



TESTIMONY OF
THE UNITED FEDERATION OF TEACHERS
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BEFORE THE NEW YORK STATE SENATE & ASSEMBLY
FINANCE, WAYS & MEANS & EDUCATION COMMITTEES

REGARDING THE PROPOSED EXECUTIVE BUDGET FOR
ELEMENTARY & SECONDARY EDUCATION

FEBRUARY 14, 2017

Good afternoon, and thank you for the opportunity to testify before you today about the governor's proposed education budget. I particularly want to acknowledge the chairs of these four distinguished committees — Senator Catharine Young, chair of the Senate Finance Committee, Assemblyman Denny Farrell, chair of the Ways and Means Committee, as well as Assemblywoman Catherine Nolan and Senator Carl Marcellino, chairs of the Assembly and Senate Education Committees — and all the members who have joined us here today. I also want to take a moment to acknowledge our leadership here in Albany, including Assembly Speaker Carl Heastie, Senate Majority Leader John Flanagan and Governor Andrew Cuomo.

I am joined here today by my special assistant, Cassie Prugh. On behalf of the United Federation of Teachers and our 200,000 members, thank you for your support and advocacy on behalf of our neighborhood public schools. We appreciate your leadership and look forward to working with you in the months ahead.

Amazing things are happening in New York City's neighborhood public schools, and I couldn't be more proud of our dedicated members and the work they do to help every child succeed. Each public school has a special place in the hearts of parents, students and the people who work there. That's why we have launched our #PublicSchoolsProud campaign, to tell those great stories. We invite all of you — and all New Yorkers — to look at the growing movement on social media and contribute your own experiences with our public schools.

The annual budget process has begun on a positive note with Gov. Cuomo taking two critical steps in the right direction for our schools and students — a proposed increase in school aid and the continuation of the millionaire's tax. The governor is right when he says we need to be more aggressive in how we fund our schools, particularly those in high-needs neighborhoods that need smaller class sizes and additional resources. However, we can support a change to the state's education aid formula only if those changes are embedded into the formula and ensure that high-needs school districts, including New York City, receive the aid students need.

We also vigorously oppose policies harmful to our students and our profession. These include threats from the federal government as well as threats closer to home from charter school operators. The autonomy granted to charter schools was meant to benefit students, not their management companies. Financial integrity, transparency and accountability on admissions retention and student discipline must be demanded of all publicly-funded charter schools, just as they are of every neighborhood public school.

THE NATIONAL THREAT

With billionaire Betsy DeVos now confirmed as the U.S. secretary of education and Donald Trump already acting against immigrants, minorities and women, our schools are already under attack. Judging by the headlines since the inauguration, it's only going to get worse for progressive-minded people as we watch as 60 years of policies are targeted one by one.

DeVos' more than 20 years in regional politics make it easy to predict what's coming next. Her multi-million dollar support of for-profit charter schools has created an unregulated charter sector that has failed to improve student achievement while simultaneously draining resources from Michigan neighborhood public schools. The result is that Michigan has fallen in national educational rankings. Yet DeVos fails to acknowledge the devastation left Michigan's public schools near the bottom of state rankings, starved for money. You'd better believe she'll advocate for the same thing across the country.

What's more, Donald Trump campaigned on the promise that he would dole out \$20 billion in school vouchers, a plan that would likely mean draining funds from federal Title I funding. In a recent op-ed, I outlined how those losses — more than \$500 million for New York City alone — would affect our public schools. That means 1,265 of our schools and more than 700,000 students would likely deal with larger classes, fewer teachers and the loss of "extras" including arts and music, athletic programs and afterschool activities. Some large high schools would be particularly hard hit. Brooklyn's Fort Hamilton, New Utrecht and Franklin D. Roosevelt each would lose more than \$2 million.

With these forces against public education, I come before you today to stress how vital it is that we all work together to ensure that the Trump/DeVos privatization agenda — whether vouchers, their spin-off schemes such as education tax credits or additional deregulation of the charter sector — do not gain a foothold here in New York state.

