



SENATE STANDING COMMITTEE ON EDUCATION

**Testimony from Public Hearing on BOCES as a Model for Delivering Taxpayer Savings
in West Seneca N.Y. on October 8, 2009**

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October 8, 2009

Wayne Schlifke, President NYSSBA

Senator Oppenheimer and distinguished members of the Committee:

Thank you for allowing me to address you today both as the President of the New York State School Boards Association and as a 21 year member of the Erie 1 BOCES Board.

As stewards of federal, state and local resources, school board members are acutely aware of the tremendous financial stress facing our nation, our state and most especially our public schools. In this regard, education leaders and legislators should be asking themselves two critical questions about school district resources:

1. Is it right to assume that education funding will bounce back after the recession ends?
2. If not, what can we do to optimize the resources we do have?

As Will Rogers once said; "even though you're on the right track, you'll get run over if you just sit there."

Understanding the changing landscape is critical to developing a strategy for going forward. The NYSSBA Task Force on Optimizing School District Resources was formed two years ago in anticipation of these challenges. Copies of our report are available today.

Our broad-based Task Force on Optimizing School District Resources believes the 55 recommendations in the full report are worthy of serious study and consideration by state lawmakers, as well as NYSSBA member boards.

Today, I will address a few recommendations concerning how BOCES can be more efficient and indispensable to the school districts they serve, in two specific areas: procurement and streamlining the delivery system.

There are many examples of successful BOCES sponsored procurement programs and purchasing cooperatives. From the Optimizing Report, recommendation #24 states; “school districts should form a statewide or regional energy purchasing cooperative modeled after successful BOCES buying groups”. An example is the five-year savings from the energy cooperative of 23 component school districts within the Onondaga-Cortland-Madison BOCES and is estimated at more than \$8 million dollars.

Another example of BOCES procurement successes is contained in NYSSBA’s recently released report on Health Insurance Consortiums, copies of which I also have here today. For school districts that are struggling to rein in expenses, health insurance consortiums may be a viable cost-saving solution. NYSSBA counts more than half of New York’s 735 school districts and BOCES as members of one of the 31 multi-district health insurance consortiums around the state.

In my own Erie #1 BOCES district, a consortium estimates health insurance savings of \$9.1 million dollars over a six year period.

Let me now briefly address delivery systems. First, restructuring for a more efficient and comprehensive service delivery system, such as the BOCES network should provide contractual incentives to expanding such networks to include private entities and other municipalities who could benefit from our excellent procurement and delivery systems.

As the Optimization report recommends on page 6 (recommendation #31), we encourage the use of BOCES for back-office school district operations like payroll, purchasing, human resources, employee benefits administration, staff development, legal services and printing services.

Recommendation #35 requests the state to fully fund and require each BOCES to undertake a study to determine how to implement a regional school transportation system in that BOCES region with the objectives of maximizing cost efficiencies and conserving fuel.

On the same page, recommendation #37 asks for the repeal of those provisions of the Education Law that restrict BOCES authority to provide services to all general and special purpose local governments. Localities are crying out for assistance; let us use our systems to remove their burdensome purchasing and delivery costs.

Finally, let me add that these two reports serve as a discussion starter for boards of education and BOCES who take seriously their responsibility of providing the highest possible quality educational programs while ensuring member communities their tax dollars are well spent. In other words, perhaps now more than ever, school officials and legislators must work together to maximize the portion of every dollar available to us, that is dedicated to learning in our classrooms.

Again, thank you for letting me address you today. I now yield to the Executive Director of NYSSBA, Tim Kremer.

NYSSBA



NEW
YORK
STATE

Timothy G. Kremer
Executive Director

Phone: 518-783-0200

Fax: 518-783-0211

E-mail: tim.kremer@nyssba.org

Internet address: www.nyssba.org

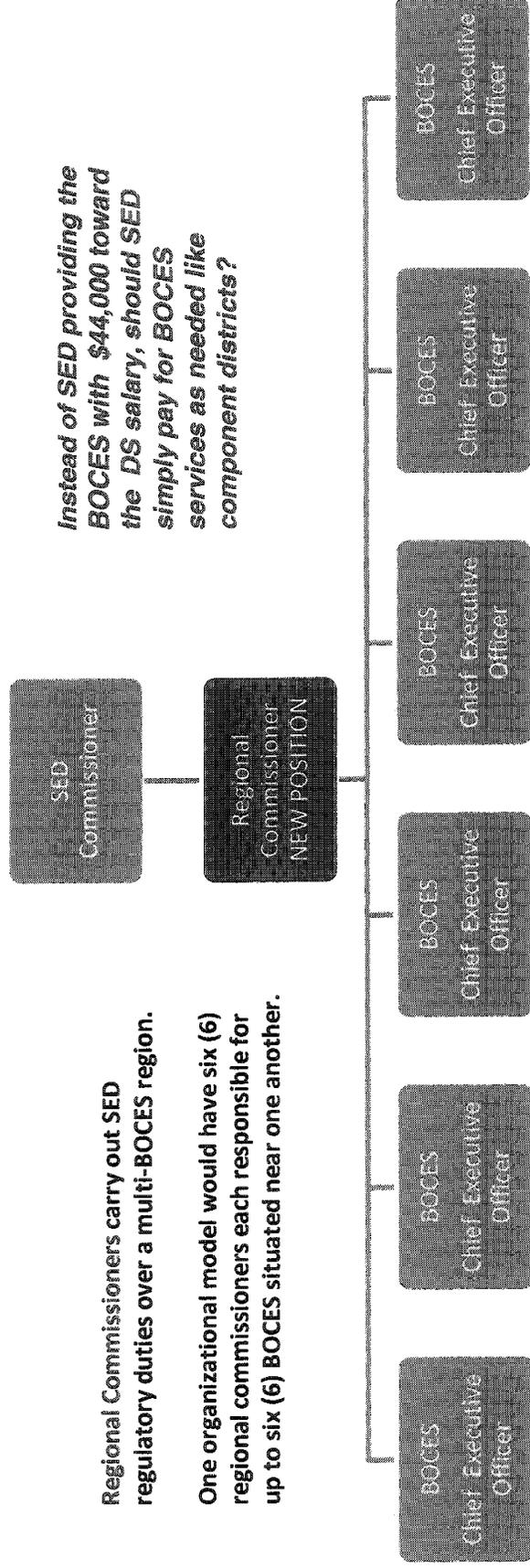
24 Century Hill Drive, Suite 200, Latham, NY 12110-2125

SCHOOL BOARDS ASSOCIATION

Modify SED/BOCES organizational structure

Regional Commissioners carry out SED regulatory duties over a multi-BOCES region.

One organizational model would have six (6) regional commissioners each responsible for up to six (6) BOCES situated near one another.



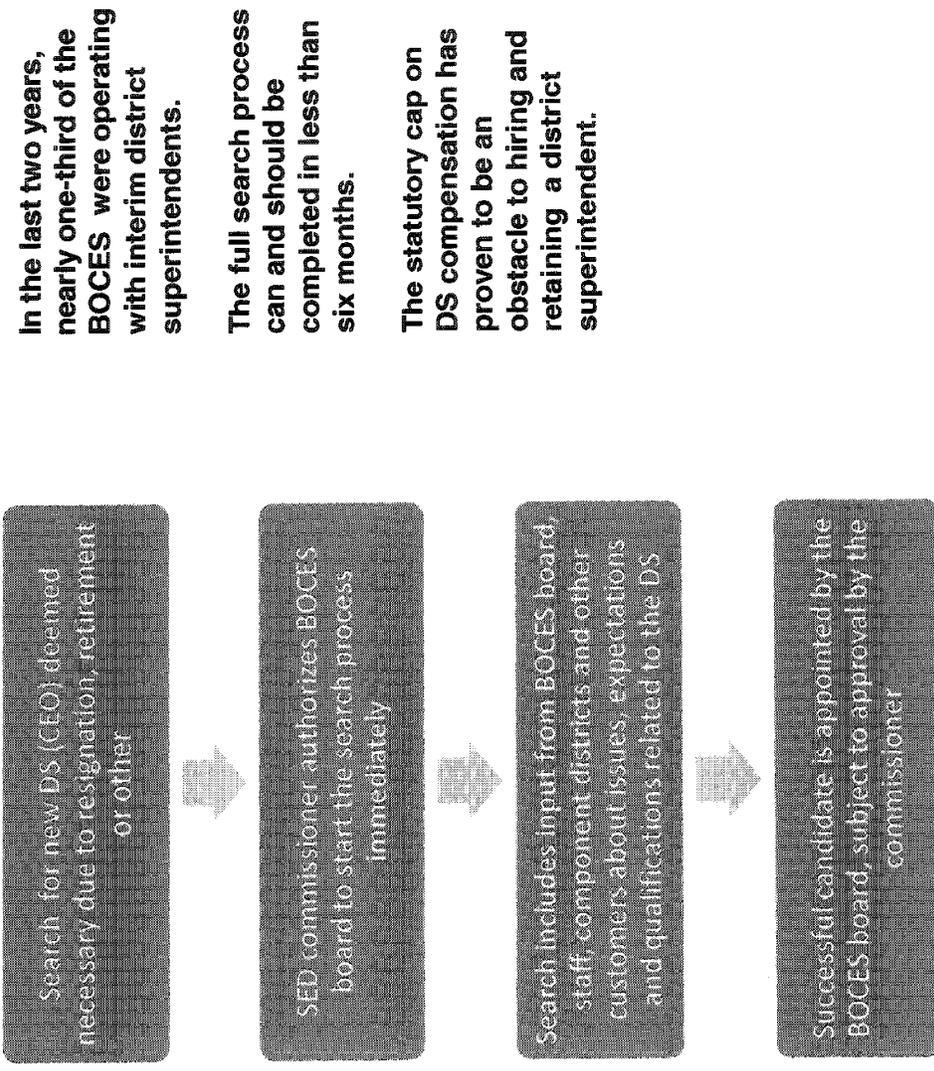
The current district superintendents would become Chief Executive Officers, hired directly by their BOCES boards. The CEOs would direct BOCES programs and services provided to their local components school districts and non-school district customers as well as exploring new opportunities to meet customers' needs. Their compensation would be determined by contract with the employing BOCES board.

Streamline District Superintendent (CEO) Searches

Expansion of the BOCES network will necessitate leadership skills of the highest caliber and contractual incentives to attract top leaders.

Currently, the DS search process is delayed pending a required survey of component districts, frequently followed by a regional study of the BOCES.

During the current search period, which can last a year or more, a DS from a neighboring BOCES serves as the interim DS while continuing to serve his/her home BOCES.



In the last two years, nearly one-third of the BOCES were operating with interim district superintendents.

The full search process can and should be completed in less than six months.

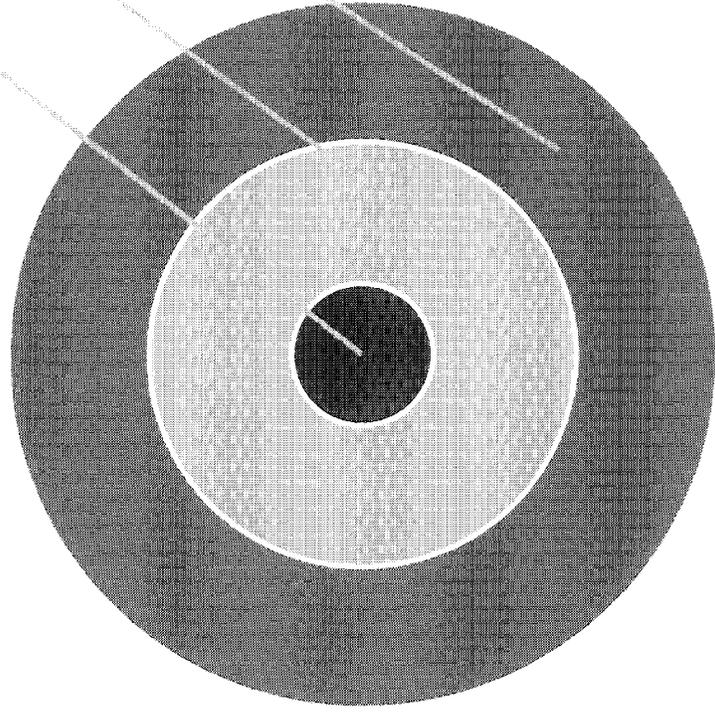
The statutory cap on DS compensation has proven to be an obstacle to hiring and retaining a district superintendent.

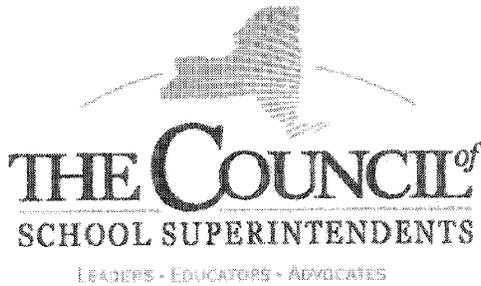
Redesign BOCES Funding

Core Educational /Support/Technology programs for component districts paid for with traditional BOCES Aid

Contracted Programs and Services for school districts paid for with traditional BOCES aid and non-school district customers paid for with fees and surcharges

Non-traditional program investments to meet changing needs of existing and new customers paid for using planning and opportunity grants, program savings, joint venture agreements, performance contracts, etc.





TESTIMONY

BOCES as a Model for Delivering Taxpayer Savings

Senate Committee on Education

October 8, 2009

I am Michele Handzel, General Counsel of the New York State Council of School Superintendents and I am grateful to have this opportunity to provide testimony on Boards of Cooperative Educational Services – BOCES – on behalf of our members.

The time has come to “unleash BOCES.” Mounting worries over property tax burdens and potential state aid cuts are forcing all public officials to find more cost-effective strategies for delivering public services. BOCES should be a cornerstone in that effort for schools, and in some cases for other entities as well.

At the same time, other trends are also driving an interest in making more aggressive use of BOCES.

In most upstate regions, enrollment declines have averaged over 1 percent per year over the last five years, and in high need rural districts, the declines have averaged 1.7 percent per year.

In many areas, superintendents are leading studies of district consolidation – potentially “working themselves out of a job.” Superintendents are also aggressively exploring opportunities for “functional consolidation” – sharing services without actually merging districts.

Schools already have a vehicle to facilitate increased functional consolidation – a statewide network of Boards of Cooperative Educational Services. BOCES plays a critical role in helping districts, particularly small districts, achieve economies of scales.

RECOMMENDATIONS

We have a series of straightforward “operational” changes that would enable the state and our schools to make more use of the asset that BOCES represents:

- ✓ Remove statutory limitations on authority of BOCES to provide some non-instructional services to school districts.
- ✓ Allow BOCES to provide more services to local governments as long as that service is already being provided to component school districts -- districts -- to ensure that BOCES do not stray from their mission of serving schools.
- ✓ Allow BOCES to be more entrepreneurial, by removing prohibition against multi-year budgets, especially for programs which are not eligible for state aid.

- ✓ Allow the Big 4 cities to join BOCES to receive state reimbursement for services purchased. In addition to improving programs in the larger cities, this would spread administrative costs over more districts.
- ✓ Allow BOCES to use third party vendors for certain services, such as communications and information technology.
- ✓ Allow BOCES to enter building leases for periods longer than 10 years.
- ✓ Require school districts to follow BOCES-wide uniform school calendars. Over the near-term, this would reduce transportation costs for students who are transported across districts to attend BOCES programs or nonpublic schools. Over the longer-term, it would set the groundwork for wider efforts to regionalize transportation.
- ✓ Raise the cap on the share of salaries for BOCES service personnel covered by state aid. The cap of \$30,000 has not been adjusted in 18 years. This undermines BOCES capacity to promote regional collaboration.

