

Chair Krueger, Chair Weinstein, Other members of the Senate and Assembly:

Thank you for the opportunity to testify today on behalf of school district and BOCES superintendents from across our state.

I am Robert Lowry, Deputy Director of the New York State Council of School Superintendents.

This is a promising and hopeful time for school district leaders and the communities they serve. We are grateful to Governor Hochul for following through and proposing to fully fund the Foundation Aid formula and to fund expense-based and other aids according to existing law.

But we know that it has been your resolve over many years in defending the Foundation Aid formula and in pursuing its funding which has been crucial in enabling us to reach this historic point. Thank you.

Some Context: Schools Have Taken on Wider Responsibilities for Helping Children and Families; State and Federal Aid Is Making a Difference

Before providing reactions to the Governor's budget proposals and our recommendations for action, I would like to provide some context.

In 11 of the last 12 years, my organization has conducted surveys of our members on finance and other policy issues. In our more recent surveys, we have also explored concerns about the well-being of students served by our schools. Our survey results help to illuminate how school district leaders perceive the needs of our students and challenges before our schools.

Our [latest report](#) was published last November. Our final question asked, "*What do you believe it is most important for policymakers, news sources, and the public to understand about New York's public schools today?*"

Nearly three hundred superintendents devoted time to share their thoughts. Some wrote about hardships in filling essential jobs, concerns about financial sustainability, challenges arising from political polarization, and the coarsening effects of social media.

But the most widely expressed theme was that schools have taken on expanded responsibilities in helping students and families with needs beyond academic matters, including health, mental health, child care, after-school care, food insecurity, internet access, recreation, and more.

For example, a Southern Tier superintendent wrote,

The difficult and important job educators on all levels have is misunderstood. Schools have become the place where families' needs are being met, from finding shelter, food, to

employment. They are as much of a community resource center as they are educational institutions, while being held to the same standard and expectations regardless of the degree of diverse needs of students.

A Mohawk Valley superintendent wrote,

The landscape is significantly different than it was even five years ago. The school is seen as the place that needs to provide even basic needs for students while trying to teach to standards and motivate students to see the value in getting an education.

A second key theme from our survey is that infusions of state and federal funding have enabled wide improvements in key student services, including mental health services, extra academic help, and “core” instruction at each school level.

In every one of our surveys going back to 2011, we have asked superintendents how they expected their district budgets to affect specific student services. In the nine annual surveys between 2011 and 2019, only twice did a majority of superintendents foresee a positive impact from district budgets on any area of student services.

That started to change a year ago with the increased help from state and federal sources. This year 82% of superintendents expect their school budget will have a positive impact on student mental health services and 79% expect a positive impact on extra academic help.

All told, majorities of superintendents expect their district budgets will improve 11 service areas. Other areas included “core” instruction at all three school levels, summer enrichment programs, school security, prekindergarten, career and technical education, and access to advanced classes.

Consistent with our findings about schools taking on wider responsibilities, the share of superintendents expecting improvements in family support services has more than doubled since the onset of the pandemic—from 19% in 2019 to 49% this year.

Percent of superintendents anticipating positive impact on various student services due to their district budgets—2017 to 2022*					
Shading indicates a majority of superintendents anticipate a positive impact					
	2017	2018	2019	2021	2022
Student mental health, counseling, social work, or similar support services	34%	49%	53%	80%	82%
Extra academic help for students who need it — any level	37%	31%	37%	78%	79%
Core instruction in elementary grades	42%	42%	44%	70%	74%
Summer enrichment programs	NA	NA	NA	NA	72%
School safety/security	30%	59%	49%	39%	71%
Instruction in English, math, science, and social studies in the middle level grades	31%	31%	34%	55%	66%
Instruction in English, math, science, and social studies in high school	31%	28%	34%	53%	63%
Prekindergarten	16%	18%	14%	39%	58%
Career and technical education	26%	23%	29%	34%	54%
Advanced classes (e.g., AP, IB, college-dual enrollment classes)	29%	30%	30%	33%	52%
Other extracurricular activities	21%	20%	23%	43%	51%
Other family support services (e.g., child care, health care, after-school activities, etc.)	NA	19%	19%	41%	49%
Instruction in music — any level	18%	20%	20%	35%	45%
Instruction in the arts — any level	16%	15%	18%	32%	43%
Services for English language learners	22%	24%	17%	36%	41%
Interscholastic athletics	18%	17%	20%	24%	40%
Student transportation	11%	11%	18%	25%	38%
Second language instruction at the middle or high school levels	13%	13%	23%	24%	33%

*The Council did not conduct a survey in 2020.

It is especially encouraging that superintendents leading districts with high rates of student poverty tended to be *most likely to believe* their school budgets will *improve key student services*. For example, 92% of superintendents leading districts with the highest level of student poverty believe that the budget for their schools will improve both mental health services and extra academic help, and 96% believe that “core” instruction in their elementary schools will be improved.