The UFT has never — and will never — back down from a fight when our members and our school communities are attacked. We've been marching and rallying around the city these past few months, at immigration rallies, the anti-DeVos rally at the Tweed Courthouse, the airport takeover and the amazingly successful Women's March. In the months ahead, you can expect more of the same. We stand together with parents and students, to protect our country and our rights. We hope you will join with us.

INCREASE SCHOOL AID

Money matters when it comes to public education: Not only do basic operational costs continue to rise, but the needs of our students also continue to grow. Smaller class sizes, academic intervention

services, social and mental health support staff, arts, music and theater programs, science labs, teacher training and development, early childhood education and after-school programs — all these strategies and resources make a positive difference in the lives of our students — and they all cost money.

For many years, New York State's school aid formula fell short when it came to equitably distributing funds to high-needs school districts. As a result, communities such as New York City, Yonkers, Rochester and Buffalo went years without enough money to provide an adequate education. The cutbacks took a significant toll, putting an enormous strain on already overburdened schools, until the issue went through the courts.

Thanks to strong leadership and a great deal of hard work by this legislature and governor, we have begun to bridge those funding gaps by reinvesting in public education. Last year represented a significant step forward, with an additional \$1.4 billion in school aid statewide, including \$525 million for New York City schools.

It is vital that we continue that good work, and so the UFT once again calls on the state legislature to increase its investment in public schools. Unfortunately, the proposed budget still falls short. Unless additional dollars can be allocated, our high-needs schools will struggle to provide the proper services for our most vulnerable students, particularly English language learners and students with special needs.

Our advocacy this year will center around restoring and fully-funding Foundation aid as soon as possible to provide the predictability and the resources our students need to succeed. The Assembly majority has put forward a plan to fully phase in Foundation Aid this year.

Unfortunately, the Executive Budget proposes to repeal the current Foundation Aid formula and instead institute a new formula which only calculates a \$427 million (2.6%) increase in aid. By our estimates, without significant changes to this plan, as well as additional revenues, our schools won't receive enough funding to maintain the level of services they currently have.

The Executive provides that all districts simply receive the same dollar amount they received in FY 2016-17 (without any formula to generate that amount), and then districts would qualify for a small increase based on a new formula that includes revisions to the way income, wealth and poverty are weighted. This new formula, as it's written, does not generate an increase after FY 2017-18. What's more, the formula improvements are only made progressive by establishing guaranteed minimum increases to the Big 5, including New York City. Moreover, these new progressive calculations don't even result in a higher increase for high-need districts when used in the current Foundation Aid formula.

While the concept of creating a more adequate and equitable state funding formula is admirable, it's important we get it right. Working together with our NYSUT colleagues, we concluded that the proposal will move us further from our goal of making important long-term investments in high-needs districts because as it's currently written, New York City and other high-needs districts receive no benefit from the formula. In fact, when our colleagues at NYSUT modeled the formula, they determined New York City's public schools would actually see a reduction of more than \$113 million. That's because the formula pulls from census data – and thanks to year-to-year fluctuations

that come naturally with a large and diverse population, the city would be penalized. Other districts could face the same problem.

What's more, the budget proposal also allows the state to unilaterally hold back school aid and other funding if the amount of revenue the state collects falls short of projections. When you consider that our 700-plus school districts not only depend on that funding, but also plan their entire school year around that funding, you can understand why this proposal is untenable.

It's important to note that New York City is already doing its fair share by increasing its support of public schools at a greater rate than New York State. In fact, under the current administration, City funding for public schools has grown by \$3.1 billion, compared to \$1.5 billion in state school aid. That's made possible, in part, by the city's own maintenance-of-effort provision already in place. According to the City's testimony on January 30, "since 2008, the City's share of education spending has increased from 49% to 57%, while the State share has declined from 41% to 37%. The State shortfall is currently \$1.6 billion."

The UFT will work hard in the months ahead to balance providing for high-need districts like New York City with fully phasing-in Foundation Aid statewide with a predictable source of revenue for districts. Doing so will help us provide an equitable education for all our students.

