



# Testimony

**to the  
Division of Budget Staff  
and  
Deputy Secretary Dr. Manny Rivera  
on  
Budget Issues for the  
2008-09 State Fiscal Year**

**December 13, 2007**

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*Representing more than 585,000 professionals in education and health care*  
Affiliated with the AFT – NEA - AFL-CIO

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| 10:00 am to 12:00 noon<br>Meeting Room One of<br>the Empire State Plaza.<br>NYSUT Testimony time:<br>10:10 am |
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**Testimony of**  
**Alan B. Lubin, Executive Vice President**  
***NYSUT***  
**to the**  
**Division of Budget Staff**  
**and**  
**Deputy Secretary Dr. Manny Rivera**  
**on the**  
**Budget Issues for the 2008-2009 Fiscal Year**

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Good morning, Division of Budget staff and Deputy Secretary Dr. Rivera.

I am Alan Lubin, Executive Vice President of NYSUT.

NYSUT is a statewide union representing more than 585,000 members. Our members are pre-k to 12<sup>th</sup> grade teachers, school related professionals, higher education faculty, and other professionals in education and health care.

I thank you for the opportunity to address you today regarding budget issues for the 2008-09 State Fiscal Year.

My testimony will broadly outline NYSUT's priorities for inclusion in the executive budget proposal for public education. As always, in the days ahead, our members and staff will be meeting with you and your staff to expand on these comments and seek your help in addressing them.

***Foundation Formula***

I want to begin by thanking the Governor and his administration. I want to thank you for finally enacting school funding reform and making a historic commitment to fund education fully over the next several years. I specifically want to applaud the enactment of a Foundation formula in last year's budget. This remarkable multi-billion dollar commitment to public education is the right direction for our state. These resources will be used to reduce class sizes, improve teacher quality, provide Universal Pre-kindergarten, and finally give our children a true opportunity to succeed. Adding resources fairly to public schools across the state, with an extra commitment in areas of high need, is the right direction for children and taxpayers. We know that this financial commitment was made in good faith and we know that keeping this commitment is vital to raising achievement in every school. This funding commitment has enabled districts to engage in meaningful, multi-year planning for new investment in

proven instructional programs and strategies to raise student achievement. As you deliberate on the 2008-09 state budget, we urge you to carefully review the implementation of the Contract for Excellence and strengthen, where needed, meaningful participation of all stakeholders in the implementation of school reform and as well as accountability for how dollars are spent.

As you are putting together the School Aid package for the Executive Budget for 2008-09 we would like to offer two formula recommendations:

The first recommendation is a rather technical one. It involves eliminating the .65 minimum in what's called the Income Wealth Index. The effect of this change would be to allow the lowest wealth districts' level of poverty to be fully realized.

Our second recommendation would be to avoid cutting any district from its base level of funding. In last year's budget, several new aid categories were created by the Legislature. To eliminate these aid categories without replacing the funding would leave some school districts with substantial losses from one year to the next. We ask that you also be sensitive to districts with high tax burdens relative to household income and that all districts are ensured consistent treatment based on their fiscal capacity.

The Governor also rightly insisted on accountability for how foundation aid is spent in certain districts to ensure that substantial increases are directed to proven programs and practices to raise student achievement. Otherwise, these increases could be squandered or directed to non-education purposes. Unfortunately, Monroe County has already been engaged in such cynical behavior by cutting its own taxes and stealing revenue away from 26 school districts across the county mid-year. We urge you to restore the rightful funding of our schools in Monroe County.

### ***Charter Schools***

Another issue that is a very high priority for NYSUT is reforming how we fund charter schools and hold them accountable. As we have discussed with you in the past, NYSUT continues to advocate for real reform of the Charter school law. We continue to witness the debilitating effects of charter schools on many local school districts, namely Albany and Buffalo. This is why we are once again coming to you today to ask for two things.

First, we would like to propose the inclusion of Charter School Impact Aid. This aid category would be in addition to Charter School Transition Aid which was a welcome addition in last years budget, but it fell short of what our schools need. For instance, Albany's charter school transition grant was \$2.5 million. Their payments to charter schools were \$20.8 million, barely covering 10% of the impact. What's more, studies have shown that approximately 30 percent of the costs transferred to charter schools are fixed costs that can never be

recovered by the sending public school district. This is because you can't layoff one twenty-fifth of a teacher each time a child leaves to attend a charter school. It is also worth noting the fact that our public schools must always stand ready to take back any and all of these students should a charter school close at the last minute. And this has happened around the state. The sending public school must maintain a certain level of extra capacity should these kids return and is ultimately the entity that is responsible for all of these children's education. For example, in recent years, two charter schools closed in Rochester with very little notice forcing the Rochester City School District to take an additional 1,500 students unexpectedly.