In addition, the process by which BOCES establishes health and energy consortia should be facilitated, and impediments removed. Districts would realize savings by participating in health insurance consortia. BOCES can serve as coordinator for health care coverage and achieve large economies of scale in contract and pharmaceutical purchasing. Similarly, districts would realize savings through cooperative purchasing of energy. Erie I BOCES has created a State/Municipal Energy Cooperative (SMEC) which has saved schools more than \$6 million in energy costs. Onondaga-Cortland-Madison BOCES has saved an even greater amount.

Also, BOCES represent a natural resource for consolidating technology initiatives for school districts, and local municipalities. Some BOCES already provide regional phone and broadband internet services to the component districts and can easily extend the services to local municipalities, provided BOCES is allowed to use 3rd party contracts. Third party contracts are the most efficient and cost effective means of providing the technology service.

We should also make much more aggressive use of BOCES than we have in the past, asking them to play leadership roles in promoting cooperation and school improvement.

As recommended by former Lt. Governor Lundine's Commission on Local Government Efficiency, committees of school district leaders and others should be convened in each region to evaluate restructuring and sharing opportunities. Early priorities should include developing options for regional health insurance plans, "back office" consolidation, cooperative purchasing, and nonpublic pupil transportation.

In some areas, BOCES superintendents have already commenced these efforts, without waiting for the state to act.

Authorize the Establishment of Regional Innovative High Schools

BOCES should also be empowered to launch regional high schools.

The experience with Tech Valley High in the Capital Region has demonstrated that BOCES are a great vehicle to develop innovative schools without many of the weaknesses of the charter school model:

- ✓ The funding system doesn't undermine local district finances.
- ✓ The school has better oversight.
- ✓ Enrollment is more easily managed between the school and the sending district.
- ✓ Continuity ensures that children will not be shuttled back and forth between teetering charter schools.
- ✓ BOCES can offer facilities with far lower start-up investments.
- ✓ BOCES draw from larger student populations, improving the potential for diversity.

Further, in some regions, BOCES should be authorized to assume operation of general high schools, or to launch new ones. This would accomplish one of the goals of district consolidation – preserving the capacity to assure students access to comprehensive but costly learning opportunities – while still preserving some sense of community control and identity, since parents tend to be most concerned about school proximity in the elementary years.

Specifically, the state should end the aid penalty that discourages districts from sending students to full-day BOCES programs and BOCES should be authorized to grant high school diplomas subject to specific program approval by SED.

Currently, school districts may purchase services from BOCES beyond their region. The state should make a deliberate effort to promote more cross-contracting of management services, creating specialized centers at various BOCES, rather than duplicated centers at multiple BOCES.

Support Regional School Improvement

The federal No Child Left Behind Act requires states to set-up assistance networks to support schools in need of improvement. The State Education Department chose to bypass BOCES for this assignment and has created other networks and programs to provide help on such matters as special education, bilingual education, and school safety. Focused on narrow slices of the school improvement effort, their efforts remain diffuse, are largely divorced from broader issues affecting schools, often overlap, and lack a clear single authority or point of accountability. Moreover, the quality of each effort varies significantly from one region to the next.

BOCES and their superintendents are the longstanding primary agents of school support. The work of the state's disparate assistance networks should be delivered through contracts with BOCES.

Two years ago, the Council adopted Education is a Civil Right as a comprehensive reform agenda. It is built around three premises:

First, our state standards and assessments must ensure that we are teaching students the skills and knowledge they will need to thrive in life beyond school.

Second, the most essential school-based ingredient to our success in meeting that goal will be getting and keeping the best people we can find as teachers and school leaders.

Third, poverty afflicting the families of too many schoolchildren is the biggest impediment to our success. Schools cannot succeed alone; they need help from families and some families need help that schools have not customarily offered.

Like the various school improvement initiatives operating in individual silos, services aimed at helping families overcome the effects of poverty reflect the organizational divisions at the state level rather than the most effective model of service delivery.

Educators lament how little time children actually spend in school (less than 10 percent of their total lifetimes between birth and age 18), but that is still more time than they spend in any other one place besides the home, and so school is the best place to focus services.

Most human services are organized through county-level departments and the average county contains more than 12 school districts. It is unreasonable to expect a county commissioner to build relationships with so many school systems, so brokering those relationship should become one of the duties of the 37 BOCES.

Remove the BOCES Superintendent Salary Cap

Finally, the role of the BOCES District Superintendent (DS) has been undermined by an arbitrary cap on their salaries and benefits. The Council strongly urges the repeal of the cap.

Strong BOCES leadership is the cornerstone of strong BOCES. BOCES superintendents are the Chief Executive Officers (CEOs) of their supervisory districts. They provide essential leadership and support to superintendents of their component districts. BOCES superintendents also serve as the Commissioner of Education's liaison or field representative of their supervisory district. Their advisory role to the Commissioner is important and they have been given increasing responsibility for the implementation of State education policy and reforms. BOCES superintendents oversee the State's student achievement and district accountability measures.

As a result of the cap on salaries and benefits, more and more BOCES superintendents have abandoned the position, and vacancies take longer and longer to fill. Currently, there are seven vacant BOCES superintendent positions. It is not unusual for BOCES

superintendents to have subordinates who are paid more than they are. In some areas, BOCES superintendents' compensation has fallen well below that of the local superintendents they mentor and lead.

The state has never had a greater need for strong leadership at the regional level. We strongly urge repeal of this salary cap to recruit and retain high caliber educational leaders to the position of BOCES superintendent.

LIMITATIONS ON BOCES

While districts can realize cost savings by purchasing services from BOCES, there are limitations on the services that BOCES can provide. BOCES has been receiving significant attention as the vehicle by which entities, not just school districts, can realize cost savings through shared services. While BOCES has yet to realize its full potential, BOCES is limited by its mission to economically and effectively provide and support educational programs to meet the needs of students. While expansion to provide services to municipalities and other entities at a greater level, is being explored, the services must still be of primary benefit to students and school districts. As the potential of BOCES is considered, policymakers must be mindful that rapid expansion could create tremendous stress on existing BOCES staff and overwhelm BOCES current capabilities.

CONCLUSION

Thank you again for this opportunity to present testimony. In this current financial environment, unleashing BOCES has great potential to yield cost savings to districts and local municipalities statewide. Unleashing the power of BOCES and fully utilizing its centralized services will provide taxpayer savings more efficiently than creating an entirely new agency. In this climate of economic uncertainty, BOCES provides the potential to realize the savings taxpayers desperately need.

Senate Education Hearing – October 8, 2009
Testimony of Todd Trantum

Good afternoon, my name is Todd Trantum, I am President/CEO of the Chautauqua County Chamber of Commerce. I also serve as Executive Director of the Manufacturers Association of the Southern Tier and the Manufacturing Technology Institute at Jamestown Community College.

Senator, thank you for facilitating this hearing and giving us the opportunity to speak to a topic that is a priority of our organizations.

I am here representing the Chamber of Commerce and the Manufacturers Association because we are concerned about the erosion of education in the region. We are here because we want to assure that children in our region receive the highest quality education possible. We are here because we are enormously concerned with the increasing tax burden being placed on homeowners and businesses.

The business community recognizes the importance of a strong educational system and we have made workforce development and education a pillar of our strategic plans. We have partnered with educational institutions in innovative ways. We have partnered with Jamestown Community College to form the Manufacturing Technology Institute at JCC. With the college we raised money to rehabilitate a bowling alley and transform it into a state of the art technical training facility, we developed training programs, we secured high tech equipment and we reached out to regional school districts to recruit students. As a continuation of our efforts pertaining to advanced manufacturing, we will announce the launch of "Dream It Do It" of Western New York a week from Friday. Dream It Do It is an initiative to promote advanced manufacturing career opportunities. Chautauqua County will be one of 17 regions in the US to launch this initiative and the first in New York State.

We are actively involved and supportive of the discussions between Brocton and Fredonia school systems regarding consolidation. We commend and support their efforts and the business community is working at the grassroots level to help see this consolidation through.

We have entered a process with the Chautauqua County Education Council to discuss how we can create the optimum educational delivery system in Chautauqua County with these objectives:

- Deliver the very best high quality education to our children.
- Deliver expanded educational options to meet the needs of each child.
- Deliver high quality education effectively and cost efficiently.

We have reviewed the studies:

- The New York State Commission on Property Tax Relief (known also as the Suozzi Report)
- 21st Century Local Government – A Report of the New York State Commission on Local Government Efficiency and Competitiveness (known also as the Lundine Commission)
- The Report of the Tax Force on Maximizing School District Resources
- School Limits – Probing the Boundaries of Public Education – Prepared by the University at Buffalo Regional Institute

All these reports point to one thing. Reform is needed and school consolidation must occur. Secondly, they all point to the important role that BOCES can play in this reform effort. BOCES is positioned to be the convener at the local level to facilitate consolidation discussions, implement strategies and is positioned to offer consolidated administrative services to the districts. Yet it is evident that there are barriers at the state level that are unfortunately preventing local reform efforts from happening. Specifically the consolidation process is too complicated, and too long, the arms of those educational entities that want to pursue change are often tied by state regulations and far too often at the local level good sense is often overcome by emotion.

Senator, the best thing you could do to address education in New York State is this; take the ten specific recommendations of the Lundine Commission plus property tax cap legislation and put these reforms in Bill form as soon as you return to Albany and get the process started.

Unless reform moves forward swiftly, the educational opportunities for our children will further erode. Without immediate reform, New York's State/Local Tax Burden will remain the Second-Highest in Nation, New York's Business Tax Climate will continue to Rank 49th and New York Property Taxes will remain among the Nation's Highest. The pressures of state taxes are forcing businesses out of business or out the state. Business is the real wealth generators and the economic engine that is creating the jobs and opportunities for future generations. We must stop the erosion of educational opportunities and we must reduce the tax burden being placed on New Yorkers.

Thank you for your time.

Senator Oppenheimer, Members of the Standing Committee on Education, Ladies and Gentleman:

My name is Linda Hoffman. Currently I serve as President of the Board of Education of the Erie2 Chautauqua-Cattaraugus BOCES, Treasurer of the Erie County Association of School Boards and I am the Director-elect from Area 1 (Erie, Niagara, Orleans and parts of Wyoming and Genesee counties) for New York State School Boards Association. I have been a School Board member since 1982, serving variously on the Springville Griffith Institute Board of Education, as an officer and/or member of the ECASB executive board for about 15 years total, and as a Board of Education member for E2CC BOCES since 1989.

I concur with many of the findings of the Commission on Local Efficiency and Competitiveness (the Lundine report) and the NYS Commission on Property Tax Relief (the Suozzi report) that suggest that the role of the BOCES be expanded so that cost saving programs and services can be developed and replicated. I will refer you to another report which I hope you have seen and become familiar with, that is the Report of the Task Force on Maximizing School District Resources that was developed and is now being further refined by the NYS School Board Association. I have attached copies of this report to my testimony.

You will be hearing from many of other people this afternoon about particular programs or services that might be developed or have already been developed and may be ready for further dissemination across the state. Some examples of these programs are SMEC (shared energy purchases), Central Business Offices, shared purchasing, management services, transportation, and the possibility of the inclusion of other municipalities in these arrangements.

However, I am here to remind all of us that in our desire to implement these new or different cost saving agreements, we cannot ignore, overlook, or minimize our responsibilities to our students. Providing for their education, providing support for their school districts and communities, and continually improving their access to a 21st Century education is and must remain our first priority.

And when I refer to our students I refer to a very diverse population. We provide educational services to: students with extraordinary needs, those that cannot be provided in their home school; alternative education students who get a second chance to succeed and graduate from High School; adult education students, some in day classes at our centers, who are looking for a second chance to be productive citizens in their communities or just a chance to try something new; career and technical education students, our hands-on learners, leading all of us into new frontiers of problem solving and technology use; teachers who come to our teacher centers to learn new technology and update their skills; other staff members, administrators, and board members to round things out. We provide these services in our centers, in space rented from school districts or municipalities, in buildings rented from private owners, in other words, we go wherever we can, we use whatever we can, and we are bursting at the seams.

If we want to meet the changing and challenging needs of our students, we need to become more efficient ourselves. Why is it that in these times when everyone is talking about more time on task, longer school days and years, we still have half day classes for Career and Technical students? And why must many of these students spend **an hour or more** every day being transported from their home district to our centers? (Please see #34 on the NYSSBA report) I believe that our CTE students are the future entrepreneurs, the future citizens and the future financial backbone of our shrinking communities. They are the ones who, with support from the BOCES and their communities, will stay here and grow new jobs and new families and bring new energy to our area. But, we need to provide more for them, educationally, than less than 2 hours a day, 180 days a year for 2 years.

We need to be developing full time Technical High Schools, with cutting edge technology, education with real life applications, and internships with many different kinds of businesses. In short, BOCES should be the leader in providing 21st Century Education across the state.

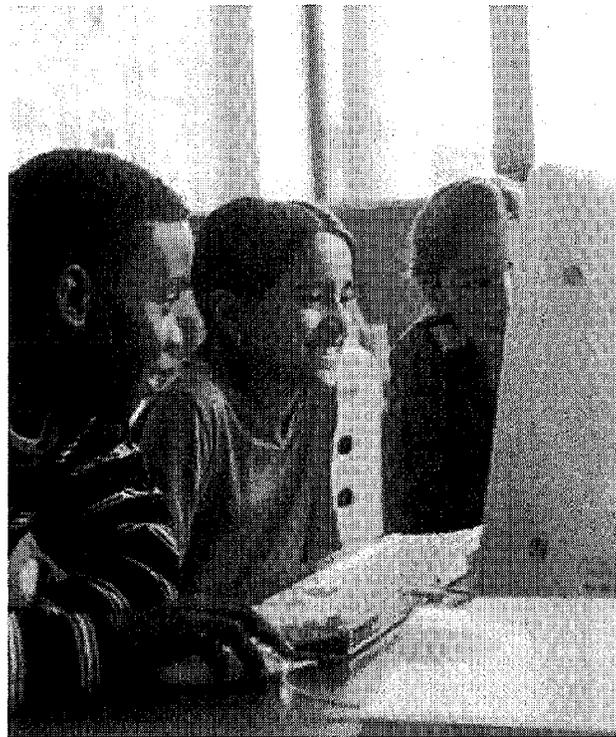
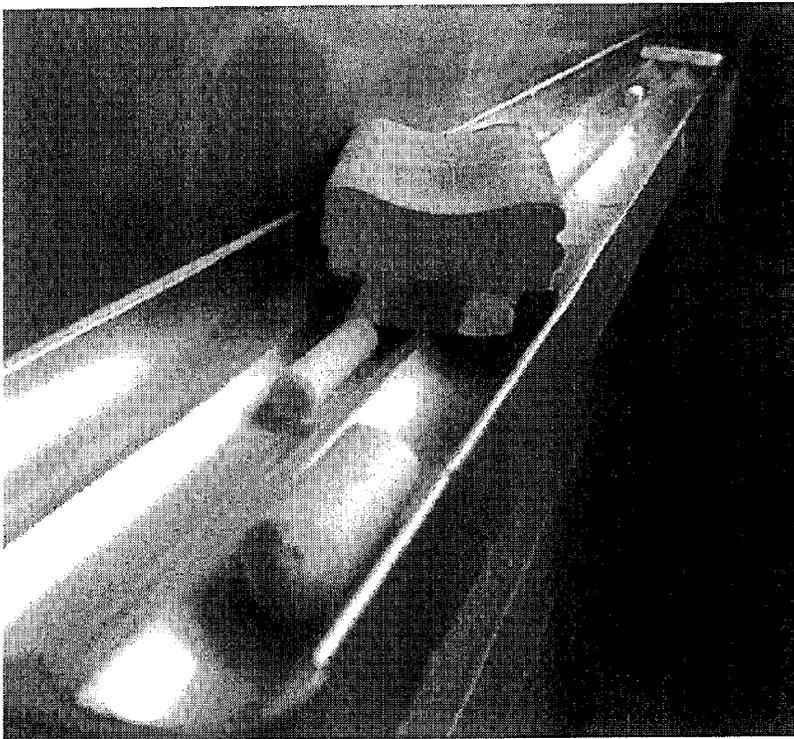
If we want to see any of these proposed changes in the way BOCES may operate in the future come to fruition we will need outstanding, dedicated and dynamic leadership in the District Superintendents office. We will need to sustain and

retain this leadership over time. For this to happen we need legislative relief regarding the cap on the DS salary. The Board of Regents sought out the kind of leadership they wanted and determined the salary necessary for that position. We need that flexibility also, without it we are faced with constant turnover and increased responsibilities placed on our DS's without increased compensation.