GENERATE MUCH NEEDED REVENUE

The benefits of investing in our public education system are clear. Sustainable economic policies would make a substantial difference in improving our state's ability to properly fund high-needs districts. With the state facing a possible \$3.5 billion deficit and New Yorkers facing uncertainty from the federal government's support for services, we must work together to find additional revenue sources.

That work begins with extending and enhancing the millionaire's tax. This tax on high-income earners is an effective and fair way to raise the revenue we need. We know that New York's highest-income households have seen enormous gains in recent years, and we also know these top earners still pay a proportionately smaller share of state and local taxes.

In his Executive Budget, the governor proposes extending the millionaire's tax for three years, which would raise almost \$4 billion in the first two years. This money could support things such as science and technology endeavors in schools, expand CTE programming, lower class sizes and fund the governor's plan to provide free tuition for qualifying students at CUNY and SUNY.

What's more, Assembly Speaker Heastie and Ways and Means Chair Farrell propose expanding the millionaire's tax to create more tiers for the state's highest earning millionaires and billionaires. The UFT strongly supports both the extension of the tax as well as adjusting tax brackets upward to reflect the outsized incomes of our mega-earners.

Consider this: Our state tax brackets are based on income distributions of the 1970s and 1980s. We need to adjust those brackets to reflect the explosive growth in income in the last 40 to 50 years for the top earners in our state. The Assembly's plan would place new progressive brackets at \$1 million, \$2 million, \$10 million, \$50 million and \$100 million per year. By doing so, the state would

raise an additional \$5.6 billion per year. If invested wisely in education and other worthy causes, this funding could help improve New York's economic performance for decades to come.

New York State could also gain billions of dollars in new revenue by acting where Congress won't — by closing the carried interest loophole. It's a loophole that billionaire hedge fund managers and private equity bankers use to pay a lower tax rate than teachers.

By conservative estimates, New York's private equity and hedge funds earn \$17.8 billion per year in under-taxed carried interest. A state surtax on carried interest profits equal to the amount lost to the federal loophole would raise \$3.2 billion per year.

Earlier today, we participated in a joint news conference with Senator Jeff Klein to announce new measures to close the carried interest loophole, and we hope to have your support as that legislation moves forward. Like-minded leaders in Connecticut, Massachusetts, New Jersey and Illinois have already introduced similar legislation, and lawmakers in Rhode Island, Maryland and California are currently working on their own versions.

RESTORE TEACHER CENTERS

New academic standards, new knowledge about how students learn and develop and the massive wave of new technology and social media are rapidly transforming how educators approach teaching and learning. Student collaboration and reflection have replaced rote-learning, chalk-and-talk and worksheets. Differentiated learning and personalized workflows have become the norm.

Thankfully, we are moving away from the emphasis on high-stakes tests and toward the creation of more authentic student learning measures. Just two months ago, we announced, in collaboration with the NYC Department of Education, a revised teacher evaluation system that considers the work students and teachers do over the entire school year. With this huge step forward, we believe it is vital that the state makes permanent the current moratorium on using the state English Language Arts and math Common Core tests for students in Grades 3 to 8 to evaluate teachers.

Still, the increased complexity of teaching in today's world has put new demands on our ability to keep teachers up-to-date on the latest teaching innovations. Most teachers will tell you that the struggle isn't so much learning about these new approaches, but rather is the successful implementation in the classroom. That's why professional development can no longer just be through attending a workshop. True learning and mastery of a skill or concept takes place only through ongoing, job-embedded professional learning.

New York City's award-winning Teacher Centers are uniquely qualified to do this important work and are well-positioned to play a leading role in providing the necessary training on New York State's new curriculum standards. Unlike a drop-in facility or an outside vendor PD workshop, Teacher Center staff are embedded within 105 schools around the five boroughs, and they work with their entire school community — including administrators, teachers, paraprofessionals, parents and community-based organizations — to provide direct support to classrooms. Our Teacher Center staff provides in-classroom support, after-school study groups and weekend institutes. What's more, they often pair veterans with new teachers to help ease the transition into their new roles. In fact, Teacher Center staff are providing the training and professional learning opportunities for the city's Master and Model Teachers.

