navigator role -- I think you used the

1 word in the testimony -- is critically  
2 important.

3 MR. VAARWERK: Yes.

4 SENATOR KRUEGER: I'm a little  
5 confused why we've sort of put you in the  
6 education budget, because I think maybe you  
7 get lost because you're doing so many  
8 important things but they all seem to impact  
9 many other state funding streams.

10 MR. VAARWERK: Well, I'm going to say  
11 that that was a classic legislative decision.  
12 That was back when the Independent Living  
13 movement was first founded.

14 We've tried to create a State Office  
15 for Community Living where independent living  
16 and those related community services could  
17 move under there and kind of be represented  
18 by themselves. But while we continue to  
19 support that proposal and would like that  
20 proposal to move forward, there was  
21 significant resistance, primarily from the  
22 aging community, which we're still working  
23 through.

24 Yes, and in the Education Department



1           we are sometimes kind of forgotten. This  
2           year, however, we have the Regents' support  
3           to move the allocation to \$18 million and  
4           were surprised to discover that we were  
5           level-funded at 13.2.

6                     SENATOR KRUEGER: And is there another  
7           agency that would potentially be more  
8           logical, OCFS --

9                     MR. VAARWERK: We have that  
10          conversation every few years.

11                    SENATOR KRUEGER: -- Health?

12                    MR. VAARWERK: It's a thing where  
13          independent living doesn't fit a particular  
14          mold for anything. For example, if you moved  
15          us out of Education and you moved us to  
16          Labor, Labor would want us to concentrate on  
17          jobs. And not everything that we do is  
18          always concentrating on jobs.

19                    So it's that question of where the  
20          appropriate place is, which is why the  
21          administrative direction was to go to a State  
22          Office on Community Living, to follow the  
23          very successful federal example. And I was  
24          shocked with the level of resistance that the

1       aging community had to joining and bringing  
2       that efficiency to New York.

3               SENATOR KRUEGER:  Because you even --  
4       in your testimony, you reference Medicaid  
5       redesign.

6               MR. VAARWERK:  Yes.

7               SENATOR KRUEGER:  And as we all know,  
8       having been living through it for multiple  
9       years now, when you make the argument that by  
10      providing some basic community-level services  
11      you actually help people stay in their own  
12      homes, be independent, move on with their  
13      lives and save the state funding streams an  
14      enormous amount of money, disproportionately  
15      through the health/mental health/OPWDD  
16      categories, which are all somehow always  
17      Medicaid-interrelated --

18              MR. VAARWERK:  In Medicaid redesign,  
19      they call those social determinants.  I was  
20      shocked to find out, when I gave testimony  
21      recently to the Department of Health, that  
22      only a very small amount of the Medicaid  
23      redesign money that was eligible for billing  
24      last year went to agencies like mine that

1       dealt with social determinants. It was  
2       \$12 million out of an estimated pool of  
3       \$1.8 billion.

4               But again, the problem with that is  
5       that funding comes with restrictions. There  
6       are things that we are not allowed to do with  
7       that money. I can't help a person with  
8       multiple sclerosis with OPWDD money. I can't  
9       help a developmentally disabled person with  
10      OMH money I receive. And DOH money comes  
11      with restrictions. You can only help people  
12      that meet the criteria for the program DOH is  
13      funding. And basically what that does is  
14      that creates a lot of mini-silos that we have  
15      to figure out a way to navigate so that we  
16      can help the consumers navigate them and be  
17      more efficient.

18              SENATOR KRUEGER: So even though you  
19      talked about the example of having issues  
20      when you were exploring a certain model  
21      because of concerns in the aging community --  
22      I come from New York City, so I don't know if  
23      this term means anything upstate, but we have  
24      one-stop-shop sites for seniors to come to to

1 explore getting access and help with a whole  
2 range of different services and benefits a  
3 senior might need.

4 And it seems to me that's not so  
5 different than a Center for Independent --

6 MR. VAARWERK: No, actually it isn't.  
7 And we locally in upstate have a very good  
8 reputation with our Offices on Aging and the  
9 Aging Disability Resource Centers. Aging is  
10 doing things like expanding the NY Connects  
11 program, and centers are becoming very big  
12 parts of that. I think it was the idea of  
13 combining them under the department that met  
14 the most resistance.

