

# **NEW YORK'S RURAL SCHOOLS THE FORGOTTEN CRISIS**

**RURAL SCHOOLS ASSOCIATION OF NEW YORK STATE**

**TESTIMONY BEFORE THE**

**JOINT LEGISLATIVE BUDGET HEARING**

**ON**

**ELEMENTARY AND SECONDARY EDUCATION**

**JANUARY 31, 2018**

**HEARING ROOM B**

**LEGISLATIVE OFFICE BUILDING**

**ALBANY, NEW YORK**

## Dear State Leaders:

In recent years, you have made public education a priority and we truly appreciate your support. Sadly, there are those who would retreat from that progress this coming year. The Executive Budget would not only have detrimental consequences to the education of our state's children, it would establish harmful, far reaching precedents. Because it offers an amount insufficient to even maintain existing programs and services, all schools would suffer, but none more than our rural schools. Here's why:

### Generally speaking, New York State

1. **Provides after school programs** and other out of classroom learning opportunities for its students...**but not for rural children.** Lack of transportation aid and the need for local communities to pay costs up front (and await state reimbursement) make them inaccessible to rural schools and their students.
2. **Provides preschool** and its learning advantages...**but not for rural children** (for the same reasons listed above.)
3. **Provides a broad curriculum** that allows students to be competitive in college and in the workplace...**but not for rural children.** Lack of local funding forces rural schools to stick to the state mandated curriculum-and only the state mandated curriculum. That hurts rural children who want to attend college or compete in the workplace.
4. **Provides Community Schools** and support services like adequate guidance, psychologists, internships, extracurricular activity transportation and broadband access to support digital learning...**but not for rural children.** Community schools may well be the salvation of rural education, but so far, the state isn't investing in a way in which rural schools can participate.
5. **Provides sufficient certified teachers** in all subject areas, ensuring high quality educational programming...**but not for rural children.** Our rural schools are experiencing a teacher shortage-both in initially recruiting qualified teachers and in retaining them.
6. Assesses the ability of a community to contribute to the education of its children and then **provides sufficient aid** to ensure a sound, basic education for every student...**but not for rural children.** Under the current state aid distribution scheme, many rural schools are much more impoverished in reality than is recognized by the state. The Great Recession destroyed the rural economy, a fact that hasn't yet been recognized in compensating state aid.

## The list goes on...

### Generally speaking, New York State's rural schools

1. **Raise virtually no local revenue under the tax levy cap.** They have little local tax base and the cap percentage is too low to allow local revenue to sustain the educational needs of children. Rural residents couldn't afford significant increases even if their schools were allowed a higher levy increase.
2. **Have not recovered from years of lost aid.** Consequently, while their graduation rates are admirably high, the education they are able to provide does not ensure that their students are competitive in either college or the workplace.
3. **Are masters of innovation.** Using shared services in higher percentages than any other entity anywhere, our rural schools lead our state in overcoming severe fiscal constraints by partnering with neighboring districts, BOCES, local businesses and community colleges in an attempt to combat severe underfunding. Even when applying this skill so broadly, our rural schools struggle. We cannot expect them to do even more of this to get by when businesses have closed, employment and population have plummeted and the state aid proposed for this year wouldn't even maintain existing programs.
4. **Are embroiled in a volatile social environment.** Higher unemployment, loss of tax base and population, lack of local health care facilities, the impact of the opioid epidemic, unmet mental health and other social needs all combine to make rural residents in general and rural students in particular feel isolated and abandoned by their state and federal governments. They want to grow up and remain in their home communities, but they are being forced out in record numbers. The recent national election illustrated the tremendous frustration felt in rural communities. Rural New York was once able to bail out its metropolitan sisters. Now it cannot sustain itself and is looking for the same kind of assistance previously provided to other New Yorkers in similarly dire need.