Finally, we come to the question "How can we make these things happen"? Some of the answers will come from changing SED directives and regulations, but many of them will have to come through new legislation or amendments to existing laws. When you consider making those changes please remember that New York is a very large state, with geographic features that affect communities, with differing social and cultural priorities, and with differing traditions. Things that work on Long Island may not work for the North Country, what's good for the Capital Region may not be good for WNY.

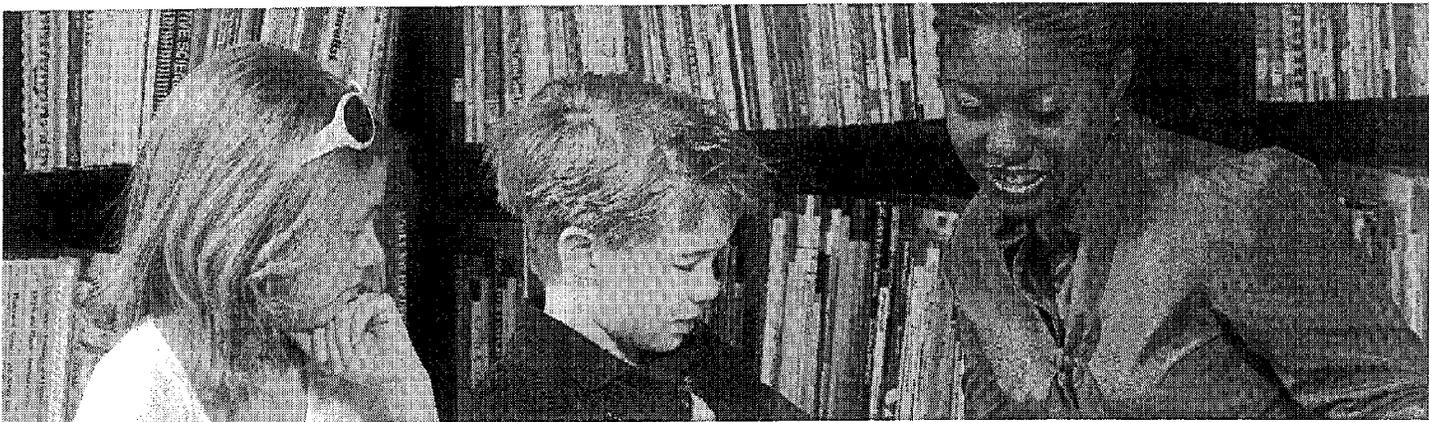
Realizing this fact, we created a mantra in E2CC BOCES a few years ago. We say it whenever we meet with our local state legislators. Now I'm going to say it to you, we need **LOCAL SOLUTIONS TO LOCAL PROBLEMS**. When you sit down to write legislation regarding the issues you have heard in these meetings please write **permissive not prescriptive** legislation so we can develop **LOCAL SOLUTIONS TO LOCAL PROBLEMS**.

Thank you for your kind attention.



Report of the Task Force on Maximizing School District Resources

October 2008



New York State
School Boards Association

www.nyssba.org

The Voice of Public School Leadership

modernized operations. Elimination of the position of school district tax collector and transfer of the collection function to a town, regardless of its class, is an essential step in modernizing collections.

I. School Construction.

For many years, NYSSBA has called for the repeal of the Wicks Law or, in the absence of that, a dramatic increase in its thresholds. In addition, the state should assess the consequences of temporary “incentive” programs like RESCUE and EXCEL, amend the Scaffold Law to permit evidence in work site liability cases regarding fault, provide technical assistance and financial incentives for “green” schools, and encourage far-sighted property acquisition.

J. Procurement.

The state should encourage cost-effective local purchasing by increasing thresholds for competitive bid requirements. In addition, districts should be allowed to consider “best value” when awarding contracts for services and to “piggy-back” on approved contracts with other states and local governments.

K. Inter-Municipal Cooperation.

The authority to use inter-municipal agreements should be expanded by amending the state Constitution and changing applicable statutes.

L. Operating Rules.

Anachronistic laws prohibit the creation of regional high school districts containing more than one high school that could be managed by BOCES, and funded on a regional basis.

M. Other Recommendations.

Restructuring a more efficient, comprehensive, consolidated service delivery system such as the BOCES network will necessitate high-caliber leadership skills and contractual incentives to attract such leaders. In addition, the state needs to take a serious, in-depth look at the financial conditions that drive budgets in fiscally dependent school districts, the relationship between state and federal mandates on special education, civil service regulations, and ways to focus the education community on positive change and innovation.

The sources for most of these recommendations are reports published by the state Commission on Local Government Efficiency and Competitiveness, the state Commission on Property Tax Relief, and a draft report on BOCES reforms submitted by a committee of district superintendents. School districts officials who read through this report are encouraged to share with NYSSBA their suggested additions to the list of recommendations.

TASK FORCE ON MAXIMIZING SCHOOL DISTRICT RESOURCES

The **TASK FORCE ON MAXIMIZING SCHOOL DISTRICT RESOURCES** believes the recommendations in its full report are worth considering by state lawmakers, as well as NYSSBA member boards. These options have been carefully selected for their potential to provide either meaningful cost relief to large numbers of school districts or necessary resources for school officials to allocate as efficiently as possible. They are not meant to be either/or possibilities. They can be addressed separately, in combination or tailored to specific district circumstances.

School officials throughout New York are gradually coming to grips with the fact that the voices are getting louder and the message clearer: *Improve results and cut costs!* The cost containment recommendations found herein are far preferable to deep, dramatic and painful budget cuts that will eliminate educational programs that are good for kids and critical to our state’s future.

This report should serve as a discussion starter for boards of education and BOCES that take seriously their responsibility of providing the highest possible quality educational programs while ensuring communities that their tax dollars are well-spent. In other words, perhaps now more than ever, school officials must maximize the resources that are available to achieve the greatest possible student achievement gains.

This is the vision of the New York State School Boards Association and what will make school board leadership *indispensable* in the 21st Century.

The full report of the NYSSBA Task Force on Maximizing Resources can be viewed and commented on at www.nyssba.org.

6. Create a task force on streamlining mandates.

This process should involve collaboration among representatives of school districts, the State Education Department and lawmakers. The group should identify school district mandates, with a particular focus on testing, instruction, and procedural requirements; assess the intent and the actual consequences of mandates; identify redundancies or conflicts; and recommend where and how changes can be made.

7. Prohibit state laws that supersede collective bargaining agreements (e.g., paid leave for prostate and breast cancer screening, blood donation, family leave, etc.).

Each year the state Legislature passes new laws that provide universal benefits that formerly were collectively bargained by school districts and their employees. With each new state imposed benefit, school districts lose the ability to receive anything from the bargaining unit in exchange. When legislators complain about our school districts' inability to make dramatic improvements, it is largely due to the fact that they have removed the local authority to bargain issues outside of salaries.

8. No new charter school should be authorized until the Legislature and the governor find a way to decrease the negative fiscal and educational impact of charter schools on students in our existing public schools.

The Charter School Transition Aid contained in the state budget fails to adequately compensate the high-need urban districts school districts where most charter schools are located. Districts that lose students to charter schools must transfer an adjusted amount of per-pupil operating expense to the charter school. Because there is no corresponding reduction in district costs, many of these districts have had to scale back programs, shelve new initiatives, and increase property taxes. Draining resources from local school districts to fund charter schools hinders their ability to provide a high quality education to the greater student population.

B. Public Employee Pensions

9. The state should convene a study of public employee pension benefit options, including evaluation of a potential Tier 5, which would reinstate lifetime employee contributions, and provide for employee option to convert to a defined contribution plan.

NYSSBA has provided a report on the need to create a new pension tier to state leaders. That report has been translated into legislation that has been met with varying degrees of acceptance in the two legislative houses. The need to provide benefits that would attract and retain a new generation of school employees is well recognized. The current pension plans have reached the point where they need to be evaluated for fairness, cost-effectiveness and flexibility.

10. The state should assume the pension cost entirely and relieve employer contributions as has been done in other states and as proposed in Senate legislation (S. 5998-B, by Sen. Saland).

School districts have no discretion in providing retirement benefits or paying the employer contribution to the state-run retirement system. If the state were to take over the cost of the retirement system for schools and schools were to reduce their levy by that amount, taxpayers would benefit directly and immediately, rather than waiting for a STAR rebate in the following year.

11. The state should cap employer pension contribution exposure at the lesser of 4 percent or 120 percent of the CPI.

If financial considerations prevent the state from a complete assumption of school district employer contributions to the retirement system, the state should pay the amount that is over the annual rate of inflation. School districts cannot be expected to restrain spending at an inflationary rate when employer pension contributions are much higher, as they were when they averaged 56 percent per year between 2001-2006. As in a complete state takeover, paying district costs over a set rate would provide direct and immediate savings to local taxpayers, as schools could be directed to lower the tax levy by that amount.

17. Lift health insurance change restrictions to allow retirees to make contributions during their working careers to help fund their post-employment benefits.

As employees retire at an earlier age and stay retired for a longer period, school districts face a looming crisis in providing retirement health insurance benefits. Our state has a unique law that prevents school districts (unlike all other municipalities and the state itself) from changing or even bargaining retiree health care benefits without making similar changes for current employees. This places a tremendous, long-term liability on taxpayers. This law must be repealed.

18. Increase incentives for health insurance buy-outs.

Many school district employees are needlessly covered by multiple health insurance plans. Each time school districts are able to provide a financial incentive to an employee to opt out of their district health insurance plan in favor of a spouse's coverage, the district saves thousands of taxpayer dollars. Unfortunately, districts rarely feel financially capable of providing attractive incentives. School districts should be provided an aid level that allows them to offer legitimate incentives to encourage these savings.

D. Special Education

19. Cap local school district expenditures for special education services.

The cost of providing special education services has risen greatly in recent years. These services are the result of federal and state mandates over which school districts have little, if any, control. Schools themselves do not determine necessary services and have very little authority to alter determinations made by the committee on special education (which is independent of the school district). These non-discretionary costs should be capped and the state must accept more financial responsibility for this state-mandated program, which would allow a significant decrease in local school spending.

20. The state should pick up 100 percent of the cost of placement of children referred to state schools for the blind and deaf.

There is no rationale for local communities to pay for the operation of and services provided by a state facility. While it may seem equitable for the district of residence to maintain such payments, the ultimate solution is for the state to pay the tuition for its own state schools.

21. The state should pick up 100 percent of the entire high cost excess cost aid categories whether for local public schools, BOCES or private tuition.

School districts have little, if any, discretion over the placement of students with significant special educational needs. In fact, some districts attract the families of such students when the district acquires a favorable reputation for serving children with severe disabilities. School district budgets can fluctuate wildly with the addition of unanticipated and non-discretionary costs. Full state payment for these students would decrease local taxes, stabilize local tax rates and discourage the practice of families "district shopping" for services.

E. Collective Bargaining

22. Provide that collective bargaining agreements shall be subject to renegotiation with the newly-created entity taking over the consolidated function when school districts consolidate.

School districts' decision to consolidate is often affected by collective bargaining agreements and the Taylor Law. Work that historically has been performed exclusively by employees of a particular bargaining unit is subject to certain protections, and is referred to as a mandatory subject of negotiation. Even if work is transferred to another public employer, it is covered and generally must be negotiated. In addition, there is also a duty to bargain the impact or effects of that decision upon the terms and conditions of employment. So, even where the district decides to consolidate or eliminate services, the impact on the terms and conditions of employment of the original bargaining unit remains a mandatory subject of negotiation.

23. Enable BOCES to negotiate a regional collective bargaining agreement for component districts to opt in.

Currently, each school district negotiates its collective bargaining agreements separately. A regional collective bargaining contract with voluntary participation by school districts would put districts on a more level playing field with teachers unions during negotiations. It would also provide more career flexibility for teachers as they would more easily be able to transfer between districts covered by the same contract.

half-million pupils, more than one-fifth of the more than 120 school districts have fewer than 1,500 students, with an average district size of fewer than 800 students. That said, the ultimate decision to consolidate districts should be left to the local communities involved in the merger.

- 31. Encourage the use of BOCES for back-office school district operations like payroll, purchasing, human resources, employee benefits administration, staff development, legal services, printing and transportation services.**

Using BOCES back-office services can be a cost-effective way for school districts to perform operational, management, and other non-educational functions. Indeed, many districts are already using them to do so. If these services are performed within statutory and State Education Department guidelines most are "aidable" – meaning the school district is eligible to receive BOCES aid over and above general school aid. However, there are a number of "gray areas" in what can or cannot be aided. Therefore, it would be beneficial to review current practices and regulations to determine efficient local sharing of back office functions, particularly in technical areas such as information technology. This should include an examination of where private consultant services can be provided through BOCES to more efficiently meet the needs of school districts throughout the region.

- 32. In lieu of special services aid, the state should provide BOCES aid for Buffalo, Rochester, Yonkers and Syracuse to purchase BOCES programs and services.**

This would provide the same incentives for these districts to become components of BOCES and avail themselves and their students of BOCES services that achieve economy and efficiency, as well as educational programs like career and technical education that result in high success rates in attaining a Regents diploma.

- 33. Change the state law that reimburses school districts the following year for approved preschool programs in the current school year.**

The current practice of providing inadequate state aid for state approved preschool programs and providing it long after local costs have been incurred is a significant disincentive to this highly effective means of educational advancement, a financial drain on local taxpayers and an impediment to efficient and consistent operation of local programs.

- 34. Eliminate the penalty to school districts for participation in full-day BOCES educational programs and include all full-day BOCES students in the calculation of Foundation Aid to school districts.**

This will encourage the development of regional high school programs that focus on preparation of students for the rigors of the global economy, and serve as regional centers for the development of best practices and professional learning communities.

- 35. The state should fully fund and require each BOCES to undertake a study to determine how to implement a regional school transportation system in that BOCES region with the objectives of maximizing cost efficiencies and conserving fuel.**

One area in which BOCES-wide services may be able to reduce expenditures significantly is in school transportation. School districts that provide transportation to public school students must also provide it to their residents attending private schools, whether those schools are within their boundaries or not. As a result, school district buses going to nonpublic schools often cross district lines, and multiple school districts separately plan and provide transportation to the same non-public schools. One estimate showed that a BOCES could save 5 percent or more in transportation costs by coordinating transportation and having a single contract for multiple districts.