15 SENATOR KRUEGER: I hope that we can  
16 be helpful, because I know for a fact that  
17 these are incredibly valuable and important  
18 programs throughout the state. I've worked  
19 with the centers in New York City, know how  
20 irreplaceable they are, and frankly the  
21 concept that we just keep seeing you being  
22 reduced in dollars -- because your testimony  
23 points out we added two more sites, which I'm  
24 sure is wonderful and we needed them, but it

1           just ended up reducing your budgets per  
2           center even more.

3                   MR. VAARWERK: Yes, and I want to  
4           highlight that that came to us in the middle  
5           of a budget year. After State Ed had  
6           informed us to do a budget mod to cover the  
7           raise for cost of living, they subsequently  
8           looked at the language and then retroactively  
9           sent out something that demanded we reduce.

10                   At my location, we put all of that  
11           into salaries so that we could hold on to  
12           people that have been very valuably trained  
13           in some pretty obscure issues of disability,  
14           and we needed not to fill positions that were  
15           vacant in order to meet the demand to take  
16           the cut in midyear.

17                   SENATOR KRUEGER: I'm sorry you're  
18           going through so much trouble. Thank you  
19           very much.

20                   CHAIRMAN FARRELL: Thank you.

21                   MR. VAARWERK: My pleasure.

22                   CHAIRMAN FARRELL: Thank you.

23                   Westbury Union Free School District,  
24           Mary A. Lagnado, superintendent.

1           SUPERINTENDENT LAGNADO: Good  
2           afternoon, members of the Senate and the  
3           Assembly. Thank you so much for allowing me  
4           this testimony. We have been waiting for a  
5           long time to talk to you and tell you our  
6           story, what is happening in Westbury.

7           As you can see from the testimony, we  
8           are a school district that has been focused  
9           only on the educational achievement of our  
10          students. And one of our goals was achieved  
11          this year, as read in the testimony, that  
12          89 percent of our African-American students  
13          graduated in the four-year cohort, as  
14          compared to 68 percent statewide.  
15          Additionally, 84 percent of our graduating  
16          students were college and career ready.

17          Now we have a dilemma that is New York  
18          State-induced. The funding formula is  
19          ill-suited to declining wealth and  
20          high-growth enrollment districts like  
21          Westbury. Alone in Westbury we've increased,  
22          from 2007, when we had 4,037 students, to our  
23          present 5,388. That is an enrollment growth  
24          of 30 percent over these 10 years, with

1       diverse groups and with the impact of  
2       multiple fiscal variables.

3               How do you maintain a high rate of  
4       achievement and go forward with a  
5       constraining Foundation Aid base?  
6       Historically, as you all know, free and  
7       reduced-price lunch applications has been the  
8       basis for extraordinary needs funding. In  
9       some measure, extraordinary needs  
10      calculations were the proxy for poverty. One  
11      reason that we are severely underfunded is  
12      because Westbury schools are located in a  
13      pocket of poverty in the extremely wealthy  
14      county of Nassau.

15             And let me give you the rates that  
16      portray Westbury's dilemma. We have  
17      86 percent per the free and reduced lunch  
18      applications, 19.3 percent per the Title I  
19      federal Census, and 8.4 percent with the  
20      Census data of SAIPE.

21             How are these above rates equalized  
22      for state aid purposes? Last year the New  
23      York State Education Department State Aid  
24      Committee began the process to redefine state

1 aid because of how the Community Eligibility  
2 Provision, CEP, of the School Breakfast and  
3 Lunch Program displaced the free and reduced  
4 lunch applications as a methodology for state  
5 aid distribution. Westbury is 100 percent  
6 CEP. In other words, our direct  
7 certification rate -- a combination of SNAP,  
8 which is food stamps, recipients and Medicaid  
9 eligibility residents -- define that status.  
10 It is the new definition of poverty. The  
11 State Education subcommittee reported to you,  
12 and subsequently the Regents made a  
13 recommendation to the Governor. The most  
14 discriminatory aspects of the recommendations  
15 are in the present Governor's proposal.

16 The present state aid runs do not  
17 reflect the dramatically increasing fiscal  
18 requirements for the economically  
19 disadvantaged student population of the  
20 Westbury School District. Now the Governor  
21 will use the Census Small Area Income Poverty  
22 Estimator, SAIPE, for calculating state aid  
23 distribution and freeze the base again. The  
24 Census SAIPE calculation for Nassau County is



1       8.4 percent. That means that Westbury's data  
2       set is averaged with the rest of  
3       Nassau County for fixing the Foundation Aid  
4       formula. In terms of Title I funding,  
5       Westbury and New York State distribution for  
6       state aid is not equally distributed.