## WHAT WOULD HELP?

**SUFFICIENT STATE AID:** For rural schools to begin to gain ground in meeting the educational needs of its children, the state needs to provide an additional \$1.5 billion in aid to public education, focusing on districts with high rates of students in poverty, high numbers of English Language Learners and narrow curricula that do not provide a competitive education. After setting aside reimbursable aids that largely go to high wealth districts that can afford to expend funds, paying for existing and necessary programs and services, setting aside hundreds of millions for specific new state initiatives and dividing state aid by regional "shares", there has traditionally been little ability to address the severe and unique needs of our rural schools. This practice cannot continue if New York State is to sustain itself economically, socially or politically.

**A LEGITIMATE FORMULA:** The Executive Budget proposes nothing to update or improve the now long outdated education aid formula. In addition to a sufficient allocation of state aid, this year's State Budget must include a new, transparent, sustainable, predictable, but most

critically, workable Foundation Aid Formula. New York State has done everything with its Foundation Aid Formula except to legitimately use it. We can no longer afford to freeze, ignore, cut or bastardize this formula. It must be updated to recognize changes in community and student poverty, increases in student needs such as language, transience, health and substance abuse issues. In short, it must accurately gauge a community's ability to contribute to the education of its children and then provide the remainder of aid needed to support the education of those children.

**REASONABLE RESERVES:** Rural school districts must be given the same authority as other municipalities to keep and use reserve funds. Under the "tax cap", the old concern that districts would raise taxes to hoard reserve funds is laughable. Local governments that keep reserve levels equaling the maximum rate allowed for school districts are declared to be in fiscal distress. Each year schools endure the sad contradiction of auditors declaring their reserves to be too low for safe and efficient operation, while the State Comptroller declares that their reserves are above legal limits. Schools must be held to the same "reasonableness" standard as municipal governments, varying according to the size of the district. At the very least, retirement system reserves for teaching staff must be made to match those of all other state and local municipal employees. Taxpayers deserve these reforms to ensure that school tax increases do not fluctuate dramatically from year to year.

## **HELPFUL EXECUTIVE BUDGET PROPOSALS**

**Community Schools:** A wonderful program-truly game changing if done on a large scale in rural districts. When the funds "set aside" to do Community Schools come from the education aid total, it gives the appearance of detracting from the basic aid all schools need. The solution is to increase Foundation Aid and then use Community Schools to open a whole new world for students in rural areas.

**Prekindergarten:** This is the most disappointing aspect of the Executive Budget. Pre-school is the answer to the cognitive learning deficiencies experienced by so many of our students living in poverty. A less than inflationary increase statewide for existing programs is certainly also insufficient to expand pre-k where it is needed most. Pre-school must be expanded, transportation aid for pre-school must be included if New York State is to thrive: Pure and simple. This amount indicates that the governor needs to be made aware of the life changing nature of pre-school educational outcomes for high need students.

**Advanced Placement Test Assistance.** The Executive Budget provides a modest increase to fund AP exam costs for low-income students. This funding will provide further access to advanced coursework for low-income students, and will promote educational equity across the State. Rural schools support the expansion of this program.

**After School Programs:** The FY 2018 Executive Budget increases the State's after-school investment to \$100 million through \$35 million in new funding for public after-school programs

in the State's 16 Empire State Poverty Reduction Initiative (ESPRI) communities. This new funding will create an additional 22,000 spots for students in after-school programs, increasing the number of spots in ESPRI school districts by 36 percent. With these new investments, 80,000 students in ESPRI school districts will receive after-school care in the 2017-18 school year.

**Farm to School:** The Executive budget's Farm to School initiative helps rural student nutrition, develops markets for agriculture and has the potential to help rural school food service programs keep their financial heads above water. Providing funds for equipment recognizes a real need. This is an exciting and much needed proposal.

