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***TESTIMONY***

**Joint Legislative Hearing of the  
Assembly Ways and Means Committee**

**&**

**Senate Finance Committee**

**On**

**Executive Budget Proposals for Education**

**SFY 2015-2016**



**Tuesday, February 3, 2015**

**THE COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS  
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Good Morning, Assemblymember Farrell, Senator DeFrancisco, Assemblymember Nolan and Senator Flanagan. My name is Mark Cannizzaro and I am Executive Vice President of the New York City Council of School Supervisors and Administrators (CSA). CSA is the labor union representing 6,000 in-service and 10,000 retired Principals, Assistant Principals, Education Administrators and Supervisors working in New York City public schools as well as nine charter schools. CSA is also the collective bargaining unit for 200 Early Childhood Directors and Assistant Directors who work in city-subsidized Early Childhood Education Centers.

We want to thank you for the opportunity to present testimony regarding the Governor's Executive Budget for State Fiscal Year-2015-2016. There are provisions of the Executive Budget proposals that CSA can and will support. But we must oppose the linkage of your approval of controversial reforms – including the radical and harmful receivership proposal – in exchange for necessary increases in school aid. We believe that more must be done in order to close the student achievement gap and to attain the Regents' goal of ensuring that all children are college and career ready upon graduation.

**STATE AID** – CSA is among the many advocates testifying before you today that oppose the "take it or leave it" approach to school aid and education reform. As we learned with RTTT funding, this type of conditional aid generally ends up costing schools and districts more money to implement the reforms than they receive in aid. The actual result is often a decrease in funding for all other school-related expenses. In our view, the absolute first priority should be to meet the state's obligation to the Campaign for Fiscal Equity (CFE) lawsuit.

**ANNUAL PROFESSIONAL PERFORMANCE REVIEW (APPR)** – CSA is absolutely committed to high standards for and accountability of school leaders. CSA helped create New York City's current rating system for Principals, which is tied directly to school performance and specific leadership competencies. And while we believe that the current APPR needs to be reviewed and changed we do not support Gov. Cuomo's proposals.

Under current law (§3012-c), all teachers and building Principals are required to receive an Annual Professional Performance Review (APPR), comprised of a state assessment and other comparable-measures subcomponent, based on the Commissioner's regulations. This subcomponent of the APPR constitutes 20% of the evaluation. The remaining 80% of the APPR are established locally through negotiations conducted under the Taylor Law (Article 14 of the Civil Service Law).

As a result of §3012-c, hundreds of educator unions and school districts across the state have negotiated APPR procedures at great expense, in an effort to comply with the law.

This year, we have been asked to upend these processes yet again, revising a hastily-implemented statute that was forced on school districts despite our loud opposition as we feared that implementation of 3012-c would be ineffective and inefficient. The Governor's proposals will make the evaluation system even less effective.

These proposals appear intended to increase the number of educators rated as "ineffective" without much attention to whether the educators identified are indeed the least effective ones.

- The proposed changes increase the weight of standardized test scores in the evaluation of educators while many other states are moving to reduce their weight in response to a wide body of research that indicates their lack of reliability when used for this purpose.
- The Principal and his/her administrative team are the professionals most capable of evaluating staff. Independent observers can be costly and their lack of school context, goals, professional development plans, etc. will make their observations less effective, valid and reliable.
- In 2013-2014, approximately 10% of New York City teachers and Principals were rated as ineffective or developing. The main objective of the APPR was to provide professional development for these educators to help them improve their practice. We still do not know the results of this effort. In our view, the spirit of 3012-c was to help identify educators in need of improvement and to actually help them improve. This spirit and intent, so important to the APPR process, now seems lost.
- CSA has always supported those ideas that will provide children with the most effective teaching force possible. However, we, once again, see a proposal that will have us back at the table next year.

CSA continues to support an independent review of APPR, and modifications made with input from experienced teachers and school leaders, regarding the impact and limitations to the current evaluation system.

**TENURED TEACHER AND ADMINISTRATOR DISCIPLINARY PROCESS** – The 2015-16 Executive budget proposes several significant changes to Section 3020-a of the Education law. CSA has the following concerns with certain of these, as follows:

- CSA opposes the proposal to mandate that arbitrators implement the employer's requested remedy. An arbitrator must be permitted to craft and impose the remedy. In 3020-a, an employer is always seeking termination. Eliminating the arbitrator's ability to craft a remedy (the core function of a labor arbitrator) by mandating he/she impose the employers requested remedy would effectively eliminate the due process rights of the employee and the neutrality of the arbitrator.
- CSA opposes the proposal to allow children to testify at 3020-a hearings through sworn written statements or video statements, as such would eliminate ability to cross examine.
- CSA opposes the Executive's proposal relating to the disclosure of witnesses and evidence.
- With regard to the authority of a school district to remove a tenured teacher or administrator who receives two consecutive ineffective performance ratings, the current presumption of incompetence is already a significant standard.