7               Westbury will not be fighting the  
8       federal government, nor will Westbury be  
9       suing New York State, even though others have  
10      suggested this path. So what are our  
11      options?

12             And I wanted to talk about this,  
13      because one factor when state aid is  
14      distributed, everyone looks at the fund  
15      balance that a school district has. Yes,  
16      those are the reserves, those are the  
17      distributions that we save for a rainy day.  
18      Well, in Westbury it's pouring. The fund  
19      balance reserves are diminishing.

20             Westbury has been well-managed. In  
21      fact, right now we have zero fiscal stress.  
22      I myself have received the Eagle Award, the  
23      ASBO national achievement for educational  
24      leadership. My team of administrators and

1 teachers has developed a culture of learning.  
2 We have a professional learning community.  
3 We have an after-school program where over  
4 1,000 middle school students are attending  
5 every day. And my middle school is a focus  
6 school. And three years in a row, we have  
7 applied for funding for extended day without  
8 any success. Funding has been denied for zip  
9 code 11568, Old Westbury, where only 58 of  
10 our 6,127 students reside -- that is 25  
11 students per square mile. But neither the  
12 state nor the federal funding sources sees  
13 the census tracts for Westbury's New Cassel,  
14 where there are 4,000 students per square  
15 mile. Ninety-nine percent of our in-district  
16 students are African-American and Hispanic.

17 But let me get back to the fund  
18 balance a little bit, and I'll finish  
19 quickly. Because of Part 154 and other  
20 mandates, we cannot downsize. We don't have  
21 that luxury. Westbury is precluded from  
22 cutting our budget. We even have a directive  
23 from the Attorney General to provide  
24 specialized services. We need a plan for the

1 long-term. We need an equitable funding base  
2 to plan for the future.

3 Our wealthy neighbors Jericho and  
4 Carle Place, their Foundation Aid formulas  
5 are 152.6 percent and 71.7 percent,  
6 respectively. Westbury has been funded at  
7 39.7 percent of phase-in Foundation Aid for  
8 the last several years. And subsequently we  
9 will be out of unrestricted reserves by June  
10 of 2019.

11 As my testimony shows, we have been  
12 appropriated. We've been appropriated for  
13 the unrestricted fund balance and our  
14 restricted reserves. And by the measures and  
15 by our calculations, by June of 2019 we will  
16 be out of those reserves.

17 The only other option for Westbury  
18 will be if it is made whole by placing a  
19 floor of 55 percent of the phase-in  
20 Foundation Aid formula. That would help  
21 32 districts statewide, creating a better  
22 fiscal base at the cost of \$48.4 million. If  
23 you implemented a phase-in of, let's say,  
24 only 50 percent, it would impact 14 districts

1 at a cost of \$22.8 million.

2 Our options are defined by mandates  
3 and lack of funding. Help us to request an  
4 equitable Foundation Aid formula that does  
5 not include such a low baseline. If a  
6 baseline is to go into effect, we ask that  
7 you make the basis at least 55 percent of the  
8 phase-in percentage.

9 I thank you for the opportunity and  
10 for the time, and I do want to thank you all  
11 for all of the support we have previously  
12 received, and we hope that that will  
13 continue.

14 I have my trustee, Karin Campbell,  
15 here, former board president, and the  
16 president of our school board, Robin Bolling,  
17 who traveled from Westbury with me today.

18 So thank you.

19 CHAIRMAN FARRELL: Thank you.

20 Assemblywoman Simon has just joined  
21 us.

22 Assemblyman Ra.

23 ASSEMBLYMAN RA: Thank you, Denny.

24 And thank you guys for being here.

1       you know, I represent a portion of this  
2       district, and we had a pretty good  
3       conversation a few weeks ago with some of the  
4       other Assembly representatives and our  
5       Senator, Elaine Phillips, who's here as well.  
6       And one of the things I asked you that day,  
7       but I just wanted to ask it again so you can  
8       put it on the record for my colleagues here,  
9       is regarding our Part 154 in terms of, you  
10      know, how many teachers you've had to hire,  
11      so what the staff impact is both in terms of  
12      actual employees and fiscally, because this  
13      is a district that is unique in that so many  
14      districts are either flat enrollment or  
15      having reduced enrollment. And as you show  
16      in the chart there, this is a district that  
17      continues to grow in enrollment.