## WHAT WOULD HURT?

**CAPPING REIMBURSABLE AIDS:** State aid reimbursement for school construction, transportation of students and participation in BOCES programs is a promise that must be honored. Local taxpayers have already spent their money with the promise of state reimbursement in the following year. Schools build their financial plan on that promise. The thought of capping both local revenue and state reimbursement at 2% is a blueprint for the dismantling of our state's public educational system. The proposal provides a disincentive for schools to send their students to important career and technical programs at BOCES. Our leaders cannot simultaneously call for increased shared services and take away the means to do it. The same can be said for transporting students and building needed school facilities. This proposal is an attack on local taxpayers and the students they support.

**SHIFTING THE COST OF SPECIAL EDUCATION SUMMER PROGRAMS TO LOCAL TAXPAYERS:** The Executive Budget calls for the deterioration or even dismantling of a vital service provided to our most vulnerable children. Summer programming prevents the loss of learning for those children who work the hardest to make academic gains. Cutting summer school special ed funding forces school districts to scale back on these critically important programs. It forces schools to make the Hobson's Choice of whether to cut programs for the general school population or special education students. New York State should not become noted for creating class distinctions between our children.

**HUMAN RIGHTS OVERSIGHT TAKEN FROM SCHOOLS:** Currently students are protected under the Dignity for All Students Act, the Americans with Disabilities Act, IDEA and the federal Office of Civil Rights. Nonetheless, the Executive Budget once again seeks to strip authority for dealing with civil rights violations among students from schools and give it to the state's Division of Human Rights. This is a tired, perennial proposal that adds little to student protection and further inserts the Executive into educational issues, in contravention of state constitutional intent. The proposal would also subject schools (and thus, taxpayers) to additional monetary damages as DHR has a regulatory approach of assessing damages, rather than rectifying violations, keeping the needs of all children at the forefront.

**STATE EDUCATION DEPARTMENT INSPECTOR GENERAL:** The Executive Budget again needlessly proposes the establishment of a new Inspector General to oversee and investigate allegations of inappropriate activity within the State Education Department. The state constitution separates the Department of Education from the Executive Branch with good reason. The Executive Branch already uses its budgeting power and ability to hold up appointments to exert pressure on SED. It is inaccurate to say that SED is not overseen by an investigative entity. They are subject to state audit, as well as investigation by the State Attorney General. Instances of such abuse within SED are nonexistent, eliminating the rationale for creating another state oversight agency specifically for SED. This new bureaucratic layer is duplicative and unnecessary.

**STILL NO CHANGE...REALLY?:** The great failing of the Executive Budget is the fact that we now have yet another state spending proposal that fails to provide the leadership of restarting a workable, equitable and realistic state aid formula for our schools; as well as underfunding the current outdated formula. The result is that our neediest schools continue to receive less than they should from the state, while also being severely limited in their ability to raise local revenue. The state's failure is reprehensible, allowing children to be relegated to a lifetime of economic struggle, simply because they come from a rural community. We need a formula that accurately reflects the amount a community can afford to contribute and base state aid on that amount; not on what it used to get, not on how politically important the community is or isn't, but on the difference between what a community can pay and what the court has said constitutes a sound basic education for children. Its tough work, but New York State has smart and dedicated leaders. Don't allow the Executive Budget to once again ignore this difficult, but vital work.

The problem of adequately and appropriately funding our schools is not insurmountable. In a budget of over \$160 billion, the difference between what has been proposed and what is needed is a few hundred million dollars. Tough, but not impossible to achieve. Taken in total, the Executive Budget is a starting point for serious deliberations. Rural schools make up nearly half of all districts in the state. How they fare in the state budgeting process will largely be up to the willingness of its state representatives to speak up for their (increasingly frustrated) constituents. How we treat our rural schools and rural communities will define New York State's future. On behalf of those districts, the job of the Rural Schools Association will be to provide you the information you need to assess the ramifications of proposals, reactions and compromises. We stand with you in the effort to address serious issues affecting public education. Only legislative action can avert a return to cuts in programs and services. Thank you for your kind assistance in this vital effort.

Respectfully submitted,

*David A. Little, Esq.*

Executive Director