Current transportation routes by many school districts within a BOCES area are not coordinated, largely the result of school schedules that are not coordinated. Coordinating schedules would allow districts within a BOCES to share transportation services and save money.

- 36. BOCES aid to school districts should be extended to all BOCES-operated summer programs to encourage year-round learning.**

This should include both remedial and enrichment learning programs. Not only would an expansion of summer programs lead to gains in student achievement, but maximized use of existing school facilities would lead to greater operational efficiencies.

- 37. Repeal those provisions of Education Law that restrict BOCES authority to provide services to all general and special purpose local governments.**

The State Education Department should adopt a policy that allows BOCES to offer cooperative services beyond school districts to other governments. Where it can save taxpayer dollars, BOCES should be providing services to towns, villages, cities, counties, colleges and universities, charter schools, libraries, museums and not-for-profit organizations with educational purposes.

43. Amend the Scaffold Law to permit evidence in work site liability cases regarding fault.

Project insurance has become a huge cost factor. Insurance accounts for 3 percent of sales, according to one participant. A big insurance cost-driver is the liability coverage attributable to the Scaffold Law. Under this law, absolute liability is imposed on project owners in cases of worksite injuries, regardless of who is to blame. The result of the current law is that project insurance costs get needlessly inflated and the cost is passed on to both the state and local district property taxpayers.

Another increasingly troubling public project insurance issue is that on a Wicks project, all of the "primes" (usually sub-contractors on private projects) need to be individually bonded. Bonding is proving increasingly difficult for them to obtain. By comparison, the general contractor is required to be bonded on a private project.

44. Provide technical assistance and financial incentives for "green" schools.

Currently, there are no targeted state aid incentives to build "green," although the New York Power Authority can help pay for the up-front costs of energy efficiency measures employed during construction that meet certain payback time limits. Such measures can range from heating and cooling systems (geothermal, solar, high efficiency boilers, co-generation, etc.) to building materials. Absent supplemental state aid, progress on the green front will likely be slow due to immediate cost concerns rather than a lack of motivation to do the right thing.

45. Permit and encourage far-sighted property acquisition.

The state needs to reform the current building aid formula to allow for the timely acquisition of land. The state can help by devising a new land acquisition system that enables districts to prudently acquire land with state assistance for a reasonable period in advance of likely use. If after a limited period of time the land is not required for school purposes, then the state and district can sell the asset and share in the gains according to their respective investments. The state could facilitate this by setting up a revolving school lands acquisition fund.

J. Procurement

46. Facilitate cost-effective local purchasing by increasing thresholds for competitive bid requirements.

School district procurement is required to be done through competitive bidding when the costs exceed certain thresholds. The current competitive bidding thresholds applying to school districts are \$10,000 for commodities and \$20,000 for public works projects. Under the reforms proposed in the 2008-09 Executive Budget, these thresholds (last raised in 1991) will increase from \$10,000 to \$20,000 and from \$20,000 to \$50,000, respectively.

In addition, school districts should be allowed to consider "best value" when awarding contracts for services, and to "piggy-back" on United States General Service Administration information technology procurement contracts, as well as certain approved contracts by other states and local governments.

47. Provide technical assistance and incentives for shared services initiatives between municipalities.

The state should remove remaining barriers to cooperation among municipalities, including school districts, provide the technical and legal assistance needed to combine school and municipal facilities, program and services, and provide financial incentives to encourage shared services. The result would be a more efficient operation of schools and local government, at a reduced total tax burden for the community.

K. Inter-municipal Cooperation

48. Allow any group of school districts to share a function if at least one of the governments has the power to perform it.

Local governments in New York enjoy broad authority to enter into cooperative, inter-governmental agreements. The source of this authority is the state Constitution and Article 5-G of the General Municipal Law. Simply stated, governments may perform any function or service jointly which they both may perform individually. This gives government officials wide latitude to develop joint activities and enter into contractual agreements.

However, school districts should be allowed to participate in intermunicipal agreements to undertake a service, function, activity, or project addressed in the agreement so long as at least one local government has such power. This has been recommended by previous local government reform commissions and would increase opportunities for regionalization of functions and services.



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SENATE EDUCATION COMMITTEE

The Honorable Senator Suzi Oppenheimer

Chair, Committee on Education

Senate Standing Committee on Education Hearing

October 8, 2009

Erie I BOCES Center

“BOCES AS A MODEL FOR DELIVERING TAXPAYER SAVINGS”

Presenter, Charles L. Stoddart Ed.D

Program Coordinator
Department of Language, Learning and Leadership
College of Education
State University of New York – Fredonia

Emphasis: P – 16 Education, A Plan for Action

Charles L. Stoddart

Certifications:

Graduate Studies

Doctorate	Ed.D.	University of Northern Colorado Greeley, Colorado 1977
	Major:	Education
	Minors:	Elementary Education Geography
Masters	M.S. El. Ed.	State University of New York, College of Education, Buffalo New York 1964
Masters	M.S. Adm. Sup.	State University of New York, College of Education, Buffalo, New York, 1966
Bachelors	B.S. Early Sec.	State University of New York, College of Education, Buffalo New York, 1962

PROFESSIONAL EXPERIENCE

SUNY College at Fredonia, Language, Learning and Leadership Department in the College of Education, Assistant Professor, 2004 to Present

Superintendent of Schools, Orchard Park Central Schools, Orchard Park, New York, 1982/83 – 2004

District Curriculum Coordinator, Orchard Park Central Schools, Orchard Park, New York, 1982-1983

Elementary Curriculum Coordinator, Orchard Park Central Schools, Orchard Park, New York, 1972-1976

Principal, South Davis Elementary School, Orchard Park New York 1976-1982

Principal, Lincoln Elementary School, Orchard Park, New York, 1970-1976

Building Curriculum Coordinator (Master Teacher) Eggert Elementary School, 1968-1970

Teacher, Lincoln Elementary School and Eggert Elementary School, Orchard Park< New York 1962-1970

Certifications:

Grades K-6 and related fields

Permanent, State University of New York, Buffalo 1962

Early Secondary English

Temporary, past, State University of New York – Buffalo, 1962

Early Secondary Social Studies	Temporary, past, State University of New York – Buffalo, 1962
Secondary Social Studies	Temporary, past, State University of New York – Buffalo, 1962
Supervision and Administration (SAS)	Permanent, State University of New York – Buffalo, 1964
District Administrator (SDA)	Permanent, state University of New York – Buffalo 1966
Geography (Colorado)	Permanent University of Northern Colorado, Greeley 1977

I would propose that the state organization known as a Board of Cooperative Educational Services is one that best represents a successful agent for reform and can do so with economic prowess.

Definitions:

BOCES: A vision, a practice, an unleashed potential.

P-16: A Regents vision in which all people in New York are prepared for citizenship, work and continued learning throughout their lives.

Senate Investment: Provision allowing the BOCES to respond to the State’s Fiscal Crisis and High Property Taxes.

To that end: The thirty-seven BOCES are major educational enterprises representing rural, suburban and small cities across the state. Each being, with few exceptions, composed of member school districts that encompass virtually all school governance entities.

The BOCES provide services to their component district in three major areas:

- a) **Non-instructional support services** such as central business office, State Aid Planning, Cooperative purchasing, Health Insurance collaboration and Energy consortia.

- b) **Direct instructional programming** such as Regents career and technical education, alternative learning programming, special education, adult education and job training.
- c) **Instructional support** such Student Achievement data analysis, professional development, Curriculum development and School Improvement, planning and implementation.

In November of 2006, as part of the Instruction Support services, The **BOCES** and **Higher Education** have, under the direction of the **Board of Regents**, the challenging task of coordinating the “Aims of the University of the State of New York” (USNY), the **P-16 Education: A Plan for Action** so that:

1. Every child will get a good start.
2. Every child will read by the second grade.
3. Everyone will complete middle level education ready for high school.
4. Everyone will graduate from high school ready for work, higher education, and citizenship.
5. People who begin higher education will complete their programs.
6. People of all ages who seek more knowledge and skill will have the fullest opportunity to continue their education.

It is expected that the collaboration between the BOCES and Higher Education will accomplish two additional goals:

Close the great divide in achievement along lines of income, race and ethnicity, language, and disability and

Keep up with growing demands for still more knowledge and skill in the face of increasing competition in a changing global economy.

Accomplishing these two goals require unprecedented collaboration among parents, employers, elected leaders, municipalities, unions, taxpayers and educators. Education is a system in which all the parts affect the whole. All constituents are part of that fabric representing the entire matrix of the vision of the P-16.

Eight Abiding Principles for the P-16 Plan

1. Data will be confronted and shared broadly and used to define as precisely as possible where resources and energy should be applied. The recognition of achievements and also the declaration of problems should be clearly as possible defined.
2. The engagement of all constituents who must weigh enormous competing demands for scarce resources is a high priority. A communications plan to listen to, inform, and involve people regionally and statewide will be created.
3. A definition of measurable objectives so that others can hold the committee accountable will be constructed.
4. A study of the practices of high performing education systems, states and nations will be studied and adapted as potential solutions for New York's situation.
5. Action will be taken to focus on systematic change to effect sustained improvement. The closing of the achievement gap for students require correcting the unequal distribution of teachers, resources and services. Demanding change in educational institutions to achieve better results must be the catalyst to build a better capacity in our State Education Department and Legislature for this improvement strategy.
6. A review of the alignment of these actions to ensure coherence and effectiveness is important. Academic standards, curriculum, assessment , instructional practices, and resources have to be aligned to be effective .
7. Of utmost importance is the realization that the strengthening of USNY, releasing it's great potential to build a more effective transitions for students from one level of the system to the next is crucial.
8. Advocacy for State and federal financial resources and legislative actions that will help achieve better educations outcome is an imperative. The savings of dollars, time and energy will be used as a measure of accountability.

The currently constructed P-16 Leadership Committee in the Western Region from the Second Supervisory District of Erie –Chautauqua – Cattaraugus BOCES and the State University of New York – Fredonia consists of 37 members from component school districts, higher education and agencies from other municipalities and child support services.

P-16 LEADERSHIP COMMITTEE MEMBERSHIP

SCHOOLS:

Ed Bailey, Principal, Clymer CSD
Suzette Benson, Assistant Superintendent C/I, BOCES**
John Brown, Superintendent, Cassadaga Valley CSD
Valorie Catalano, Chautauqua County Teachers' Center
Gary Cerne, Superintendent, Dunkirk City Schools
Todd Crandall, Principal, Fredonia CSD
Ross Esslinger, Asst. Principal, Iroquois CSD
Robert Guiffreda, District Superintendent, BOCES*
Stephen Keefe, Principal, Brocton CSD
Kaine Kelly, Principal, Sherman CSD
Ann Maguire, Director SCD, BOCES
David O'Rourke, Superintendent, Silver Creek CSD
Greg Paterniti, Principal, Southwestern CSD
Nancy Renckens, Board of Education Member, BOCES/Dunkirk
Ben Spitzer, Superintendent, Chautauqua Lake CSD
Joseph Winiecki, Erie-Catt Teacher's Center
Vicki Wright, Superintendent, Springville-GI CSD
Joseph Yelich, Principal, Jamestown City Schools

HIGHER EDUCATION:

Christine Givner, Founding Dean College of Education SUNY Fredonia*
Michael Jabot, Professor College of Education SUNY Fredonia
Kevin Kearns, Assoc VP Graduate Dept. SUNY Fredonia
Ana Klein, Chair C&I College of Education SUNY Fredonia
Ann Marie Loughlin, Field Placement College of Education SUNY Fredonia
Larry Maheady, Professor College of Education SUNY Fredonia
Jamar Pickreign, Assoc. Dean College of Education SUNY Fredonia
Eric Skowronski, SUNY Fredonia
Charles Stoddart, School Leadership College of Education SUNY Fredonia**
Mary Kay Szwejbka, Jamestown Community College
Anna Thibodeau, Chair L.L.L. College of Education SUNY Fredonia
Jack Quinn, President Erie Community College

COUNTY AGENCIES/OTHER:

Jon Anderson, Chautauqua County
Matthew Hamilton-Kraft, Chautauqua Opportunities
Rachel Ludwig-Mesmer, Chautauqua County
Susan McNamara, WIB
Melody Morris, Chautauqua County
Linda Shields, Chautauqua County
Mary Skorupa

*Co-Chairs
**Co-Facilitators

A typical agenda is:

**P-16 Leadership Committee
Retreat Agenda
October 2, 2009
Williams Center SUNY Fredonia
Horizon Room / Ground Floor**

8:30-9:00	Arrival / Refreshments
9:00-9:30	Welcome / Overview of P-16 Bob Guiffreda - Chris Givner Where have we been? Where are we going?
9:30-10:30	Highlights and Happenings Presentations: Project Raise Up

Michelangelo Project

10:30-10:45	Break
10:45-11:30	Table Top Sessions 2 Subgroups Review / Reconnect / Ready Reports Tapestry Professional Development/ Best Practice
11:30-11:45	Subgroups Report Out
11:45-12:00	2009-10 Calendar Dates / Locations Possible Dates: November 20/February 12/March 19
12:00-1:00	Lunch
1:00-1:15	Bob Guiffreda P-12 NYSED Overview
1:15-1:30	Chris Givner Higher Education NYSED/SUNY Overview
1:30-2:30	Break Out Groups Goal Setting and Directions for 2009-2010
2:30-3:00	Share Goals From the Floor

As one might see, focal points of unified services for children (Tapestry) and educational “Best Practices” (Professional Development) are prominent. Increased training regarding staff development and enhanced learning opportunities bring better educational services to children.

The collaborative ability of the BOCES and the University is extensive. The human resources and the products of that involvement devoted to the goals of the P-16 initiative have the foundations of competent research, the analysis of data, the reduction of program duplication, the sharing of teacher and leader development and the codominance of resources. The reinvention of the wheel and axel is spared when good communication is a product of collaboration. Reinvention is an expensive waste of time, energy and resource commitment. Our BOCES is in a unique position of lessoning these financial distractions. And they do.

One would suggest this collaboration is an effective conservation of our taxpayer investment in education.

It is an important function of our BOCES and Higher Education collaboration to coordinate the “ever changing” delivery of Laws, Rules, Regulations, Court Decisions, Commissioners Decisions, Municipal mandates etc. to the field. Cohesive understandings of such, as opposed to interagency interpretations, is not just meaningful but is imperative survival. Single understanding eliminates expensive error. “Same page scenario” eliminates wasted time, energy and expensive human and financial resources.

New initiatives in education take time to develop, implement and evaluate. Evaluation is a prime operative term. The sharing of testing instruments, evaluators, data collection, analysis and the sharing of results is a function “well handled” by our BOCES and its collaborative partners. Repetition of educational initiatives is frustrating, disheartening, and counterproductive. Only by sharing process, procedure and results will any initiative be beneficial in the complex world of value added research. Value will not be added if new initiatives do not reach all those who might be singularly and collectively affected. “buy-in” is important.

Advanced technologies available to school districts, service providers, regulatory agencies and state government are often in need of the development of not just a common language; but also a common focus. The myriad nuances of the many interactive functions of government, education, municipal agencies and a body composed of all stakeholders best coordinates student needs. No single unit truly represents the many entities needed to coordinate advancing technologies better than our BOCES.