18               SUPERINTENDENT LAGNADO: Well, thank  
19      you. In trying to answer that question, I'd  
20      like to say that as of July 1st of 2016, our  
21      high school has enrolled 200 additional  
22      students. Right now, in the high school that  
23      was built for 1200 students, we have 1600.  
24      And most of them are children of other

1 countries coming in with limited language.

2 So as you mentioned, we have had to  
3 hire about 38 new teachers this year. And 12  
4 of them were, of course, retirees, but the  
5 most is for the ELL teachers, for our special  
6 education teachers.

7 And all of the districts are now  
8 having to hire because of Part 154. So we're  
9 all competing from the same pool. And right  
10 now it almost took us since September, we've  
11 been trying to hire a bilingual reading  
12 teacher, and just right now we were able to  
13 secure one.

14 So it's becoming more difficult  
15 because we don't know who's coming through  
16 the door. Although we prepare and we do  
17 budgets and we do projections, and we know  
18 how many we're going to hire, when it comes  
19 from July, it's unending, we are getting more  
20 and more children enrolling in our district.  
21 Therefore, we don't know what specialized  
22 licenses we need. It's an ongoing basis.

23 And recruitment is becoming a problem,  
24 not only because of the certifications but

1           also because of the fiscal constraints and  
2           our money constraints that we have.

3           ASSEMBLYMAN RA:   Thank you.

4           SUPERINTENDENT LAGNADO:   Thank you.

5           CHAIRWOMAN YOUNG:   Thank you.   We  
6           appreciate your testimony very much, and we  
7           wish you safe travels as you go back.   So  
8           thank you.

9           SUPERINTENDENT LAGNADO:   Thank you.

10          CHAIRMAN FARRELL:   Thank you very  
11          much.

12          Now, New York State PTA, the executive  
13          director, Kyle -- I'm not going there.

14          MS. BELOKOPITSKY:   You don't have to.  
15          I understand, chairman.   It's a tough last  
16          name.

17          SENATOR KRUEGER:   We wanted you to  
18          pronounce it.   None of us thought we could.

19          MS. BELOKOPITSKY:   Belokopitsky.

20          SENATOR KRUEGER:   Of course.

21          MS. BELOKOPITSKY:   Yes.   I went from a  
22          nice Irish-Catholic Kyle McCauley to Kyle  
23          Belokopitsky when I married.

24          ASSEMBLYWOMAN NOLAN:   We're so happy

1           that parents are represented in the great job  
2           that you're doing, Kyle. Very great job.

3                   MS. BELOKOPITSKY: Thank you so much,  
4           Assemblywoman.

5                   I am Kyle McCauley Belokopitsky, the  
6           executive director of the New York State  
7           Congress of Parents and Teachers, and am  
8           extremely proud to represent 300,000 members  
9           of the New York State PTA and the families of  
10          2.46 million schoolchildren.

11                  Thank you to Chairman Farrell, Senator  
12          Young, Assemblywoman Nolan, Senator  
13          Marcellino, and other members of the  
14          Legislature for your interest and attendance  
15          today.

16                  I will not read our testimony but  
17          briefly summarize a few points.

18                  New York schools have amazing  
19          successes, and I am a proud public school  
20          parent. We have more students taking  
21          advanced placement examinations, more Intel  
22          Science and Siemens award winners than most  
23          states. Our students excel in Career and  
24          Technical Education, they perform and create



1           amazing works of art.

2                       However, our challenges are real too.

3           While some school districts have declining  
4           enrollment, more than 200 school districts  
5           show growth in New York. We have some of the  
6           biggest city school districts and some of the  
7           smallest rural schools. More than 50 percent  
8           of our students in New York now live in some  
9           level of poverty, half of them qualifying for  
10          free or reduced-price lunch, and many  
11          students have special learning or education  
12          needs. Our schools welcome thousands of ELL  
13          students, some with interrupted formal  
14          education, some as unaccompanied minors who  
15          speak more than 200 languages in our schools.  
16          More than 100,000 students are homeless or  
17          living in temporary housing. And our schools  
18          continue to do more with less, trying each  
19          and every day to move a child on a pathway to  
20          good citizenship and graduation.

21                      The need to provide students and  
22          schools with resources has never been more  
23          important, and the New York State PTA calls  
24          for a \$2.0 billion increase in school aid, to

1 include \$1.5 billion for current school  
2 services and \$500 million to address priority  
3 programs.