**FAILING SCHOOLS** - The 2015-16 Executive Budget proposes to authorize the Commissioner of Education to designate failing schools and appoint a receiver. New York City is currently working with our "renewal schools" to identify areas in need of improvement and provide intensive support to these schools. This is a collaborative effort of all stake holders and we are confident that these schools will begin to show and sustain concrete results over time. For the state to now place these schools in receivership is counterproductive to that improvement effort and also flies in the face of collective bargaining agreements. CSA adamantly opposes receivership.

**MAYORAL CONTROL** - CSA supports the continuation of mayoral control of New York City's public schools.

**CHARTER SCHOOLS** – CSA represents a number of unionized, conversion charter schools. We support several of the proposals contained in the Executive Budget, as well as the following investments and changes to support the success of their students and these schools:

- Charter School Cap - CSA seeks complete transparency for charter schools and their management organizations. Charter schools, and their related boards /management organizations, using public dollars, should be open to audits of all operations. In addition, charter schools should be opened on an unrestricted basis to public examination of best instructional and organizational practices that could also benefit district schools. There has been much rhetoric on both sides of this issue. Let's take a close and objective look at charter schools before we argue against them and before we argue to expand the cap.
- Charter School Reporting Requirements – Similar to our position regarding raising the current cap on charter schools, we do also support full disclosure of all statistics for any school that uses public funds, including information on enrollment rates as proposed in the Executive Budget (free and reduced lunch, ELL's and students with disabilities).
- Charter School Supplemental Basic Tuition – CSA supports the 2015-16 Executive budget proposal to increase the Charter School Supplemental Basic Tuition to \$425 in 2015-16 and \$575 in 2016-17. Currently, charter school tuition is frozen at 2010-11 levels. All schools educating our children should be funded at adequate levels.
- Facilities Funding To Charter Schools – CSA supports the provision of facilities funding to those charter schools located in private space. Last year's state budget ensured facilities relief funding only for new and expanding charter schools — not the many schools already located in private buildings. The children who attend these schools are the only public school children in the state whose schools receive no public funds for their facilities. The Executive Budget does not propose any additional funding for charter school facilities in FY2015-2016.
- Conversion Charter School Supplemental Aid – Our unionized conversion charter schools continue to bear "legacy" costs that date from pre-conversion. Our charter school members report that pension and health insurance costs have risen dramatically in recent years, and can now comprise 12% to 22% of the entire operating budget for each school. These costs are not covered under regular charter school funding process, and financial relief is urgently needed.

**DREAM ACT** - CSA strongly supports enactment of the "DREAM Act" to continue New York's legacy of educational support for immigrant youth. We support allowing immigrant students to apply for state financial aid.

**EDUCATION TAX CREDIT** – CSA opposes proposals to enact a so-called "Education Investment Tax Credit." This measure would divert hundreds of millions of dollars away from public schools and services. CSA opposes the diversion of state resources from our schools, communities and public services, while simultaneously requiring our schools and students to raise and meet standards.

**SCHOOL LEADER PROFESSIONAL DEVELOPMENT** - The role of instructional leader has become even more crucial in recent years as policymakers have focused on supporting student achievement more capably and eliminating college and career readiness gaps among our youth.

To ensure that school leaders successfully manage and meet ongoing challenges as well as succeed as instructional leaders, New York State must provide our Principal and Assistant Principals with access to ongoing professional development. The research-based literature related to effective schools and student achievement has long acknowledged the critical role of Principals in providing school leadership that will shape a highly complex human organization into a cohesive and collaborative community of learners.

A number of years ago, CSA created the Executive Leadership Institute (ELI), a not-for-profit organization designed to deliver practical, relevant and essential professional development for today's school leaders. ELI provides standards-based, results-driven leadership training to help school leaders successfully fulfill their responsibilities as instructional leaders. We need to invest in more of this kind of high-level training and support. ELI's programs give school leaders the tools they need to create true learning communities.

We are grateful for the Legislature's support of the **Executive Leadership Institute** in the FY 2014-2015 state budget. This funding has provided much needed professional development services and mentoring to school leaders working in New York City public schools. With your help and support, ELI's programs can grow, providing standards-based, high quality and results-driven leadership training to help school administrators in New York City. We ask for your continued support of this important work.

***Conclusion*** - Our students deserve better; we must provide them with the programs, services and supports to prepare them not only for college and careers, but for life. New York State will be successful in educating our students only when we take the time to discuss, plan, implement and provide the necessary funding. During the upcoming budget negotiations, we urge the Legislature to continue to advocate for students, teachers and schools leaders, as it has in the past, and increase school aid funding as well as continue to provide funding for much needed school leader professional development.

We also urge the Legislature to bear in mind that 698 school districts and their collective bargaining units just spent two years collaborating on new 3012-c evaluation plans, to improve instruction and conform with the 3012-c law enacted in 2012. Commissioner King approved each one of these plans after an exhaustive review. The Governor's proposals effectively render the collaboration and Commissioner King's approvals moot in the very first year of implementation. At best, this is an arbitrary move; at worst it could be interpreted as an attempt to scapegoat the professional educators that CSA and other bargaining units represent.

Thank you for the opportunity to appear before you today.

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