But our Teacher Centers also go well beyond school-based work. Rarely does a day go by without classes and institutes taking place in our borough offices as well. Just this past month, New York City Teacher Centers have provided day-long programs for middle school educators, social studies teachers, instructional technology teachers, paraprofessionals and special education teachers. This week alone, we will offer day-long programs and workshops in Brooklyn's District 20 on English language learners as well as training for paraprofessionals training to be Lead Teaching Assistants. We are also beginning a new 10-week series of comprehensive work sessions for new teachers, and we have launched LearnUFT, a new way for our members to earn Continuing Teacher and Leader Education (CTLE) hours through work sessions in all five UFT borough offices on weekends and during the summer.

The demand for these opportunities is extremely high. An English language learners (ELL) conference in October drew nearly 1,000 participants. Nearly 300 educators attended a recent middle school conference that included nine separate work sessions, and hundreds more have already reserved spaces in our early childhood conference in March. And if the past is any guide, we'll have about 2,000 people at our upcoming UFT spring educational conference in May who will flock to workshops on restorative justice, cutting-edge technology in the classroom, language proficiency, meditation for students and understanding how bias sometimes rears its head in the classroom.

Unfortunately, New York City Teacher Centers have suffered major funding cuts, from \$16.8 million in 2010 to the current funding level of \$6 million, and so our capacity to offer these great programs is already greatly diminished. This year, we need to reinvest in this important program, which is why the UFT is advocating for \$40 million statewide for Teachers Centers with additional funding for New York City.

ENHANCE COMMUNITY BASED EDUCATION PROGRAMS

COMMUNITY SCHOOLS

A growing body of research supports investing in community schools because these schools provide wrap-around services, after-school programs and academic supports that lead to solid improvements in educational outcomes. Community schools are a direct counterweight to the societal challenges including language barriers, hunger and homelessness that leave many students unprepared to engage in classroom learning. By providing a network of programs and services and keeping buildings open beyond normal classroom hours, we can make our schools the hubs of their communities, resulting in increased student and parental engagement, and improved family health.

Thanks to the UFT's Community Learning Schools (CLS) initiative, 28 neighborhood public schools in New York City have implemented wrap-around social service, medical and academic support programs. These supports include after-school enrichment activities, counseling services, tutoring and personal development programs. These schools also address needs in the adult community with GED classes, language classes, cooking and nutrition workshops, and access to employment opportunities, skills development and housing assistance.

Wellness programs, health clinics and mental health professionals are serving thousands of students and providing eyeglasses, dental exams, vision screenings, counseling sessions and

referrals for long-term care. Our schools have integrated additional academic programs and expanded learning time into their daily operations. Typically, these programs and services are provided through several strategic partnerships with community-based organizations that have long-term commitments to the school.

Our model, unlike others, centers around the hiring of a community school director who works hand-in-hand with a school's administration and staff. That community school director first works to determine collaboratively with the parents and school staff what specific programs are needed in a building. She then develops relationships with businesses, non-profits and NGOS to bring in programs and services to meet the unique needs as determined by the school community. The result has been a strengthening of school communities, parental buy-in, increased student health, greater academic achievement and even reduced teacher turnover.

We support the governor's proposed \$150 million for the creation of new community schools in high-needs districts, but we hope the state will increase this funding to \$200 million and provide it as categorical aid to adequately support schools. In addition, the UFT supports the New York State Community Schools Network's request for maintaining \$255 million in existing community school funding.

We also support calls to restore the \$21 million in funding for school-based health centers, which depend on that funding to provide core services such as primary and preventative health care, mental health programs and health and wellness education. I want to note that the UFT Community Learning Schools Initiative will be opening two new school-based health centers this year, and each will include a Vision Clinic – the first collaborations of this kind in New York State. The restoration of this state funding ensures their current and future sustainability.