4 We are greatly concerned with proposed  
5 changes to the school aid formula which  
6 eliminates the predictability necessary to  
7 plan for future school aid calculations. We  
8 do not support the proposal to use the  
9 previous year's Foundation Aid as a base,  
10 especially because it does not include the  
11 previous fiscal shortfalls of more than  
12 \$4 billion, with a "b."

13 We also join in calls for tax cap  
14 reforms, common-sense exemptions, and at  
15 least a real 2 percent levy limit.

16 On English language learners and their  
17 families, near and dear to PTA's heart,  
18 New York State has long been the gateway for  
19 immigrant success and the door to the  
20 American dream. Adequately supporting our  
21 ELL students and their families is most  
22 important, and we ask that you consider  
23 additional dedicated funding for ELL students  
24 and unaccompanied minor students, as well as

1 review of the cost of Part 154, accelerated  
2 teacher training for all educators in  
3 supporting ELL students, and expanded  
4 capacity to provide translation services for  
5 key parent documents and other materials.

6 New York State PTA proudly has begun  
7 to translate our own documents in Spanish,  
8 three dialects of Chinese, and Arabic, with  
9 more languages to come.

10 We also continue to call for more  
11 fiscal support and programmatic services for  
12 our students with disabilities and their  
13 families, and look forward to doing this work  
14 with you together.

15 On family engagement, parent and  
16 family engagement is a key indicator for  
17 success of a child, and thankfully the new  
18 federal Every Student Succeeds Act mandates  
19 parental involvement in education. New York  
20 State PTA strongly supports continued  
21 investments in services, programs and  
22 policies that lead to effective family  
23 engagement in our schools.

24 On Community Schools, we know that

1       they are an effective strategy for student  
2       success. While there is a \$50 million  
3       set-aside included in the Foundation Aid  
4       increase, we support sustained funding for  
5       struggling and persistently struggling  
6       schools, and we continue to be concerned  
7       about the punitive nature of the current  
8       receivership model. Importantly, all schools  
9       should be afforded the opportunity to  
10      transform their schools into community hubs.

11             On after-school and pre-K, nearly half  
12      a million school-aged children in New York  
13      are without a safe and/or educational  
14      after-school program. We support the  
15      \$35 million allocation to fund the Empire  
16      State After-School Program. However, support  
17      is also needed across the state in all areas.

18             And we know that high-quality free and  
19      low-cost prekindergarten for both  
20      3-and-4-year-old children is critically  
21      important. We support both the consolidation  
22      of pre-K funding streams and increases in  
23      this funding.

24             On Early College High Schools and

1 Career and Technical Education, this is an  
2 investment in both the economic future of our  
3 state and our children, as 90 percent of CTE  
4 students graduate with a Regents diploma.  
5 New York State PTA fully supports expansion  
6 of Early College High School programs. We  
7 also support expansion for CTE and relevant  
8 legislation, including the Nolan/Ritchie bill  
9 amending the current aid formula for BOCES  
10 CTE programs and supports for special  
11 services aid.

12 And lastly, on the "whole child,"  
13 which is not at the education table, we fully  
14 support the proposal which requires  
15 regulation of electronic cigarettes in the  
16 same manner as tobacco products. We look  
17 forward to working with the Legislature to  
18 fully ban the marketing, advertising and sale  
19 of electronic cigarettes to our children.

20 We also support the \$30 million  
21 increase to combat the heroin epidemic, and  
22 recommend an additional \$15 million over the  
23 Executive Budget. As we all know, heroin and  
24 prescription opiates continue to devastate

1 families and communities.

2 In conclusion, we need to continue to  
3 build on the success of our communities  
4 through investments and support for our key  
5 resources, our children. Every parent has a  
6 dream for their child -- I know I have a  
7 dream for Jackson -- and it's our job to be  
8 dream-makers. We humbly ask that you  
9 continue to infuse schools and families with  
10 the tools and resources necessary to  
11 accelerate the success of our children and  
12 our families. Together we can make every  
13 child's potential a reality, and there is no  
14 other more important work.

15 Thank you so much.

16 ASSEMBLYWOMAN NOLAN: Thanks very  
17 much. Very well said.

18 SENATOR KRUEGER: Thank you.

19 CHAIRMAN FARRELL: That's it.

20 MS. BELOKOPITSKY: Thank you so much.

21 CHAIRMAN FARRELL: Thank you. We are  
22 finished until tomorrow at 9:30.

23 (Whereupon, the budget hearing concluded  
24 at 5:39 p.m.)