

**Joint Legislative Hearing of the
Assembly Ways and Means Committee
&
Senate Finance Committee
On
Executive Budget Proposals for Education
SFY 2012-2013
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**The Council of School Supervisors and Administrators
Ernest Logan, President
Peter McNally, Executive Vice President
Randi Herman, Ed.D., 1st Vice President
16 Court Street
Brooklyn, New York 11241
(718) 852-3000
www.csa-nyc.org**

Good Morning, Assembly member Farrell, Senator DeFrancisco, Assembly member Nolan and Senator Flanagan. My name is Ernest Logan and I am President of the Council of School Supervisors and Administrators (CSA). CSA is the labor union representing the 6,100 active and 9,000 retired Principals, Assistant Principals, Education Administrators and Supervisors working in New York City public schools as well as nine charter schools in New York City. CSA is also the collective bargaining unit for 357 Directors and Assistant Directors who work in city-subsidized Day Care Centers. I want to thank you for the opportunity to present testimony regarding the Governor's proposed education budget for State Fiscal Year 2012-2013.

Budget Issues

CSA is pleased to see that the Governor, true to his promise, included the 4% increase in School Aid funding in the State Fiscal Year 2012-2013. However, we were concerned to learn that the increase has been linked to the full implementation of a teacher evaluation system by January 2013. The New York State Department of Education (NYSED) has already penalized New York City and other school districts for not yet succeeding in negotiating a teacher and Principal evaluation system put forward by the New York State Education Department (NYSED). The loss of School Improvement Grant (SIG) funding is a significant blow to our ability to provide support programs and services to the neediest schools.

On December 30, 2011, CSA was scheduled to hold only its third negotiation meeting with the New York City Department of Education (NYCDOE). We were informed, at the last moment, on the morning of December 30th that our scheduled negotiating session was cancelled. We urged the NYC DOE to resume negotiations because the desperately needed SIG funding would be in jeopardy. Let me say that these issues are too important for anyone to be playing chicken. That includes the unions, the city and the state. All of us must make sure that Race to the Top works.

CSA agrees with the Governor that the new evaluation system must be implemented by January 2013, but we urge the Legislature to reject any proposal to link a district's ability to receive additional school aid to its implementation. For years, districts have struggled with school aid reductions and have made significant cuts to valuable student programs and services in order to make their budgets balance. A 4% increase will help these schools and districts maintain existing programs and, in some instances, resume programs previously eliminated. But creating yet another barrier to even this modest increase in School Aid is wrong. It would encourage needless acrimony between districts and their professional educators, at a time when we need to be working together harder than ever.

Evaluation

In order to bolster New York's application for Race to the top funding, a teacher and Principal evaluation system was enacted (**3012c**) in 2010. The implementation of the evaluation system has caused much publicized controversy, mainly because the evaluations were being disproportionately based on a solitary test, which is unfair to educators and students and violates the letter and spirit of the evaluation law. Furthermore, although state English and Language Arts (ELA) and math tests already exist, new tests must still be developed and researched in other disciplines such as social studies and science and at other grade levels. This considerable test development and research are not without costs. The 4% addition in School Aid funding is essential to help cover those costs.

Furthermore, ever since the evaluation system was first contemplated, I have raised the question of the "missing link" of responsibility: What about superintendents and school boards? Shouldn't the people at the top be evaluated, too? As we continue to discuss how to implement the new evaluation system to hold Principals and teachers accountable, let's be sure we also demand an accountability system for Superintendents and School Boards.

The Principal is the leader of a school, but there are many factors beyond her or his control, impacting her or his ability to provide high quality education. For example, policies regarding district resources and placement of students are set by the Local Education Agencies (LEAs/school districts) and not by the Principal. These policies are a critical factor in a school's performance and no one is being held accountable for them. Or, worse, the Principal is being held accountable for them and has no control over them.

Superintendents play a major role in the success of schools. The Superintendent is responsible for providing support and guidance to Principals, as well as ensuring that they have the resources that students need. Until we hold superintendents and school boards up to the same standard as Principals, we will not have true accountability. Creating this top-tier system of accountability will not be without costs and those costs must be covered.

Reform 3020-a Disciplinary Hearings

For the past couple of years, the New York State Education Department has run a deficit in the 3020-a disciplinary program. As a way to deal with the costs of these hearings the Governor is proposing to reform the 3020-a hearing process in a way that saves the State money, but only by shifting the burden

of payment to the local districts, the employee subject to the charge(s), and the labor union representing the employee.