Eliminating the barriers to cooperation among local, state and federal governmental bodies (operational functions in “budget year for example)

still need language to bring common goal and direction. The result of shared technological platforms would be a more efficient operation of schools and local/state /federal government, at a reduced total tax burden for the community/taxpayer.

The BOCES, the State University, and the P-16 alliance continue to encourage the sharing of functions that are currently performed unilaterally. The authority (The State Constitution and Article 5-G) allows this procedure; but the practice is rare. The lack of sharing authority is often described as protecting one's turf and resulting in duplicating precious manpower. Seldom do municipal governments and school districts engage in productive shared contracting in areas of waste disposal, insurance, retirement, public services etc. School districts, under the lead and coordination of our BOCES, utilize and maximize shared services in transportation, business functions, special education, legal services, negotiations, technologies, communications, data retrieval, and utilities. This function does not need to be fixed. It needs to be enlarged and such entities as the BOCES, the State University and their P-16 alliance is most capable. More governance is not the answer, leadership is.

Permissive legislation for expanded coordination, directed by our BOCES, rather than additional prescriptive laws are important to the citizens of New York.

Through extensive "outreach" in a number of communities, that have embedded programs, the BOCES is able to help child and family services help families coordinate services before a crisis develops. Through assessment and support, the BOCES may help direct and study cultural differences and similarities, common trends, and educational needs, thus empowering local people with local input to develop local strategies for sustainable success.

I know I am preaching to the choir; but the reiteration of the message, supporting the role of our BOCES is important in this time financial uncertainty, global interdependence, an expanding educational achievement

gap and multiple changes in the leadership of the State University of New York, Education Department and the Board of Regents.

Thank you for this rich opportunity allowing me to offer advocacy testimony of our BOCES, P-16 and Higher Education collaboration. Supporting State institutions that work, are efficient, cost effective and strengthen the educational mission for our children is a daunting task. I believe we are up to it.

Testimony on Behalf

of



**Senate Standing Committee on Education
BOCES as a Model for Delivering Taxpayer Savings
Erie 1 BOCES Campus
355 Harlem Road
West Seneca, NY 14224**

October 8, 2009

Good afternoon Senator Oppenheimer and members of the Committee on Education and Regent Bennett. My name is Virginia Oehler and serve as chairperson for the Center for Transportation Excellence, better known as the CTE. The CTE was founded in 2005, by Paul Snyder III. Mr. Snyder has also submitted written testimony.

The CTE's mission is to create a standard of best practices for organizations needing, using and/ providing health and human services transportation. The CTE's Board is comprised of for profit, not-for-profit and governmental organizations, be they competitors, suppliers, transportation users, payers, or both. The strategies and core values that underpin the work of the CTE are intentionally collaborative. Many organizations involved in the policy and practices of the CTE are competitors such as Southeast Works, Baker-Victory Services, Jewish Family Services and New Directions Youth Services. There are for profit entities such as the AAA (American Automobile Association) and Health Force. Several are payers of health and human services transportation such as Erie County Medicaid and long term care and the Niagara Frontier

Transportation Authority. Other members include transportation providers such as We Care and Aspire of WNY.

The CTE has looked to Erie I BOCES as the model for developing shared services programs that would cross individual organizational lines in order to create efficiencies, a “best practice” standard, save tax dollars, and ensure an on-going quality improvement system that ultimately serves all users, payers and providers of health and human services transportation. Our goal in using this model of collaboration and coordination is to create a universal standard of accountability and consumer satisfaction.

The CTE is presently researching and developing a long term plan for health and human services transportation, financially supported by the John R. Oishei Foundation. The CTE, in partnership with Erie I BOCES, is submitting a second, follow-up proposal to the John R. Oishei Foundation to research, study and develop a pilot program that would address the feasibility of a regional school bus transportation system.

Presently, the CTE has facilitated a collaborative effort among three competing agencies, namely, People Inc., Aspire of WNY and Southeast Works, all serving persons with developmental disabilities, and the New York State Office of Mental Retardation and Developmental Disabilities, to create a shared transportation system for the consumers served by each of the agencies. Erie County has contracted with the CTE to provide mobility management services for non-emergency Medicaid transportation which involves the coordination of competing entities.

This innovative, collaborative model of providing a crucial service, namely transportation, could be applied to other services. The urban school districts are prohibited from the benefits of this model due to out-dated legislation

presently limiting BOCES application of the model. The state's larger urban school districts have been excluded from taking advantage of these services. The original legislation was created to help smaller suburban and rural school districts with limited resources. Over the last 50 years, the needs of urban and suburban districts have changed. School districts such as Buffalo, Rochester, Syracuse and Albany are now seeing the effects of a diminished tax base.

Expanding the BOCES model in order to serve these districts would not only result in increased tax savings, but would help to ensure a consistent higher quality education for students and a more universal application of a common standard of service. This would open the doors for a more collaborative, coordinated model of school bus transportation that would save dollars and produce a common standard of "best practices" across district lines.

Thank you.

Senate Standing Committee on Education
October 8, 2009
Hearing on BOCES as a Model for Delivering Taxpayer Savings

Comments from the University at Buffalo Regional Institute (<http://regional-institute.buffalo.edu>)

Kathryn A. Foster, Director
(829-3777; kafoster@buffalo.edu)

- Good afternoon.
- I am a student of governance, direct a research and policy institute whose focus is regions, served on the NYS Commission on Local Government Efficiency and Competitiveness, and currently participate in a task force organized by the NYS School Boards Association on Maximizing School District Resources. I had never heard of BOCES till I moved to New York State in the 1990s and have no particular stake in them now, being neither a school district official nor employee nor a parent of a school child who uses BOCES services.
- My interest in BOCES comes then from my professional interests and experiences and it is from that perspective that I submit remarks today. To put the epilogue first, the Regional Institute supports the creative and more intensive use of BOCES – or something like a BOCES – for a host of regional service functions delivered by school districts, other governmental entities and potentially even non-public entities. We urge the committee to seriously and

deliberately pursue such possibilities and to thereby position New York State at the forefront of innovation in region-scale service delivery.

- I'll organize my remarks around a series of questions.
- **First, what makes BOCES so potentially useful?** The answer rests in what BOCES is: a regional—that is, multi-jurisdictional— multi-purpose cooperative. Use of BOCES services is voluntary – members may reject use of BOCES services if they aren't needed or the quality or price is wrong. In that regard, if it is to thrive, BOCES must be entrepreneurial and must satisfy customers.
- **Second, what is the problem that BOCES solves?** There are two key ones. First, **problems of cost efficiency.** BOCES enables school districts – and potentially any other entity -- to capture economies of scale and thus save money. An example would be joint purchasing using the power in numbers to strike a good bargain with a vendor. Second, **problems of educational opportunity.** By pooling services at the regional scale, BOCES enables individual member districts to obtain a service for their students or operations that they would otherwise have to forego due to the lack of critical mass. Special education is the original example here, but the logic holds for any service for which demand for a service is low within an individual district and/or for which the district has low capacity to deliver it.

- Thirty five states have some form of BOCES – that is, a formal regional educational services delivery mechanism. That’s because BOCES and their kin relieve the pressure on member districts, small districts in particular, which would otherwise be forced into offering a limited menu at high prices.
- So desirable is BOCES as a model, in fact, that something like a BOCES is routinely proposed in governance analysis. A statewide example was the call a few years ago by Robert Ward of the Rockefeller Institute of Government in Albany to apply the BOCES model – that is, voluntary, flexible, regional cooperative service delivery -- to municipal governments.
- In short, if we didn’t have BOCES already, we might well invent something like it.
- **Third, what does and might a BOCES or another regional service delivery mechanism do?** BOCES already offers a menu of special education, technical education, IT, professional development, and business functions, including in some cases health insurance or food service cooperatives and other innovations.
- **What else could it offer?** Virtually anything that benefits from an economy of scale, merits coordination or standardization and for which individual districts have a relatively narrow range of preferences, that is, feel pretty much the same about the service and its level of delivery.
- Thus, there is a host of services potentially amenable to delivery by BOCES:

<i>HR</i>	Recruiting
	Hiring and Processing
	Benefits Management
	Collective Bargaining
<i>Finance</i>	Accounting
	Budgeting
	Payroll
	Accounts Payable
	Accounts Receivable/Tax Collection
	Internal, External and Claims Auditing
	Cash Management
	Risk Management
	Grant Writing/Management
	Debt Issuance and Management
<i>Supplies Management</i>	Purchasing
	Central Receiving
	Warehousing
<i>Facilities and Operations</i>	Facilities and Maintenance
	Capital Construction
	Energy Management
	Environmental Compliance
	Transportation
	Food and Nutrition Services
	Health Services
	Safety and Security
<i>Legal Services</i>	Legal Services
<i>IT</i>	Information Technology
	Telecommunications
	Records Management
<i>Policy and Planning</i>	Communications/Public Relations
	Policy Development/Management
	Regulatory Reporting
	Enrollment Forecasting
	Legislative Advocacy
<i>Professional Development</i>	Professional Development

- Of these, the Local Government Efficiency and Competitiveness Commission highlighted **transportation and regional collective bargaining** as services ripe for BOCES-level management and delivery. The Commission also called for amending state law to allow for creation of regional high school districts containing more than one high school and letting one or more BOCES manage it. It called for demonstration projects in which BOCES provides back-office services, such as payroll and purchasing.
- **Fourth question: Could BOCES offer its services beyond member school districts?** At one level BOCES already does this, allowing districts outside the BOCES to pay a fee to utilize a service or course. The Local Government Commission and a recent policy brief from the Regional Institute (attached) suggest there could be more of this, specifically to include school districts in cities over 125,000 population to join BOCES, an allowance now prohibited by state law.
- **How about municipalities, libraries or other entities banding with BOCES to capture economies of scale in certain business or administrative functions?** Why not? Conceptually, there is little to stand in the way – the eminence of regional service delivery is its ability to capture of economies of scale and the model is agnostic on who its members are. The potential concern in going beyond school districts is that the breadth of services or member entities

could become a distraction and inhibit the quality of the primary BOCES mission, that is educational service delivery. Such a concern is not an inevitable danger, however. We suggest it could be overcome with deliberate attention in the planning stages and we would certainly recommend deliberate focus as part of any reform analysis.

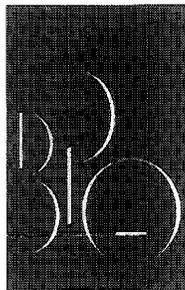
- **Fifth: Are there any other concerns or dangers to expansion of BOCES as a regional service delivery model?** Perhaps the greatest conceptual and logistical challenge of the expanded BOCES model rests in the one aspect of BOCES that is least entrepreneurial: its fixed geographic boundaries. Fixing the scale renders BOCES less flexible than desired to be truly responsive to technical or functional opportunities. There is nothing magical about the BOCES scale – as a practical matter, they vary in geographic land area, number of member districts, enrollments and budgets.
- In reforming BOCES, then, we would want to facilitate cross-BOCES or sub-BOCES collaborations, at scales tailored to the issue at hand. This reality is already recognized by the JMT model, through which multiple BOCES deliver IT and other technical services. Other services, such as payroll, purchasing and other business or operational functions may find their greatest efficiencies at scales other than those of a current BOCES. My paycheck from UB, for example, comes from the State of New York. If the BOCES model takes on members beyond school districts, flexible scaling could be even more salient.

- In the end, the beauty of BOCES is that it already exists, offering an formal organizational infrastructure through which we might deliver services more efficiently, not only for school districts but for other entities as well. The UB Regional Institute supports creative and innovative thinking about the possibilities and would look forward to assisting however we can in seeing reforms pursued and enacted.
- Many thanks for your attention and consideration of these remarks.

CHERYL A. HOWE
CHAIR

JOANN FALLETTA
MUSIC DIRECTOR

DANIEL HART
EXECUTIVE DIRECTOR



BUFFALO PHILHARMONIC ORCHESTRA

Testimony for Senate Standing Committee on Education
Erie 1 BOCES-October 8, 2009

Good afternoon. My name is Daniel Hart. I currently serve as Executive Director of the Buffalo Philharmonic Orchestra. I am here to speak in support of the BOCES system and to talk briefly about how it has and is benefiting the BPO education program.

One of our major organizational goals is to expand the reach and scope of our educational activities. These programs have been in place since 1935, when the orchestra was founded so they have always been an important component of what the orchestra does. We are happy to report that the BPO has therefore actually played for millions of students over the past seven decades. As our musicians retire and look back on long careers, I cannot think of a greater accomplishment for them than to know they have introduced symphonic music to hundreds of thousands of school children.

However, this history of Youth Concerts has primarily taken place at our home venue, Kleinhans Music Hall, in Buffalo. This provides a great experience for children but what we discovered in recent years is that the trip to Kleinhans is simply not possible for many schools due to a variety of issues: transportation, budget cuts for field trips and/or more limited time for field trips. Our challenge has been to expand the program in spite of these hurdles. That means expanding our footprint of operations – taking the orchestra on the road to schools that cannot come to Kleinhans.

In 2005 we turned to the BOCES system as we established a long term goal to reach 50,000 students throughout the eight counties of Western New York. After initial meetings with several BOCES Superintendents, we targeted the rural communities of Cattaraugus and Allegany Counties as a first step. BOCES personnel arranged for our Resident Conductor, Robert Franz, to present his ideas about integrating classroom curriculum into the Youth Concert format. Working with BOCES, Robert was able to address all the superintendents of the 20-some districts in the Cattaraugus-Allegany BOCES at one meeting, who as a group wholeheartedly endorsed the concept.

The result is that the BPO has now presented six concerts annually for students grades kindergarten through high school in Olean. The BPO has been able to reach 5,000 more students per year at this central location, through the unique collaboration with BOCES. And who has also facilitated long distance video conferencing with our staff so teachers in those rural districts can learn about the programs and prepare their students appropriately. It is simply one of the most meaningful and successful partnerships I have seen in two decades in the orchestra business.

I am happy to report that over the past five years we have made great progress on our goal, and the BOCES program has also expanded to include concerts in Springville and Mayville through the Erie 2 Chautauqua-Cattaraugus BOCES, and we are in discussions with Orleans/Niagara BOCES for concerts in Niagara County for the future.

In 2004-05 the BPO reached 13,000 students through our Youth Concerts. This past year attendance was over 30,000. This accomplishment would not have been possible without the BOCES system as the primary convener of the parties involved – and as a conduit to school districts we did not have the staff resources to engage. The BOCES system has provided an efficient and cost-effective way for the BPO to accomplish its goals and therefore has had and is having a profound and lasting effect on the communities we serve together.

Thank you for your time.

Bridget Quinn-Carey, Director
Buffalo and Erie County Public Library

Senate Standing Committee on Education
October 8, 2009

Dear Senator Oppenheimer:

The Buffalo and Erie County Public Library System is comprised of 37 public library facilities in Erie County. We are primarily funded through county taxpayer support, but also receive significant state funding for operations and capital projects. As a System, we realize economies of scale through a shared integrated library network for circulation of materials and inventory control, as well as network and telecommunications services, programming and other system-wide service offerings.

We pursue partnerships with other community organizations in order to share our resources and reduce duplication of services. At a time when many institutions are facing unprecedented financial difficulties, the possibility of partnering with BOCES would be a welcome opportunity to expand and enhance our efficiencies and our partnerships.

My Library System could directly benefit from the opportunity to partner more closely with BOCES. While we currently collaborate with BOCES on special projects such as the state grant funded literacy project entitled *Get Graphic*, and for other services such as interlibrary loan and summer reading promotion support, the relationship has been informal.