Finally, we also seek to expand and enhance the UFT's Community Learning Schools Initiative, which we launched five years ago with the help of the City Council, the Partnership for New York City, Trinity Wall Street and Senate Coalition Leader Jeff Klein. The UFT respectfully asks for \$5 million in funding to hire additional community school directors, to maintain our current schools and to add new schools to the initiative.

POSITIVE LEARNING COLLABORATIVE

Among the most difficult skills a teacher must master is managing student behavior. When behavioral issues spread beyond classrooms into the building, a school's atmosphere and culture quickly become problematic. No one wants to suspend a student, but it's also clear that schools can't just end suspensions and hope for the best. Educators need to have resources and programs to work with those students; a safe way to help students during a time of crisis.

The UFT's Positive Learning Collaborative (PLC) program is a comprehensive solution. Our PLC experts help teachers build dialogue and community inside their classrooms and give educators methods to manage student behavior beyond punitive measures. While we respectfully appreciate why legislation has been introduced to address discipline and recognize mental health related issues, it takes a robust schoolwide program to get to the heart of these issues – and that's why we have invested in the development of the PLC program.

The PLC experts show teachers how to use proactive methods to respond to a crisis and give students ways to work through their feelings productively. The six schools that started in PLC two years ago have seen a reduction in suspensions and violent incidents as well as a dramatic improvement in school climate.

The PLC program creates a school culture in which everyone feels as if they belong and everyone is seen, heard and respected. Our experts teach practices that emphasize understanding and fairness, and help students build positive relationships with each other. Not only do these techniques reduce behavioral issues, but they also help develop a culture where students actually ask for help when conflicts occur to correct the situation.

Guidance counselors and licensed mental health professionals including school psychologists and social workers also play critical roles in creating school-wide solutions. They are the school personnel who have the expertise to identify and assess a student's needs as well as provide clinical counseling.

Sixteen schools are participating in our PLC program this school year but, unfortunately, dozens are on the waiting list. With \$1.5 million in additional state support, we could bring PLC into as many as 20 more schools, and provide additional training, including workshops for parents, in collaboration with the DOE.

REJECT CHARTER SCHOOL PROPOSALS & PROTECT PUBLIC EDUCATION

In the governor's budget, the charter school tuition formula is unfrozen and increased, and what's more, the calculation of rental aid for charter schools is also increased from 20 percent to 30 percent in New York City. In addition, the Executive Budget provides a separate funding increase of \$6 million called "Charter School Transitional Aid" for all charter schools. This additional funding is paid by the state, not by public school districts and is paid on a one-year lag.

In New York City, the Executive Budget also requires that a charter's entire planned grade configuration — elementary, middle or high school — be located within a single building including grade levels not yet in operation at the time of opening. Charter payments are supposed to include lease payments, maintenance, capital improvement and any other costs associated with the rental expenses of such facility. The Executive Budget also removes the regional restriction on the number of charter schools permitted, but maintains the existing statewide cap of 460.

Two weeks ago, New York City testified that the increase and shift of charter school costs to school districts will cost the city \$198 million. In addition, the city addressed the removal of the geographic cap, noting that there are 30 charters still available, in addition to the 29 already approved to open, therefore negating the need to raise the cap at this time. We believe these proposals are untenable, and we support the city's position.

In view of the inevitable privatization goals of the new U.S. Secretary of Education, the UFT once again calls on the governor and state legislature to strengthen the accountability and transparency of charter school operators while we still can.

The state should hold every school that receives public funding accountable for fiscal transparency. Many of these charter schools refuse to make financial records public. Taxpayers deserve to know

how their hard-earned money is spent. What's more, charter schools should accept all students and enroll comparable numbers of high-needs students — special education students, homeless children, English language learners — just as neighborhood public schools do.

This year, we will once again focus on the lack of regulation and oversight in how these schools are managed, leading to a lack of transparency and equitable treatment under the law. Some charters are avoiding responsibility for their most vulnerable students.