The Governor's budget documents state that these hearings "fail to provide outcomes in a timely fashion, causing a backlog of cases and unnecessary expense." Critics often suggest that the length of the hearing is the result of delay tactics practiced by employees and their union lawyers trying to avoid or postpone inevitable discipline. In reality, busy schedules for all involved -- arbitrators, school district attorneys, employees' attorneys and witnesses -- result in scheduling delays. These delays can be reduced substantially at the local level through negotiated procedures to speed up this part of the process, as has already happened in New York City. Several years ago, CSA helped to modify procedures that have cleared up backlogs and moved cases through the process expeditiously. CSA negotiated a five-month limitation for the completion of cases, which has worked extremely well. All parties strive to meet the contractual time limit. As a result, fit employees return to productive positions more swiftly.

While the Commissioner of the New York State Education Department (NYSED) would set the maximum rate of compensation of hearing officers and limitations on the number of study hours that may be claimed, an employee or labor union representing an employee, has no way of determining what their fair share of the cost would actually total. Further, a labor union's share is predicated on what the state share is, and state reimbursement would be set unilaterally by the Commissioner of NYSED under the Governor's proposal.

The Governor's proposal provides that either the labor union or individual employee must pay half the costs not paid by NYSED. After going through a 3020-a hearing, an employee may be terminated and may not have the resources to pay his or her share of the cost. Additionally, there are instances in which the hearing officer's time is consumed by the employing board and not the employee. It is unfair and unreasonable to expect the employee and/or labor union representing the employee to pick up an equal share of the cost for time attributed to the employing board.

Over the years, we have seen a number of legislative proposals advanced to amend the tenured teacher disciplinary process in an attempt to try to hasten hearings and control costs. But it has been CSA's experience that the most lengthy and costly cases involve charges of incompetence. Included in the law enacting the new Teacher and Principal evaluation system is a new expedited 3020-a hearing process. Those individuals receiving two consecutive ratings of "ineffective" would be subject to the new

disciplinary process for which the timeline is established and capped in law. It remains our belief that, this new expedited process will adjudicate the majority of 3020-a cases when fully implemented.

In light of the recently enacted expedited hearing process for charges of incompetency and the ability to locally negotiate an aggressive timeline, we urge the Legislature to reject any proposal to shift the burden of paying for 3020-a hearings.

Early Childhood Education

CSA 's Day Care Directors and Assistant Directors are responsible for the operation of 278 city-funded Day Care Centers, serving more than 100,000 children in New York City. As the union also representing New York City public school leaders, CSA remains committed to closing the achievement gap and ensuring that schools have the resources needed to do so. In August, the New York State Education Department released the Math and ELA test scores for students in grades 3 through 8. Unfortunately, these test results clearly demonstrate that the achievement gap among our students is still severe. In fact, it is tragic. The Statewide results for black students reveal the gap's persistence:

- 35% of black students across grades 3-8 met or exceeded the ELA proficiency standard (compared with 52.8% for all students and 64.2% for white students);
- 44% met or exceeded the standard in math (compared with 63.3% for all students and 73.3% for white students).

Statewide results for Hispanic students also demonstrate that the gap remains very real:

- 37.2% of Hispanic students across grades 3-8 met or exceeded the ELA proficiency standard (compared with 52.8% for all students and 64.2% for white students);
- 50.2% met or exceeded the standard in math (compared with 63.3% for all students and 73.3% for white students).

While the Board of Regents has advanced a reform agenda that seeks to close and eliminate the gap, CSA believes that New York State must do more. In order to ensure that children start on their academic journey prepared for that journey, we must focus on early childhood education and the years before children enter Kindergarten and Pre-K. Research has shown that the achievement gap begins even before children enter school.

Permit me to mention just one of many findings that demonstrate this: A 2005 report entitled "*School Readiness: Closing the Racial and Ethnic Gaps*"¹ -- a survey of Kindergarten teachers found that 46% reported that more than half of the children in their classrooms have difficulty with following directions and working in a group.