% of superintendents expecting positive impact from 2022-23 district budgets on selected student services								
Districts grouped by percentage of students eligible for Free or Reduced Price Lunch Program								
	0 to 10%	11 to 20%	21 to 30%	31 to 40%	41 to 50%	51 to 60%	61 to 70%	Over 70%
Core instruction in elementary grades	59%	79%	78%	73%	73%	68%	86%	96%
Instruction in English, math, science, and social studies in the middle level grades	48%	79%	76%	67%	58%	59%	77%	86%
Instruction in English, math, science, and social studies in high school	58%	66%	65%	61%	57%	60%	72%	81%
Extra academic help for students who need it -- any level	56%	81%	84%	77%	77%	81%	92%	92%
Student mental health, counseling, social work, or similar support services	78%	87%	81%	85%	81%	73%	84%	92%

Foundation Aid

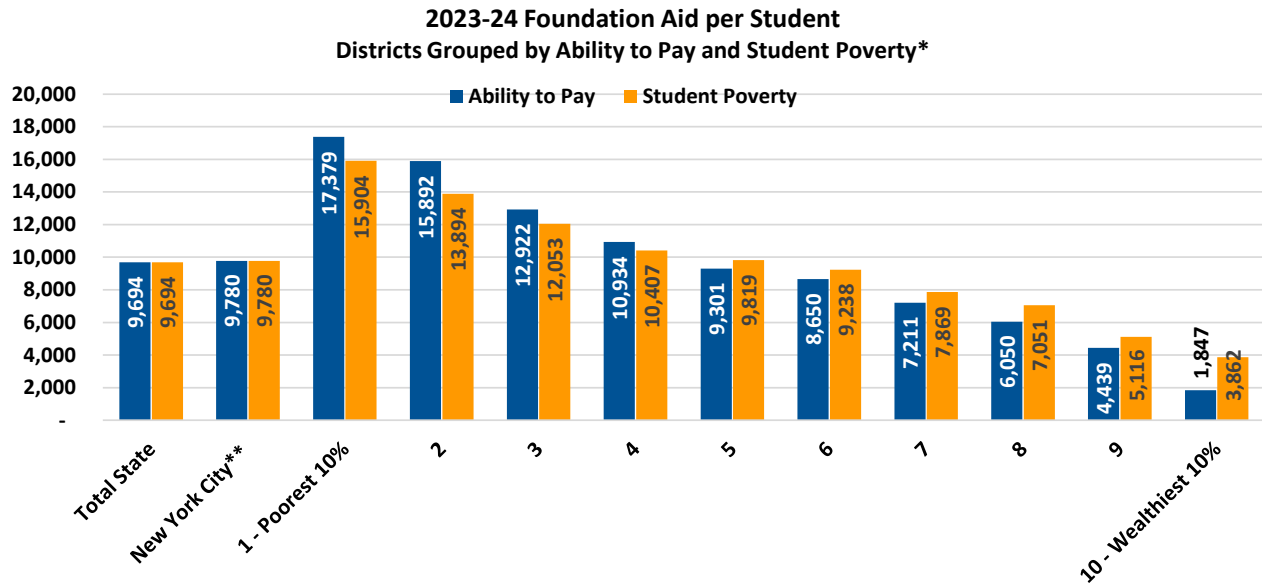
We have three requests regarding Foundation Aid.

First, do complete the mission and fully fund the formula in the coming state budget.

Second, please expand upon the 3% minimum increase guaranteed by the Governor. All districts are straining to accommodate the effects of high inflation within the limits of the property tax cap. Many struggle to raise pay enough to fill positions, especially those where similar private sector opportunities exist. Ninety percent of the funding generated by the 3% minimum would go to average and high need districts. A further increase in that minimum might be scaled based on district ability to raise local revenue.

Third, commence a process to build consensus on steps needed to update and improve the formula. Since its enactment we have called Foundation Aid an under-appreciated achievement in public policy: It generally delivered the greatest aid per pupil to the neediest districts—and still does. It promised all districts greater predictability in funding going forward. It made state funding decisions more transparent.

But the formula is now a decade and a half old. Some factors have never been updated and problems have emerged with others. A strength of the enacted formula was that it was the product of lengthy stakeholder engagement, led by the Board of Regents and State Education Department. The Education Department should receive funding to lead critical research on measuring student needs, accounting for regional cost differences, establishing the cost of providing a sound basic education, and other issues.