We would benefit from the opportunity to work more formally with BOCES to pursue larger infrastructure and programmatic services. Some possibilities include shared broadband connectivity, technology training for staff and the public, developing improved means of regular communication between and among libraries and schools, and between public librarians and teachers.

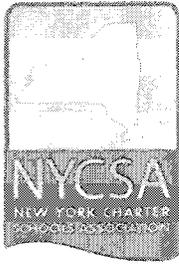
I have always thought a missed opportunity is access to school library collections during the summer months. Students need those books, and our public libraries would benefit from having the extra materials to meet the seasonal demand. We can do this through shared collections.

Currently, both schools and public libraries spend considerable funds on acquiring online digital content. A good starting place would be cost saving collaborations for vendor contracts serving both BOCES and the Library System.

There are many other areas for us to work together to enhance services, including interlibrary loan, collection development, cooperative purchasing, and delivery service to libraries and schools.

As a member of the Regents Advisory Council on Libraries, I know that the Board of Regents has an extensive agenda for improving education across our state. Libraries and schools are both administered by the State Education Department. That makes us natural partners in educational efforts. Creating and defining a means to benefit from this affinity would enable both schools and libraries to further consolidate costs and find economies of scale, as well as share our valuable resources – people, materials, infrastructure and content.

Thank you for your consideration of broadening the BOCES model to include public libraries and public library systems. I appreciate the opportunity to speak with you today.



new ideas, better schools

TESTIMONY PRESENTED BY
BILL PHILLIPS, PRESIDENT
NEW YORK CHARTER SCHOOLS ASSOCIATION

to the

NEW YORK STATE SENATE EDUCATION COMMITTEE

ERIE1 BOCES
WEST SENECA, NEW YORK

THURSDAY, OCTOBER 8, 2009

INTRODUCTION

My name is Bill Phillips. I am President of the New York Charter Schools Association.

The New York Charter Schools Association is the statewide organization representing and advocating for public charter schools.

I thank the Honorable Members of this committee and, in particular, Chairperson Suzi Oppenheimer and your staff for conducting this hearing and inviting us to contribute to this discussion. Thank you as well for making the trip to Western New York.

I will keep my remarks brief by limiting them to the role BOCES can and should have with charter schools.

I also would be pleased to take any questions you may have.

My written remarks contain detail which, in the interests of time, I may not verbally cover in its entirety.

BUILDING ON A DECADE OF SUCCESS

Ten years ago last December, the State Legislature enacted the New York Charter Schools Act of 1998. This landmark legislation allowed for 100 new, autonomous charter schools to operate independent of the local school district to provide public



education under an academic performance contract, called a “charter,” under the rigorous oversight by its authorizer and the Board of Regents.

By 2004, a majority of charter schools had a higher percentage of their students meeting or exceeding state performance standards on the elementary and middle school math and English exams, even though they enrolled a higher percentage of students at risk of academic failure (that is, in poverty or who were minority and had lower achievement levels starting out in the charter school).

This academic success has continued each year, with a greater percentage of charter schools exceeding their respective school district or community school district averages on these important state measures.

Attached to my testimony are line graphs which illustrate the positive trend in student achievement for the state’s charter schools, including a comparison of charter school results with both their respective host districts, and the statewide average. The latter category, of course, would include suburban schools that generally have lower at-risk student populations – yet even in this category, charter school results compare well.

This performance trend has been documented by the Regents annual reports on charter schools.

In 2007, at the urging of then-Gov. Spitzer, the Legislature doubled the charter school cap to 200, and made several other mostly process-oriented changes to the Charter Schools Act.

Since then, 63 new charter schools have been approved. Today, there are 140 charter schools in operation serving 44,000 students and 18 more schools thus far approved to open next year.

BOCES

Existing Statutory Structure

Boards of Cooperative Educational Services should be authorized to contract directly with charter schools.

Incredibly, they have no such authorization.

To the best of my recollection, this was not by design, but by oversight.

The enactment of the New York Charter Schools Act of 1998 specifically authorized charter schools to arrange for special education services directly, or working with the school district of the students’ residence, or by contracting with another provider. [Ed.L. § 2853(4)(a)].

BOCES, as you know, is a key provider of a wide range special education and other services, yet charter schools cannot access those services directly. This is because the BOCES statute, section 1950 of the Education Law, does not include charter schools on its list of entities to which it can serve.

We are very pleased that Chairperson Oppenheimer proposed to correct this by introducing legislation (S.4117-A § 2) to add charter schools to the statutory list of entities for which BOCES would be authorized to contract.

We also are pleased that State Assembly Education Chairperson, Catherine Nolan, has introduced a similar bill that would accomplish this objective (A.7920 § 5).

Your legislation is a “win-win” as it would benefit both charter schools and BOCES. Charter schools could access a new comprehensive service provider directly, and BOCES can expand its customer base and revenue stream.

More importantly, schoolchildren would benefit, which, of course, the priority for this committee and our charter school membership.

Making “Good Faith Efforts” for Students with IEPs or LEP

There is an added urgency for the Legislature to authorize BOCES to work directly with charter schools.

In 2007, when the legislature doubled the cap on charter schools, it made several other revisions to the Charter Schools Act.

Among these amendments is a mandate for charter schools to “make good faith efforts to attract and retain” students with disabilities and students who are limited English proficient similar to the percentages of such students in the school district where the charter school is located [Ed.L. § 2854(2)(b)].

This requirement is the result of a concern that charter schools were not serving a sufficient number of students with such needs. In fact, charter schools, similar to district schools, are fulfilling their legal responsibilities and doing well by students with disabilities and who are English language learners.

While we may not agree with the reason for this mandate, we do indeed fully agree with its objective and are committed to serving students with such needs.

Empowering BOCES to contract with charter schools would provide the schools another means to attract and retain students with disabilities or who are limited English proficient.

I can go into the reasons for the percentage of students in charter schools with disabilities or who are limited English proficient. Like district schools, charter schools have a wide variance in percentages of these students.

In addition, charter schools are schools of choice; that is, parents must voluntarily choose them for their children; and the district committee on special education, not the charter school, determines the individualized education program and the placement of a child, which could be other than the charter school (or the zoned district school).

There also are issues related to literacy that may influence the higher degree of special education placements in many urban districts, especially as students matriculate to middle school grades.

Service Provision

Special education services from BOCES could include occupational therapy, physical therapy, consultant teacher, speech & language, and English as a Second Language instruction.

Opportunities for BOCES and charter schools to work together also include the provision of professional development and staff training seminars, substitute teachers, and academic intervention services, to name a few.

Regarding state school aid, we do not seek to make charter schools eligible for BOCES aid the way districts receive. Charter schools are funded by a separate state formula based on the school district's approved operating expenses for per aidable pupil unit. While we have concerns about this formula in that it doesn't provide facilities support, we do not seek supplemental aid for charter expenses for BOCES services.

As to the number of charter schools expected to access BOCES services, this issue is primarily a concern of charter schools outside of New York City, which total 41 currently in operation.

Intent of BOCES

My final point is to remind this committee that a key reason for having BOCES is to provide an economy of scale in the provision of services to students in school districts, many of which are too small to reasonably afford the in-house specialty staff to meet their needs.

Many of these school districts, in fact, have a single school, but can use BOCES to serve the needs of the students in a comprehensive way. BOCES, in turn, has the expertise to replicate similar services in multiple districts with the same needs.

Charter schools are very similar to these small districts with one or two school buildings – just the kind of setting that requires a BOCES to assist.

CONCLUSION

In conclusion, we believe charter schools are an ideal client for BOCES that can utilize its services in a variety of ways that will benefit children. And, BOCES has the kind of expertise and specialty services that will enable charters to better educate their students.

Both educational entities—charters and BOCES—have been a part of the fabric of this state’s public education sector. As such, there is no reason for them not to be able to work together to help meet the needs of students.

To make this a common-sense reality, the Senate and Assembly should adopt the simple and helpful measure proposed by Senator Oppenheimer and her Assembly counterpart when the Legislature reconvenes.

This concludes my remarks, and I would be pleased to respond to any comments or questions you may have.

Thank you for this opportunity to appear before you today.

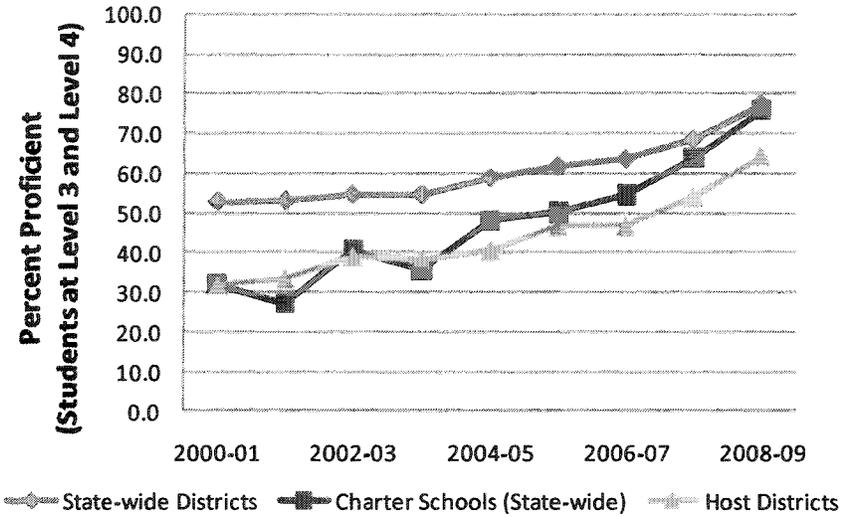
Attachments

- charter school test scores

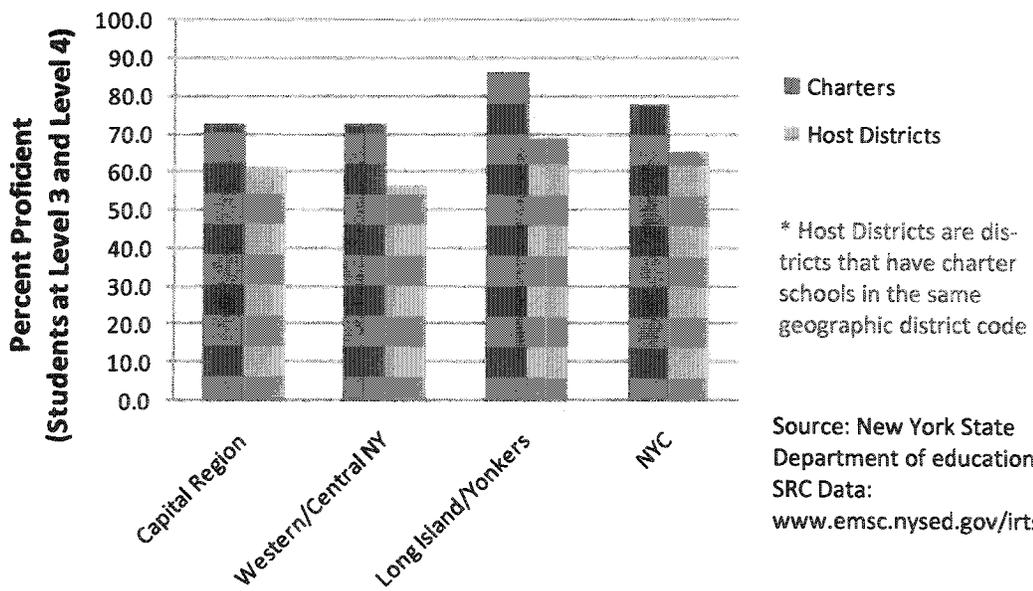


new ideas. better schools

New York State English Language Arts Exam Grades 3-8 Results 2009 Comparison of Aggregate Mean Percent Proficient



New York State English Language Arts Exam Grades 3-8 Results 2009 Regional Comparison of Charter Schools and Host Districts*



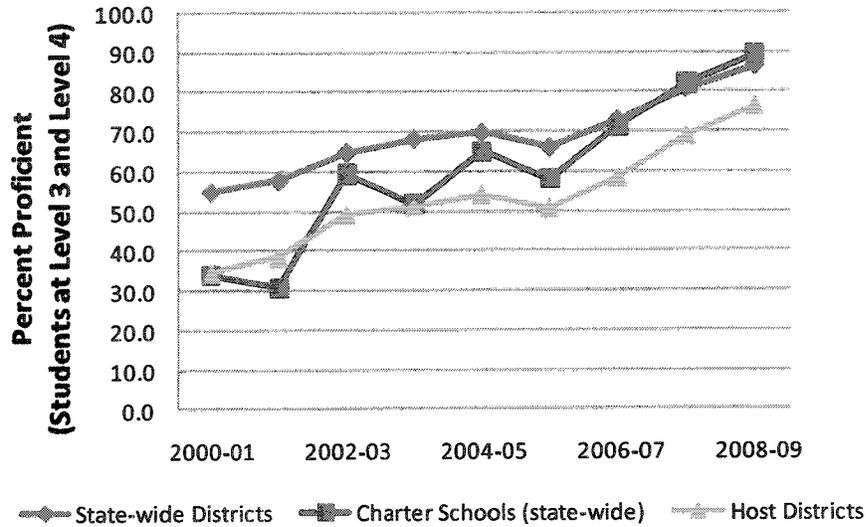
Source: New York State Department of education
SRC Data:
www.emsc.nysed.gov/irts/



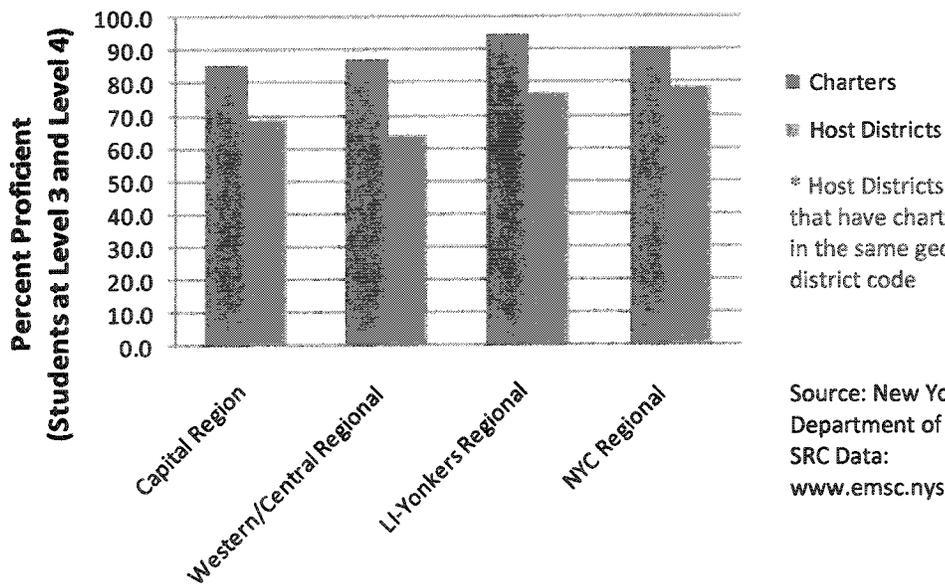


new ideas. better schools.

New York State Mathematics Exam Grades 3-8 Results 2009 Comparison of Aggregate Mean Percent Proficient



New York State Mathematics Exam Grades 3-8 Results 2009 Regional Comparison of Charter Schools and Host Districts*



* Host Districts are districts that have charter schools in the same geographic district code

Source: New York State Department of education
SRC Data:
www.emsc.nysed.gov/irts/

SENATE STANDING COMMITTEE ON EDUCATION HEARING

Testimony: Corrinne Cristofaro, Executive Director, Western New York Charter School Coalition

To All Boards of Cooperative Education Services, esteemed colleagues and leaders, and honorable Senators for the Standing Committee of Education: On behalf of the Western New York Charter School Coalition I would like to thank you for allowing us the opportunity to address all of you today.