For years, I have advocated for a change in the way our state and its leaders view child care. I believe, and CSA believes, that we must no longer view child care only as a means to allow parents to work, but also as a way of providing genuine education. There is difference between "education" and "child care." Every day, our school leaders see firsthand the many benefits enjoyed by children who had access to high quality early childhood education and see the disadvantages suffered by those who did not. Children who do not have access to early childhood education struggle with mastering tasks, both physical and mental, including holding a pencil and even sitting still. The ability to focus on a task is achieved only after extended opportunities to practice. While we may take these skills for granted, they are critical to putting children on the right path for success in school.

In order to change the way society and policy makers view early childhood education, we must first understand and change the way New York State regulates and oversees these programs. Currently, there are a number of state agencies and entities responsible for various aspects of child care --some of them with differing philosophies:

- The New York State Education Department oversees nursery schools, Pre-Kindergarten and Kindergarten.
- The New York State Office of Children and Family Services (OCFS) is charged with regulating and overseeing regulated child care centers and programs from birth to age 13.
- The New York State Department of Health (DOH) oversees the Early Intervention program providing services to treat developmental delays in children from birth to age 3.
- The Office of Temporary and Disability Assistance (OTDA) administers child care subsidies for families receiving temporary assistance and low income families.

¹School Readiness: Closing the Racial and Ethnic Gaps (The Future of Children, Vol. 15, No. 1: Spring 2005). Sara McLanahan, Ron Haskins (Editors). The Future of Children: A Collaboration of The Woodrow Wilson School of Public and International Affairs at Princeton University and The Brookings Institution.

Each of these agencies has its own regulations and rules that, when viewed together, may provide oversight for all of the needs of children in child care settings. However, they may do so without a singular focus or collective purpose.

CSA supports legislation introduced by Senator Flanagan and Assembly member Nolan, (S5650-A/A7591) to require SED, OCFS, OTDA and DOH to conduct a study of the current early childhood education systems. The report required under this bill would also include recommendations for strengthening the day care system to provide a focus on early childhood education. We thank the Senate for passing this bill at the end of 2011 session. CSA strongly supports this measure, and asks the Legislature to consider this bill as part of the upcoming budget for State Fiscal Year 2012-2013. Put more simply, it is time for New York State to merge the various entities overseeing child care into a single entity or structure, to provide a focused, streamlined and resource-efficient system for oversight and regulation of early childhood education.

Other states have already done this. Massachusetts and Maryland have merged programs charged with overseeing early childhood education into one entity to ensure that all policies and procedures not only focus on health and safety, but as importantly, on educational preparation:

- In 2005, Massachusetts merged the two agencies responsible for overseeing child care in the State and created the “Massachusetts Department of Early Education and Care,” overseeing early education and after-school services, as well as financial assistance to families.
- Also in 2005, Maryland merged entities to create the “Division of Early Childhood Development” within their State Department of Education.

CSA believes that New York State policymakers must take a serious look at our systems and at consolidating services into a single agency with a focus on early childhood education. Doing so will go a long way in closing the achievement gap and ensuring that children enter school prepared for academic success.

Recruitment and Retention of School Leaders

In the fall, CSA conducted a survey of our members to find out how they feel about their jobs and security. A similar survey of our members was done in 2009. Survey findings demonstrate that 48 % of Principals, Assistant Principals or Education Administrators were dissatisfied with their jobs in 2009 and that the number has grown to 59 % today. More alarming: Among Principals the rate of dissatisfaction

was 68 % in 2009 and today it is 73 %. Principals are concerned about three factors of the utmost importance in job retention: Workload, wages and job security.

I share these numbers with you today because I want our school system, the largest in the nation, to survive and thrive. To retain good school leaders today and recruit good school leaders tomorrow, we must provide the resources to allow them to succeed at their jobs. Providing them with professional development is essential. 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. We must maintain salaries commensurate with school leaders' level of responsibility. And we must make certain that school leaders are evaluated respectfully and justly, by the many measures that truly reflect the scope of their professional position. We need your support to ensure that these needs are met.

Behind our mission is this premise: Each school has a unique culture, a synthesis wrought from the different communities of people who work in and attend the school. A school leader integrates these constituencies into a harmonious, effective school with engaged students who are achieving to their full potential. ELI's programs give school leaders the tools they need to create true learning communities.

In this testimony, I have touched upon four issues that are currently of concern to school systems throughout the state. The list is far from comprehensive, but it includes concerns that are of some urgency and that you have the authority to attend to right now. CSA is always honored to come before you and, on behalf of all our members, I thank you again for the honor.