* Ability to pay is measured by the Combined Wealth Ratio (district property wealth and income per pupil compared to state averages); Student poverty is measured by % of K-6 students eligible for free and reduced price lunches)

** New York City is in the 8th decile for ability to pay and the 1st decile for student poverty

SOURCE: NYSCOSS analysis of NYSED School Aid data

Set-aside for High Impact Tutoring

The Governor proposes to require nearly two-thirds of school districts to set-aside a total of \$250 million from their Foundation Aid increases to support “high impact tutoring.” Affected districts would be required to provide tutoring in mathematics and English language arts to students identified as at-risk of not meeting standards that would be provided in at least two thirty minute periods either before, during, or after school, or on weekends.

We oppose this proposal.

First, on principle, the mechanism of Foundation Aid set-asides should not be used to fund specific priorities, however meritorious. The conception of that aid as unrestricted general operating support should be preserved.

Second, districts may find it impossible to fully expend the required set-aside amounts. Many districts, especially in rural and poor communities report extreme difficulties in finding teachers and other professionals to serve students. Also, as we noted, our survey found that 79% of superintendents already expect that their district budgets this year will improve extra academic help.

If unable to fully expend set-asides, schools might lose resources that could address other critical priorities, including improving student mental health services, enhancing school safety, or offering competitive pay needed to fill essential jobs.

School District Hiring Shortages

One simple, short-term step to help schools with hiring difficulties should be to extend authority for public sector retirees to work in school jobs without loss of pension benefits. We appreciate the Governor’s proposal for a one year extension; two years would give both employers and employees greater security, without negatively affecting pension system finances.

We commend the leadership of the State Education Department for taking action to streamline teacher certification requirements that will remove valueless obstacles to becoming a teacher and give schools greater flexibility to deploy teachers where they can do the most good.

Hiring shortages for non-certified positions might be addressed in part through career and technical education programs aimed at preparing current students for those jobs in schools.

At the same time, we should also take steps to draw more people of color into education professions. The challenges of diversifying the workforce and easing hiring shortages are different, but some solutions may overlap. For example, one strategy to address both goals could be to support “grow your own” programs where schools identify students in high school who show aptitude for teaching. These could be coupled with state postsecondary scholarships for students recommended by their school officials.

Expansion of Full-Day Prekindergarten

The budget would provide \$125 million to support further expansion of full-day prekindergarten. The executive director of our national affiliate, AASA—the School Superintendents Association, once said simply, “Children who fall behind in school need time to catch up.” The best point at which to provide that time is early, before learning deficits widen—or before they begin. So, our members have seized upon chances to expand early learning opportunities.

But in addition to launching programs, the state must help to sustain them, by providing predictable funding increases for established programs. Failing to do so imposes additional costs for districts with current pre-k programs to absorb and dissuades new districts from starting programs.

Career and Technical Education

The Board of Regents is now engaged in a review of state requirements for high school graduation. Attention has focused on whether passage of Regents examinations should remain a diploma requirement. But a more critical question is how to ensure all students have experiences in school that will prepare them to succeed in life beyond school. Access to high quality career and technical education needs to be one of the paths for students to pursue.

The Executive Budget proposes \$10 million over two years in competitive funding for school districts, boards of cooperative educational services, and community colleges to develop “strategic workforce plans” that promote job readiness. This is a positive initiative which might yield innovative models for others to emulate. But the state also needs to increase support for ongoing career and technical education programs.

- Increase the “aidable” salary for Boards of Cooperative Educational Services (BOCES) CTE instructors to \$60,000 over the next three school years
- Increase the per pupil cap and expand funding to include 9th grade students for Special Services Aid for CTE programs in the Big 5 city school districts and other districts which are not BOCES members.

The aidable salary limit for BOCES programs, including CTE, has not been increased since 1990. Over that time span, the Consumer Price Index has more than doubled. As a result, rising costs must be borne from other sources, including local taxes, and this has jeopardized the capacity to sustain these programs and to meet growing demands for skilled entry-level workers. Districts may face financial

pressure to limit enrollments in specialized programs. Providing additional BOCES aid to schools will help relieve these pressures and expand CTE opportunities.

Our State Constitution promises “a system of free common schools, wherein all the children of this state may be educated.” We owe young people an education that prepares them for demands of adulthood. CTE programs deliver on that promise.

Charter Schools

The Executive Budget would remove a cap on the number of charter schools to be authorized in New York City and to allow chartering agencies to reissue charters awarded to schools which have closed since July 1, 2015.

Our organization did not oppose the original 1998 charter school legislation, but we have consistently warned that whatever the state hopes to gain from this initiative should not come at the expense of district schools. Our warnings have been justified by experience. Some communities have become saturated with charter schools. Because of enrollment patterns and fixed costs, seldom is 100% savings realized when a student moves from a district school to a charter school. Districts might even spend less by taking back all charter school students. Also, districts must continuously maintain some excess capacity to accommodate children transferring from charter schools, mid-year.