My name is Corrinne Cristofaro. I am the Executive Director of the Western New York Charter School Coalition. We are a recently established non-profit organization whose mission it is to advocate for our local charter schools and inform the community of our vision and accomplishments. The Coalition is made up of one Board Trustee from each member school – created on the basis that there is strength in numbers and that unity is a key to success.

Charter Schools were and are being created to help schools improve their educational offerings. Charter Schools' missions include special education, preparation for the world of work, and the operation independent of their respective local districts. Charter schools have been successful at delivering prime education under an exemplary cost-savings example. And, we have certainly proven our successes in the Western New York area as models to be replicated. It is not ironic that the Board of Cooperative Education Services possesses the same missions. In fact, the wording is much similar.

However, there is much you know and understand, honorable committee members, about our schools and the lack of funding and services available to us. And our local BOCES could be a colossal source of reputable, targeted services that our students deserve to benefit from. It is our understanding that a current bill has been written relating to the powers and duties of boards of cooperative educational services with provision to contract with charter schools. And, I urge the Senate Committee on Education to apply its examination of the ways that the BOCES' model might be expanded to achieve efficiencies resulting in greater taxpayer savings to us. In the Western New York area, there are 6,500 students attending charter schools. That number continues to grow yearly. As you know, our academic performance is solid and increasing. However, here are some of our challenges:

Many charter schools do not receive separate funding for facilities management (this includes rent or lease payments, maintenance, etc.) The money we spend on this "building" necessity is drawn directly from our education budgets. Imagine what wonderful educational tools could be utilized with this huge amount of payable.

Also, local school districts receive transition aid when more than 2 percent of enrolled students attend charter schools. The intent of this payment is to compensate for the decrease in state aid public schools receive when more children in their district attend charter schools. Public schools receive this revenue stream while charter schools do not. Therefore, our funding gap widens even more.

SENATE STANDING COMMITTEE ON EDUCATION HEARING

Testimony: Corrinne Cristofaro, Executive Director, Western New York Charter School Coalition

Page 2

Last, the amount of money that charter schools receive from the state is derived using a formula established in the New York Charter Schools Act of 1998. It is based on district operating spending and is not directly related to state aid levels but what districts end up spending, that is, if districts spend less, charters get less.

It is not just a new millennium, Senators; it has been a new decade of innovation. Charter Schools have celebrated 10 years of operation. But, as you know, our schools' boards, administrators, staff and ultimately students have given up a great deal to create this educational choice. It is time to honor those taxpayers who have contributed to the inception of charter schools by providing them with the equity they deserve. Please consider a modification in legislation that allows contractual agreements between BOCES and charter schools. New York State deserves an equitable public schools' system. Charter School students deserve an equal playing field.

Again, thank you for your attention. The members of the WNY Charter School Coalition appreciate you and your efforts to improve public school choice.

SENATE STANDING COMMITTEE ON EDUCATION HEARING
Testimony: Carol A. Smith, Principal, COMMUNITY Charter School

To all Boards of Cooperative Education Services, esteemed colleagues and leaders, and honorable Senators for the Standing Committee of Education:

On behalf of the Charter Schools of Western New York, I would like to thank you for allowing me the opportunity to address you today.

My name is Carol Smith, Principal of COMMUNITY Charter School in Buffalo. I am here to represent COMMUNITY Charter School and the other 15 charter schools who educate approximately 6500 students in this area.

COMMUNITY Charter School is located in the east side of Buffalo and serves students in grades K-6. We received our initial charter in 2001 and opened our doors to students in 2003. Last year, we were granted our third charter renewal by the New York State Board of Regents. We currently have an enrollment of 304 students. COMMUNITY Charter School serves an at-risk population comprised of 99% minority students with 97% receiving free or reduced lunch.

You will hear from my charter school colleagues, the inequities in funding between charter schools and public schools are great, yet now more than ever, we are forced to do more with less. We are held to the same and sometimes higher standards and accountability measures as public schools, but do not have access to the same resources. We receive criticism of taking resources from public school districts, when in reality we're teaching their students and receive only 2/3 of the funding they get for each student not in their districts. With these limited resources, our students should not have to pay the price. We're not asking for more resources from public school districts, we need to make the most of what we have to become the best we possibly can be.

Having been in education for the past 23 years, in private, public and charter schools, I have experienced the importance and value of utilizing BOCES services from both administrative and teaching perspectives and have seen the tremendous benefits it brings schools at all grade levels. BOCES is an outstanding organization which provides schools and districts with instructional, technical and administrative resources. Amending legislation to allow charter schools to utilize BOCES services will assist us greatly. Being able to contract with BOCES would give us the opportunity to receive services in the following areas:

- ~ **Administration and Management** – including Arts-in-Education of WNY; Health Safety and Risk Management; and Professional Development Seminars
 - ~ **Finance**
 - ~ **Labor Relations**
 - ~ **Special Education** – including Speech, Occupational and Physical Therapy
 - ~ **Technology** – including Instructional Technology Services; Data Management; and Test Scoring, Assessment and Data Analysis
- to name a few.

Since charter schools have been in existence, we have been forced to seek out services through private agencies or organizations. This causes a financial burden on schools since private service providers are far more costly than BOCES. Contracting with private consultants for professional development or technical support costs thousands of dollars and comes with no guarantee of quality. BOCES is known for assisting schools with such services at a fraction of the cost. Staffed with highly trained professionals, BOCES prides itself in providing quality and excellence. At a time where we are all faced with making each dollar count, now more than ever, charter schools need to be able to tap into BOCES resources.

For more than 60 years, BOCES has proven itself to be leaders in providing outstanding and cost effective services to schools across the state. Therefore, I am respectfully asking you to consider modifying legislation to assist charter schools in contracting with BOCES.

Thank you for giving the charter schools of Western New York a voice to speak to you with today regarding this most important matter.



James Bordonaro, Director
Carol A. Smith, Principal

404 Edison Ave.
Buffalo, NY 14215

716-833-5967 (phone)
716-833-5985 (fax)

COMMUNITY Charter School Information 2009 - 2010



What is a Charter School?

Charter Schools are public schools of choice.

They allow a family to choose the educational setting that is the best fit for their child, without paying the tuition of a private school.

8 Reasons to Enroll Your Child in COMMUNITY Charter School:

1. Smaller class sizes; each with a teacher and teacher's aide
2. Extended school year and school day
3. Before and After School programs
4. Uniform Dress Policy
5. Asset Development Program
6. Student Portfolios
7. Individual Learning Plans
8. Bus transportation provided

Additional Information About Our School:

- | | |
|---------------------------|----------------------------------|
| • Current Enrollment: 304 | 2001-2006: Initial Charter |
| • Free/Reduced Lunch: 97% | 2003-2004: School Opens K-4 |
| • Special Education: 15% | 2006-2007: Charter Extension |
| | 2007-2009: Second Charter |
| | 2009-2013: Third Charter Renewal |

A Community Organization Mobilizing, Mentoring, Uniting, Nurturing,
and Investing in Today's Youth



**Students Scoring at a Proficient (3 & 4)
Level on the NYS Assessments**

	03-04 ELA	04-05 ELA	05-06 ELA	06-07 ELA	07-08 ELA	08-09 ELA
Grade 4	7%	32%	41%	62%	51%	63%

	03-04 ELA	04-05 ELA	05-06 ELA	06-07 ELA	07-08 ELA	08-09 ELA
Grade 3	***	***	37%	71%	75%	75%
Grade 5	***	***	10%	49%	47%	60%
Grade 6	***	***	6%	24%	21%	42%

	03-04 Math	04-05 Math	05-06 Math	06-07 Math	07-08 Math	08-09 Math
Grade 4	51%	57%	63%	80%	86%	94%

	03-04 Math	04-05 Math	05-06 Math	06-07 Math	07-08 Math	08-09 Math
Grade 3	***	***	68%	95%	100%	100%
Grade 5	***	***	13%	67%	77%	75%
Grade 6	***	***	6%	62%	73%	50%

New York State Senate Education Committee
PUBLIC HEARING on BOCES
As a Model for Delivering Taxpayer Savings

Thursday, Oct. 8, 2009
Erie 1 BOCES Education Campus
355 Harlem Road, West Seneca

Testimony presented by Richard Vogan,
Erie County Association of School Boards President
and Member of the Lake Shore Central School District Board of Education

Schools vs Education

We tend to use the word school in broad terms, however schools and education are not the same. David Matthews, President of the Kettering Foundation defines education as *“a process by which a society transmits its skills and values to the next generation through a host of institutions and social conventions, one of which is the schools.”*

Schools as institutions are one part of the education process. Any discussion about reducing the tax burden should not only be about schools; it should also be about education. The institution and the education process are married; inseparable. What affects the institution can have an effect on the education process. Changes to the education process will have an effect the institution.

Keeping that view in mind, there are several opportunities where a BOCES can be a catalyst for reducing the taxpayer burden, without harming and sometimes improving the quality of education.

Gaining efficiencies in non-instructional areas provide the best opportunities to reduce expenses without having a negative impact on education. The greatest strengths of Boards of Cooperative Educational Services are the existing infrastructure, their ability to provide functional consolidation and their experience, their proven track record of reducing costs. BOCES continually demonstrates innovative leadership and is perhaps the best vehicle to take advantage of these cost-saving opportunities.

WNYRIC

For example, in Western New York, the Technology Services Division at Erie 1 BOCES houses the WNY Regional Information Center, also known as the WNYRIC. WNYRIC is one of 12 such centers across New York State. Approximately 250,000 students are served by our WNYRIC. By centralizing the data center, 104 districts in 7 counties have been able to control and significantly reduce costs while receiving a high level of support. The central data center reduces the need for individual school districts to invest in hardware, software and support personnel, helping them to control costs while providing for a highly skilled support team.

WNYRIC also provides guidance through the complexities of E-rate funds, a program for the development and support of telecommunications, Internet access, and other technology services for the K-12 educational community. Over the past 11 years, a total of **\$115,196,177** in E-rate funds have been received by WNY districts. This includes WNYRIC assisted projects such as direct application, WNYRIC service applications, and the application for the city of Buffalo. WNYRIC E-rate guidance has made a huge impact on the WNY region.

We need to continue support for the 12 regional information centers and invest in technologies that drive down the cost of data processing and expand capabilities as reporting requirements for schools continue to increase and the education process relies more and more on student data for guidance in decision making.

We should also research expanding WNYRIC services to other municipalities. There are potential savings of tax dollars through the consolidation of certain administrative, financial, network support and support functions. Currently, this consolidation is prohibited by law.

The State Constitution and Article 5-G of the General Municipal Law allow governments to perform jointly any service that **both** may perform individually. However, Education law 1950 limits what services can be shared by a school district or a BOCES with other municipalities. We need to repeal those provisions of Education Law that restrict a BOCES from providing services to all general and special purpose local governments. As the NYSSBA Task Force on Maximizing School District Resources put it “Wherever it can save taxpayer dollars, BOCES should be providing services to towns, villages, cities, counties, colleges and universities, charter schools, libraries, museums, and not-for-profit organizations with educational purposes.” Both the **New York State Commission on Local Government Efficiency and Competitiveness** and the **New York Commission on Property Tax Relief** make this recommendation.

School Districts and BOCES should be allowed to perform any service, function, activity or project jointly as long as at least one local government has such authority. Not allowing that authority is a barrier to consolidation that impedes the savings of tax dollars in many areas.

Shared Municipal Services

In the limited areas where consolidation of services has occurred there are demonstrated successes in reducing taxpayer costs by utilizing Boards of Cooperative Educational Services to share services with other municipalities.

- o An example is the School and Municipality Energy Cooperative (SMEC). In order meet compliance despite the legal restrictions, a separate cooperative, SMEC was formed in 1997. “SMEC's aggregate approach to commodity purchasing for electric and gas, reduces utility bills for municipalities and school districts. Since its inception, SMEC has saved its members over 10 million dollars.” “As individual entities, members would not have the same opportunities that are available to the group as a whole.” - Erie 1 BOCES web site.

- In my own district (Lake Shore) we are able to save taxpayer dollars through collaboration with other local municipalities in the purchase of road salt, and through competitive bids for paper and office supplies.

Rather than hoping that schools and municipalities can find ways to work around the restrictions of education law 1950, lawmakers could help schools and taxpayers by removing those restrictions that prevent sharing of municipal services and the resulting reduction of costs.

As stated by Ronald D. Valenti, Superintendent of Blind Brook School District

“I propose that we unleash the enormous potential of our BOCES throughout the state to reduce costs through greater service sharing beyond what BOCES is legally allowed to provide.”

The Centralized Business office is a service that is offered by at least three BOCES to their component districts. The Central Business Office offers the opportunity to realize significant savings for taxpayers by consolidating back office functions. Some of the advantages of a BOCES run Central Business Office include:

- Economies of scale – Office functions can be accomplished with fewer people in the Centralized Business Office than are required in multiple school districts. Erie 2 BOCES began offering the Centralized Business Office service in July of this year. Six districts are taking advantage of the service and the estimated aggregate savings will be more than **\$315,000**. The service is offered with a menu approach, that is, districts can select from a list of services including payroll, accounts payable and claims auditing. Better oversight of business office practices. Consistency and improved oversight puts districts in a better audit posture. This also has the potential of reducing costs of the mandatory audits.
- Related benefits are:
 - Improved segregation of duties, which may be difficult to achieve in districts with small business office staffs;
 - Better cross training is possible with a larger staff, meaning more fewer conflicts due to vacations or medical leaves;
 - More consistency across districts, which reduces errors and puts school districts in a better audit posture.

It appears that the Centralized Business Office is working very well for the participating districts. As more districts take advantage of the offering, additional cost savings will be realized and taxpayers will benefit.

The Centralized Business Office has been successful in reducing school district costs through consolidation of services. But Education Law 1950 prevents other municipalities from an opportunity to reduce their operating cost by using this BOCES service.

Once again we need to **unleash the potential of BOCES**. We need to repeal those provisions of Education Law that restrict a BOCES from providing services to all general and special purpose local governments.

In a recent discussion it was suggested that BOCES could be used to provide facilities maintenance services including architectural and engineering services for building projects. Temporary incentive programs like RESCUE and EXCEL sometimes have the unintended consequence of raising construction costs. When funds become available for multiple concurrent construction projects across the state, resources become scarce and costs of services increase. Architectural and engineering services provided by BOCES could help to control those costs. However, a BOCES can't provide third party contracting. That is, they can't contract on behalf of a school district.

One more time...

Unleash the potential of BOCES. We need to repeal those provisions of Education Law 1950 that restrict a BOCES from providing services to all general and special purpose local governments.

We also should provide incentives to schools to take advantage of cost saving services provided by BOCES, and to municipalities when the provisions of Education Law 1950 are repealed. I applaud the New York State Department of State, Local Government Efficiency Program for awarding a grant to the Wayne – Finger Lakes BOCES to explore the concept and feasibility of shared services including the concept of a regional high school. Regional High Schools are another area with the potential of saving tax dollars. However every community is different. Every school district has its idiosyncrasies. Schools and education are not the same. Any tax saving effort should be studied to determine the effects on the entities involved. Feasibility studies are well worth the small costs when the potential savings can be in the millions, but only if the education process is not harmed by the changes. More funding like this grant should be made available to explore specific cost saving opportunities.

