

## BUDGET GAPS AND FUNDING FACTS



### APPR & Tenure Reform

APPR mandate is significantly underfunded and unsustainable under current fiscal conditions and exacerbated under the tax cap.



### ERS/TRS

ERS and TRS increases absorb a significant portion of all or more than the total allowable tax cap levy in Lower Hudson Valley districts.



### Special Education Cost Containment

At present local taxpayers fund 204 New York State mandates that exceed federal mandates.



### Transportation

Transportation costs run high, especially when transporting students to private schools out of the district and across state lines.



Lower Hudson Council  
of School Superintendents

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# LHCSS 2012-2013 ADVOCACY AGENDA

APPR & TENURE REFORM



ERS-TRS



SPECIAL EDUCATION



TRANSPORTATION



Lower Hudson Council  
of School Superintendents



## ISSUES

### ▶ APPR & Tenure Reform

- APPR mandate is significantly underfunded and unsustainable under current fiscal conditions and exacerbated under the tax cap.
- Will not produce the desired outcome of improved teacher practice and student performance.
- Forces expenditures on excessive assessment and data gathering better spent on teacher development.
- Requires more supervisory staff than is currently in place or affordable.
- Reliance on uncertain Value-Added Measures (VAM) will lead to unnecessary and costly litigation.

### ▶ ERS/TRS

- ERS and TRS increases absorb a significant portion of all or **more** than the total allowable tax cap levy in Lower Hudson Valley districts.
- Local contributions to TRS for 2013-14 are estimated to increase by 16.5%.
- Local contributions to ERS for 2013-14 are estimated to increase by 20.9%.
- Districts are unable to forecast and plan for these rising costs.

### ▶ Special Education Cost Containment

- At present local taxpayers fund 204 New York State mandates that exceed federal mandates.
- Over the past 5 years special education costs in New York State have grown by 40% because of unfunded New York State mandates – \$7 billion dollars to \$10 billion dollars per year during this period.
- Part B of IDEA originally authorized Congress to contribute up to 40% of the average per pupil expenditure. Federal funding is at 17%, almost \$10.5 billion short of full funding and would require a 139% increase to be fully funded.

### ▶ Transportation

- Transportation costs run high, especially when transporting students to private schools out of the district and across state lines.
- New York State taxpayers should not be subsidizing private school transportation that is excessive and that financially benefits the private school investors, trustees, and parents who have chosen these as an alternative to their local public school.



## RECOMMENDATIONS

Implement a five-year renewable tenure system for all tenured employees in public schools districts. All tenured and probationary employees would require a continuous growth plan or locally mandated improvement plan. Renewable tenure requires a mutual responsibility of school districts and teachers for professional growth.

Stabilize pension costs by negotiating statewide with teacher unions a five year contractual clause which institutes a minimum contribution (rollback to pre-1998 rates) of 3% towards retirement costs.

- Provide an incentive for a 55/25 “exit clause” for tier 3 and 4 members who are 55 and older (in 2011) thereby stimulating “entry” opportunities for new tier 5 & “6” TRS contributors
- Enable districts to establish TRS reserve fund

Align NYS special education laws with federal laws: Given the disproportional comparative costs of special education – one of the highest in the nation – to general education in New York State, it is recommended that state officials and legislators remove the state’s additional mandates that significantly contribute to the cost of educating special education students. These changes will not impact the quality of the delivery of services.

Reduce costs associated with special education service by eliminating or modifying the 204 laws and regulations that exceed federal IDEA requirements. These include:

- Eliminate state mandated class sizes for students with disabilities and resource rooms while still maintaining a full continuum of services and supports for students with disabilities.
- Relieve districts of disproportionately high private placement costs (Ed Law 3602)
- Eliminate required individual evaluation with specific assessments (4402(1)9b)(3)(a))
- Relieve school districts of the burden of proof (a.5396-a/s.5972-a; **chapter 583**)

- Fund or reduce mileage limits (15 to 5 miles) for private school out-of-district transportation
- Allow consolidation & regionalization of services under established contracts



## POSITIVE OUTCOMES

- Renewable tenure creates the conditions for superintendents and boards of education to be directly accountable for student outcomes where it most appropriately resides.
- Local control allows for local educational experts to consider context and cohort as a part of teacher performance. It removes the inadvertent disincentives for teachers to serve the neediest students or high-performing students (ceiling effect).
- Test data would be utilized as a component of teacher evaluation.
- Student testing can be reduced to more affordable and instructionally appropriate levels.
- Renewable tenure should maintain the existing prerogative of a district to terminate any teacher during the initial probationary period.

- A reinstatement of a 3% contribution rate for all TRS members will enable districts to maintain programs, provide adequate staffing under the cap.
- The establishment of a TRS reserve would protect against large tax rate spikes in periods when rates increase significantly.
- Re-establishing the pre-1998 contribution rate requires a statewide bargaining agreement between union heads and Governor’s office.
- Develop an NYS retirement incentive that permits those with 25 years in the system who are 55 years or older to retire without penalty;
- The 55/25 incentive will stimulate newer teachers into the system who will contribute under the improved cost-sharing system of Tier 6.

- These recommendations are based on the LHSS 2011 Mandate Relief paper/proposals and a report of the New York State Council of Special Education Administrators. Each one of these reforms has been carefully examined to ensure that the delivery of special education services will not be negatively impacted, but can be delivered in the most cost-effective model.
- The removal of these additional mandates allows local special education directors to make informed decisions about how best to utilize scarce dollars in meeting the needs of special education students.

- The recommendation seeks compromise not elimination of private school funding.