PROVIDE AFFORDABLE CHILD CARE FOR WORKING FAMILIES

New York City's 15,000 home-based child care providers (and more than 40,000 statewide) give the children in their care a strong foundation for learning and enable thousands of low-income New Yorkers, predominantly families of color, to work because they don't have to worry about who's watching their children. The home-based child care provider offers high-quality, affordable care for children, from infancy to age 12.

Sadly, only 27 percent of income-eligible families in New York City currently receive subsidized child care.

This year, the Executive Budget provides flat funding for child care and provides no additional funding for federal mandates. We are also concerned that due to a cut in the per-seat reimbursement rate, New York City could lose pre-K slots without additional investments. This places an unfair burden on our already poorly-paid home child care providers who must make up the shortfall in funds with lower take-home pay. They are already among the poorest-paid employees in the state; is this really how we should treat the educators of our youngest residents?

The UFT strongly supports preserving and increasing day care slots for working families. In addition, the state needs to provide resources to fund any federal mandates coming this year. Finally, we believe that providers deserve a raise for the vital service they provide.

EXPAND CAREER & TECHNICAL EDUCATION PROGRAMS

In today's day and age, our students and teachers are clamoring for more cutting-edge Career and Technical Education programs. The same holds true for our industry partners, who are looking for the next generation of highly-skilled workers to fill high-demand jobs.

At its core, CTE is designed to help students develop the skills they will need to enter college and careers; keeping pace with emerging and rapidly changing technology is a challenge. Our work this year will include looking for ways to encourage and facilitate the expansion of CTE in our public schools to serve the growing need for these programs. Reducing bureaucracy and streamlining the approval processes at every level would go a long way toward helping us improve our offerings, which is why we strongly support the governor's call to reduce obstacles for training our teachers.

Our Teacher Centers have created a particularly compelling pilot program on Staten Island that maps out a career pathway from middle school all the way through college. Working in collaboration with Virtual Enterprises, our Teacher Center staff supports a curriculum around print

media, business advertising, marketing and even 3-D printing, and that curriculum is aligned from 6th grade straight through 12th and beyond. The program currently exists in IS 2 and IS 51 on Staten Island, but we are exploring ways to expand it to other schools in the fall.

We will also continue to advocate for policies that allow our members to receive industry accredited instruction in a variety of technical fields. That in turn would allow them to help students graduate with special industry-recognized credentials and certifications. Our union does a great deal of work to connect teachers and students with companies and industry. Our relationships with computer and software companies, automotive and aviation companies, and green environmental organizations and companies have led to terrific partnerships. For example, companies such as Adobe, Intel, Cisco, Microsoft and Apple have given students authentic work-based experiences that have expanded the four walls of our classrooms. We therefore support Gov. Cuomo's call for tighter relationships between higher education and the state's Regional Economic Development Councils, and we would advocate that be expanded to high schools as well.

Lastly, we support the governor's proposed New York Tech Work Force Development Task Force and Workforce Training Fund to Equip New Yorkers for 21st Century Jobs. In many ways, the idea mirrors a UFT program called NICE – the National Industry Certification for Educators. NICE consists of three components: a train-the-trainer program that teaches educators who already hold industry credentials how to best share their knowledge with students and colleagues; industry certification courses for educators who do not already hold industry credentials; and a school-based pilot program that pairs selected schools with industry partners to improve students' access to knowledge, skills and credentials. The goal of this initiative is to expand the great work many of our schools are already doing with different industry partners and to involve those partners in a much more structured way in teacher development and school support.

To close, I again urge this legislature to carefully monitor the new administration in Washington and work with us to protect our neighborhood public schools. An unqualified ideologue who wants to dismantle public schools is now at the helm of the U.S. Department of Education. She is supported in this position by the so-called education reformers who look to privatize education. Their intentions are all too clear – there is a lot of money to be made and it's hard not to be cynical about whose wallets will bulge even further.

The only bright spot in this national disaster has been watching the grassroots push-back on Betsy DeVos' nomination by parents, teachers, concerned citizens and lawmakers across this country. They represent the birth of a broad coalition we will need in the fight to preserve and strengthen a core American institution — neighborhood public schools. I look forward to standing with them, and I hope you will, too.

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