An increase in the City cap will likely have an immediate increase in the number of charter school students thus increasing statewide budget constraints. New York City has a statutory facilities aid obligation towards charter schools and therefore more charter schools will lead to greater facilities costs for the city which in turn will increase facilities aid reimbursement to the City. The state’s supplemental tuition reimbursement obligation will also increase by \$1,000 per additional charter school enrollee. These state budgetary obligations impact all districts, no matter where a new charter school is located.

We support legislation to prohibit new charter schools located in school districts where 5% or more of the public school enrollment attends charter schools, unless endorsed by the district board of education.

Legislation is also necessary to prevent charter school authorizing entities from flouting laws intended to limit the length of time a charter may be granted to a maximum of five years. But the State University has been extending charters for some schools several years in advance of expiration, thereby creating terms in excess of the statutory limit of five years. To align with the spirit of existing law and to avoid litigation, the Legislature should clarify that the combined length of a new charter and a yet to expire existing charter may not exceed five years.

School District Plans and Reports

The budget proposes two new reporting requirements for school districts—one to provide information on the transition to zero-emission school buses, another to generate data for assessing gaps in prekindergarten access. In a vacuum, these would be reasonable mandates. But over the years, school leaders have endured an accretion of planning and reporting requirements, from Washington as well as Albany. It is especially onerous for small, poor districts where the superintendent may be the only central office administrator.

The issues around zero-emission buses are especially complex and the ability of districts to be far along in the process is limited given that stakeholders are working with NYSERDA to develop a

roadmap. This roadmap will be critical to implementing this law, but asking districts to compile another report this year is premature.

We are pleased that the State Education Department plans a multi-agency review of financial reporting requirements. One essential step that needs to be taken is to reject the proposal to extend for five more years the school-level financial reporting initiated by former Governor Cuomo. It is mostly duplicative of federal requirements under the Every Student Succeeds Act and the minimal difference in data does not justify the demands added to school businesses offices.

School District Financial Stability

Our survey found concern about whether it will be possible for schools to sustain improvements in programs and opportunities that recent budgets have enabled. For example, a Finger Lakes superintendent wrote,

State lawmakers need to financially support schools, so that we don't face the economic "cliff" predicted by 2024-25... Instead of incentives for difficult to fill positions, bargaining units are requiring we open full negotiations, which hasn't been planned for in the current budget. We are putting more pressure and responsibilities on current employees, which only adds to the negativity and pressure they feel, thereby affecting our social and emotional well-being efforts. We have been able to support programs through federal funds, but I am extremely concerned about the cliff in a couple years.

Fifty-four percent of superintendents identified the end of federal COVID-relief funding as one factor causing concern in considering financial prospects for their schools.

We advocate at least a temporary increase in the statutory limit on unrestricted fund balances from 4% of budgeted expenditures to 8%.

Municipal governments in New York have no specified percentage limit on unrestricted fund balances, yet schools operate with more financial disclosure requirements, a tighter tax cap, and annual budget approval referenda. Independent experts generally recommend that state and local governmental entities maintain an unrestricted fund balance equivalent to two months expenditures, or about 15%. Governor Hochul set a target of having state “rainy day funds” reach 15% of projected expenditures.

Universal School Meals

During the 2020-21 and 2021-22 school years, federal waivers provided all schoolchildren with free breakfast and lunch. This allowed school districts to streamline their operations, expand the number of students fed during the school day, and eliminate stigma for children from low-income families. The expiration of federal waivers resulted in more than 726,000 students in nearly 2,000 schools across the state losing access to free school meals. We ask you to launch a New York State universal school meals program.

Annual Professional Performance Reviews

Finally, we ask for a restoration this year of local control in teacher and principal evaluation procedures—Annual Professional Performance Reviews, or APPR.

The consensus among educators is that a succession of state laws since 2010 have mandated practices which typically yield little or no benefit in improving teaching, leadership, or learning while imposing exorbitant time demands upon school personnel and additional costs for taxpayers.

In a 2021 Council survey, only 11% of superintendents responded that state-required APPR plans were having a positive impact on efforts to improve teaching; over four times as many—46%—saw a negative impact. Forty-three percent reported little or no impact for all the effort and expense required.

Specific legislative changes should be developed through consultation with representatives of all directly engaged stakeholders—teachers, principals, superintendents, and school boards.

Conclusion

Since 2002, we have periodically asked superintendents whether they agree or disagree with the statement, “I like the superintendency enough to encourage a child showing aptitude to pursue it.” In our November survey, 74% of superintendents agreed—the highest share ever.

Given the struggles and controversies of the recent past, that result may surprise. But the experience of leading schools through these times builds confidence that future challenges can be met as well. The return of normalcy in school routines this year has helped too, and the resources that you and your counterparts in Washington have delivered have enabled schools to do more for the children and families they serve. Thank you for that support and for your time today.

I look forward to your questions.