The second request that we'd like you to consider is a moratorium on the approval of any new or expanded charter schools in districts with a high concentration of charter schools like Albany and Buffalo. Educational research indicates that the transfer of 10% of a school district's student body through either vouchers or charters will create a debilitating circumstance for a school district. We have already reached this point in Albany and Buffalo. Albany, with its very high needs student population, did not even qualify as a Contract for Excellence district this year because such a large percentage of their new Foundation Aid was diverted due to the expansion of charter schools. Astonishingly, there are certain conservative advocates who are calling for replacing the Albany and Buffalo public schools with a system of charter schools. You can read this for yourself on the Hoover Institute web site.

We cannot continue to force districts to absorb the fiscal impact of charter schools in their community for only a handful of children at the expense of most of the state's students. I urge you consider these proposals and I look forward to working with you to ensure that the charter school law is reformed to give real relief to affected school districts.

### ***Tuition Tax Deduction/Vouchers***

In light of a projected \$4.3 billion budget shortfall, we are concerned with the Governor's stated intent to once again propose an education tuition tax deduction voucher in the Executive Budget. This proposal is ill-advised and ill-timed. Private school vouchers have been proposed in many shapes and forms around the country with the intent of using public funds to finance the costs of a private school education. Proponents use phrases such as "school choice" and "parental choice" when they describe these proposals, but I disagree. I am willing to talk to you about real and proven options for school choice such as some of the terrific magnet schools in this state. However, I firmly state that a private school voucher in any form is a bad policy for this state. Put this money into public school districts like Albany and Buffalo and we too can have after school programs until 5:00 pm.

It is any parent's prerogative to send their child to a private school; however, this state should not be in the business of financing private choice. A

tuition tax deduction is a Trojan horse designed to sneak private school vouchers into this state and should be stopped by this legislature.

We do have several constitutionally permissible ways to help every child in New York state. NYSUT continues to support the state aid non-public school children already receive, as well as the large increase (over a 45% increase) in funding that these schools received last year.

## ***UPK***

Parents, educators and communities alike recognize the need for quality preschool programs. Parents are looking for programs that are not only safe but that will nurture and help their preschoolers develop traits needed for kindergarten. Teachers realize that if we ask more from children in kindergarten we need to help prepare them before they get there. They know that improving the quality of early childhood environments can promote school readiness. Children are being asked to meet higher standards in school beginning at kindergarten and therefore they must be prepared.

Last year, Universal Pre-kindergarten funding was increased by \$146 million, a 50 percent increase. This new funding will go a long way toward providing a quality educational beginning for New York's four year olds. At the same time, there are some recommendations that we'd like to offer as you prepare for the upcoming budget submission.

The first item is in the area of flexibility in the use of funding. In certain districts, they have exhausted their ability to provide additional half-day pre-kindergarten slots for a variety of reasons. This has led to the unfortunate occurrence of having some districts have to return unused pre-k funding. We would recommend giving some districts limited flexibility in the use of their UPK funds to provide full-day UPK programs. A certain portion of funds might also be used for improving program quality and the professional development of teachers. When the UPK law was enacted in 1997, the intent was that Universal Pre-K would be taught by certified teachers. What has happened every year since, however, is that section of law has been notwithstanding, allowing for UPK to be taught by uncertified personnel. It is time that we focus our energy on training and certifying our UPK teachers. This could be done over a period of several years, but we should be moving toward using certified teachers in all UPK classrooms.

## ***Class Size Reduction***

Parents and teachers have long known that smaller classes make a difference. Students in smaller classes have higher achievement levels, fewer discipline problems, and more personal attachment to their teachers and classmates. A growing body of well-designed research, including experimental

research using random assignment, is confirming this conventional wisdom. New York's Contracts for Excellence, as well as specific class size provisions for New York City enacted last year, echo the importance of reducing class size. We look forward to strengthening these provisions even further and increasing accountability at the school building and grade level where the real work of teaching and learning takes place.

### ***Teacher Centers and Teacher Mentor Intern***

As we continue the discussion of how we can provide our kids with everything they need to excel and start to show overall improvement in all of our schools, it is also important to provide those who will teach these students with the necessary support to ensure their success. I am pleased to report that two critical teacher programs - Teacher Centers and the Teacher-Mentor Intern Program – received an increase in funding in the 2007-08 budget. These vital programs are an immeasurable resource to all teachers and contribute to the growth and maturity of less experienced teachers. We ask for your continued support of growth in these programs, as well as for additional support for National Board for Professional Training Standards grants and the Peer Intervention program. There is so much more good work that can be done with your continued support of these vital teacher development programs.

### ***Closing***

Thank you for your time and attention to these priorities. We look forward to working with you and both houses of the Legislature to ensure that we deliver on the historic promise of providing an excellent education to every child and close the achievement gap that has left far too many children behind.

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