In conclusion we need to encourage innovative leadership. We need to sustain innovative leadership. We must unleash the potential of BOCES.

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Senate Standing Committee on Education
Public Hearing, Thursday, October 8, 2009
"BOCES as a Model for Delivering Taxpayer Savings"

Carol S. Hay
chay@mx.pancent.org
Panama Central School
41 North Street
Panama New York 14767
(716) 782 - 2455 ex. 3182

Thank you for hosting public hearings and allowing interested parties to provide testimony. I am here as the Chairperson of the Chautauqua County Education Coalition, Superintendent of the Panama Central School District and as an individual whose passion is ensuring that each child receives the education he or she needs to be successful.

The Education Coalition was established to promote public education and inform our communities about educational issues. BOCES is an active member of our Coalition. There has been a significant and important consequence of the Coalition; we have increased the communication among the CCEC members - the teachers union, principals, superintendents, board members and higher education, as well as organizations such as the County Chamber of Commerce and Workforce Investment Board and agencies like the Department of Social Services.

During four years of conversations at CCEC meetings, I have learned about services and programs provided by other districts, organizations, and agencies that would benefit the students in my district. Expanding the BOCES model and creating legislation that would apply equally to all partnerships and collaborations would open the door for competitive options. Please consider it.

CCEC has partnered with other organizations to provide the community with presentations on 21st Century learning and how to better prepare our students. We spent a year promoting early education and our county has seen a significant growth in UPK Programs. We have hosted presentations on creating a fair financing system for school districts, reforming school governance for better results, and using International Learning Standards as the benchmarks for judging competence. One theme in all of these presentations is the need to utilize technology for better school district management and more student learning opportunities.

Do you want the words to a song? Google it. Do you want to know how to fix a particular small engine? Go to YouTube for a step-by-step tutorial. You can even drop a question on Twitter or Facebook and friends/followers will respond with helpful information. Informal learning is all around us and it fits with the instant gratification our younger generations are used to.

Corporations are accepting this and finding ways to move away from structured training to informal learning and meeting the needs of the Web 2.0 savvy employees. World-wide corporations are developing social networking with in-house forms of Facebook, YouTube, blogs, wikis, chats - all controllable by the corporation, and effective in providing training that is mobile, flexible, and global.

In discussing this concept with my son, a captain in the Army, he filled me in on the same process used by the military. A web based email user name and password links rank with accessible training, best practice, and chats to provide controlled, informal learning – at the time the individual needs and wants it. This can occur in Iraq, Afghanistan, or Kansas – as long as there is Internet service.

If this is how learning is occurring in the corporate and military worlds, shouldn't we be using it in the education world? Using a controlled technology highway for education allows information to travel and consumers to both learn and contribute. It is perfect for staff development. Take it a step further and our social networking students suddenly have the 21st Century learning they need without being bused – truly a savings in time and money

The State requires that school districts report finances and student data electronically. Within the District, we bank on line, purchase and pay online, and transmit information to various agencies online. We trust technology to move millions of dollars and confidential data on a daily basis.

We need to have those same electronic options when it comes to the students' education. Students should be connecting with learners in Clymer, Chicago and China on a regular basis and the teaching/learning shouldn't be judged by the amount of time they spend sitting in a chair in the classroom. Required classes can be taught using the computer to access information, chat with classmates, go on virtual field trips, and the final assessment can be done online – secure without UPS carrying the box from Albany to Panama.

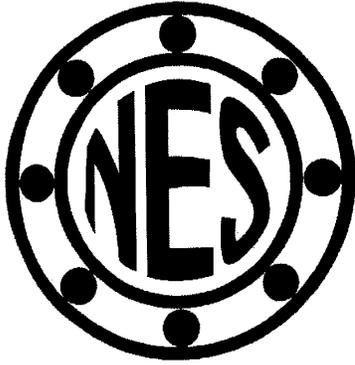
How we deliver education and how education is funded must change. Property tax concerns are part of those conversations. While looking at options, creative solutions are often hampered by legislation. Outdated legislation totally ignores the use of technology and collaborations and shared services that could occur outside of BOCES.

I have lots of thoughts I'd like to share, but for today, I want to make two points: the BOCES model of sharing services and collaborating with others is working. Let's expand that model to allow other agencies, governments and school districts to share and collaborate and treat all partnerships equally.

Secondly, let's change legislation so that visionary and innovative practices that reflect 21st Century skills and learning can occur. Expand the BOCES model to include financial support for collaborative learning that occurs online and through partnerships with neighboring districts and countries on the other side of the globe. Learning that meets the needs of adults and students through technology should have the same financial support that is currently given only to center based learning options.

As an educator and an individual passionate about learning, I urge this Senate Committee on Education to think of the possibilities that would increase capacity to help each child be successful. These opportunities are possible by supporting creative solutions to change our systems to educate all children for the 21st Century.

Thank you for this opportunity to speak with you today.



10/8/2009

Napoleon Engineering Services
241 Adams St.
Olean, NY 14760
Phone (716) 372-6532
Fax (716) 372-1448

Subject: BOCES as a Model for Delivering Taxpayer Savings
Senate Standing Committee on Education
Erie 1 BOCES Campus

Good afternoon, I'm Chris Napoleon, President of Napoleon Engineering Services, a small manufacturer of high precision bearings in Olean, NY and I am here to give testimony regarding the innovative advanced manufacturing program that has developed at Cattaraugus-Allegany BOCES.

A group of manufacturer's in our region, including Napoleon Engineering Services, Dresser Rand, Alcas/Cutco Cutlery and Keystone Tool and Die, banded together to develop a solution for the need for highly skilled employees in the area of advanced manufacturing. Our discussions with local high schools, including Allegany-Limestone, Olean City Schools, Hinsdale and Portville as well as higher educational institutions such as Jamestown Community College and Alfred State College, revealed a need for a hands on, high tech, education center focusing on the areas of engineering, machining and welding at the high school level.

The logical choice for housing, developing, funding and growing this endeavor was through the BOCES system. Through the efforts of our industry partners, secondary and higher education administrations and BOCES, a new advanced manufacturing training center has been created. The development of these programs provides educational ladders resulting in solid career paths starting at the BOCES training center. The initial involvement of Allegany-Limestone, Olean, Hinsdale and Portville school systems has given way to future partnerships with the Seneca Nation of Indians, Cuba-Rushford and other school systems throughout a two county region through regional centers of excellence in advanced manufacturing in the Olean and Belmont BOCES centers. The BOCES programs will reach out to a local, county and multi-county region.

Through the development of programs, concentrating on a vision of shared service support, this regional center methodology is available to secondary education students, post secondary students, adult learners, out-of-school youth, dislocated workers, and for use in customized industry training courses. Through effective communication of needs and a vision for shared service, many other programs, services and effective uses of facilities can be achieved through the BOCES model.

The advanced manufacturing training center at the CA-BOCES is a model for what effective communication of industry needs and educational offerings can achieve for a region. Thank you for your time and consideration.

Senate Standing Committee on Education
Public Hearing Testimony
October 8, 2009
Presented by Catherine Tomerlin RN, BSN
Coordinator of Health Occupations
Cattaraugus/Allegany BOCES

All of the health education programs at Cattaraugus/Allegany BOCES are administered by the Adult Education Division. Many of these adults are displaced workers who have been laid off or find themselves without a job after being employed for many years. There are currently 11 displaced workers from a recently closed Ethan Allen plant now enrolled in the Practical Nursing Program.

The other populations we serve are adults who find themselves as a single parent with a low income and they come in with a goal of getting a better job to fully support themselves and their children. High school graduates who are not ready or prepared for college level academics find that our programs can prepare them for a variety of jobs in the health care field. Once they have this success with BOCES behind them, the graduate will often choose to advance their education at Jamestown Community College or Alfred State College.

It has not been a secret that there is a great demand for workers in all aspects of healthcare. Cattaraugus/Allegany BOCES provides this type of training so these adults can be put back into the workforce after a relatively short training period. Between all of our health programs over 200 students are trained each year. We offer programs such as Nursing, Phlebotomy, Medical Assisting, Certified Nurse Aide Training, and Dental Assisting, which are listed on the Department of Labor list of "demand professions."

Health care agencies or Employment agencies often contact us to provide training as the need arises. Cattaraugus/Allegany BOCES geographical area encompasses Cattaraugus County, Allegany County, Southern Erie County, even reaching into the Western Pennsylvania population. The nursing program is offered at three centers across a two county region. Our programs collaborate with over 18 area Health care agencies including: Jones Memorial Hospital- Wellsville; Olean General Hospital; Lakeshore Health Care Center- Irving; and Mercy Hospital of Buffalo. Our Practical Nursing program is proud of our 99% state board pass rate over the last three years graduating nurses who are rooted and remain within their community.

Cattaraugus/Allegany BOCES looks forward to adding health –related programs to further meet the needs of the community such as Pharmacy and Surgical Technician.

By offering health education programs to those who seek a job, as well as job security in these unstable economic times, Cattaraugus/Allegany BOCES hopes to meet the needs of not only the individuals who complete the programs but to assist the local healthcare agencies with the shortage.

**Remarks Prepared for the
Senate Standing Committee on Education**

**Thursday, October 8, 2009
Erie 1 BOCES Campus
355 Harlem Rd.
West Seneca, NY 14224**

**By
Charles R. Pegan, Executive Director
Chautauqua County School Boards Association**

Good afternoon, Senator Oppenheimer and Members of the Committee. By way of introductions, I am Charles Pegan, Executive Director of the Chautauqua County School Boards Association. But I am also speaking to you this afternoon as a parent, grandparent, former teacher, building principal, superintendent, and in retirement, interim administrator in five districts. I have also been involved five times over the past fourteen years in consolidation and shared service studies either as an administrator or the consultant. Of the five consolidation studies in which I have been involved, only one was approved by the voters. Only 20% are approved!

The message that school boards get from these failed votes is that it doesn't matter that hundreds of hours have been spent researching a plan, thousands of dollars spent in consultant fees, town meetings, and study committees made up of students, staff, board members and interested

residents. In my opinion, many of the voters, grey haired old men (like me) don't attend the hearings, but, instead, get "the facts" over coffee at the local restaurant. They could care less about offering an education that prepares our young people to compete successfully with youngsters from China, India and the European Union. And, yes, there are others who do not want their children bused to neighboring communities, especially elementary mothers. Ok, fine, I understand. Then let's look for other ways to offer students in districts with 400, 500, 600 students K-12 an education that equals the education offered in districts of 1,000, 2000, 3000 or more.

There is a defensible, well researched, rationale for looking seriously at BOCES as a Model for Delivering Taxpayer Savings (and, I would like to add, student learning opportunities). Resent studies include:

. One by the 2008 Commission on Local Efficiency and Competitiveness chaired by our own Chautauqua County Stan Lundine, former Congressman and NYS Lt. Governor; (thank you, Stan) Exhibit A

. Another, from the NYS Commission on Property Tax Relief, led by Thomas Snassi, Country Executive for Nassau County; Exhibit B

. A third, by the Task Force on Maximizing School District Resources, completed by the New York State School Boards Association, (Thank you Tim and Wayne) Exhibit C

and the last, but the study I believe is the most helpful in our message to you today -

. The University at Buffalo Regional Institute, A Policy Brief.

(Thank you Kate)Exhibit D

All of these reports identify an expanded role for BOCES as the best way for small districts of less than 1,000 students, of which we have 36 in WNY, to become more cost effective and provide broader, richer curriculum offerings to students AND, it's important to add, adults.

Copies of these four studies are included as Exhibits to this testimony.

The Chautauqua County School Boards Association, along with the Council of Superintendents and the Chautauqua County Education Coalition have discussed, planed and tried to implement strategies for sharing based on collaboration between and among school districts, in cooperation with municipalities and agreements with local colleges and universities. We can document that tax payer dollars have been saved through regional sharing. Please see the "Ideas for Future Regional Sharing" that were conceived a year ago at a County School Boards Meeting. Several districts have organized a Cooperative Business Office (CBO) through the BOCES. We use Distance Learning to offer classes among multiple districts. We share transportation, special education facilities, inservice education, cooperative bidding, school board member development, maintainance equipment, printing services - all through BOCES. Why not go the next step and expand the curriculum

offerings, that small districts can't afford, but students need, through the BOCES? That was the original purpose of BOCES and still is. (pause)

But - also see what we call "The Blockers" to regional sharing.

Note especially the one that says State Mandates and State Regulations.

Many of us are ready to bring changes that are good for kids and good for the taxpayers but we are blocked by a person sitting in an office in Albany who says, "No" to our ideas because they would violate some regulation or law. An example - as much as we want to create a regional high school, currently it is against the law. It would take special legislation for us to create a comprehensive regional high school.

We do take heart, however, in knowing that someone in Albany said, "YES" to Tech Valley High School and we are watching with great hope that it will demonstrate a new day, a new way to meet the needs of our students. Tech Valley is doing things we can only hope to do now under existing regulations, laws and "No" sayers.

Let me personalize this by telling you a story about our two grandchildren, Jim and Kati. Our middle son is a minister and goes to serve and live where he is appointed. When our two grandchildren were young and in elementary school, they didn't know the difference or feel the impact of

being in a small school but when they reached middle school and were working with their guidance counselor(only one in the district)to plan a program that matched their interests and skills, they were very disappointed and angry. There were no choices. For our grandson, who already was very competent with computers, there was no challenge for him. The computer lab was very limited and the teacher had little computer training. Jim could have easily taught the class. As soon as he was eligible, a Junior, he signed up for challenging computer classes at BOCES taught by a man with real-world training and experience who individualized Jim's program and prepared him to transfer to ITT, a technical school in Erie, PA. He loved it and came home every night excited about his future. He soon learned that ITT also was limited and would not prepare him for his dream career - animation. The story has a happy ending; Jim went on to a university in Florida that specializes in the arts (a magnet school, if you will) and he now has a BA in animation. If it wasn't for BOCES, I am sure that Jim would have dropped out of school.

Kati solved her problem of being in a school with the barest of curriculum offerings by changing schools. She convinced her parents to allow her to transfer to the Jamestown Public Schools - 5,000 plus students - live with her grandparents, pay tuition and have a wealth of academic

choices, membership on the swim team, Acappella Choir, Student Government, Clubs and choices of friends. Counseling for college came from several sources as did the resources for her tuition. A happy girl and a happy ending to a story that could have been otherwise.

The point is, Senator, our students in schools with less than a 1,000 enrollment are not being given the same life chances as students in larger districts. A former District Superintendent, Phil LoGuidice, and his fellow superintendents and board members had a dream when they sited our two BOCES centers, one at the north end of the county and one at the south end. They bought acres of land with the vision that, one day, there would be comprehensive high schools operating under the BOCES umbrella. Now is the time!

The current educational structure does not produce equal opportunity and justice for all. Children have to follow their parents. They don't get to choose, therefore, it is our responsibility to create educational configurations, such as expanded BOCES programs, to bring life's scale of justice into balance. The opportunities being proposed in our BOCES will challenge our children and help them to dream bigger, reach further and feel better prepared for what lies ahead. The Empire State can do this!

21st Century Local Government

Report of the New York State Commission on
Local Government Efficiency
& Competitiveness

April 2008



Commission Members

Stan Lundine, Chair

Gerald Benjamin

Al DelBello

Jonathan Drapkin

Kathryn A. Foster

Sandra Frankel

Sam Hoyt

Craig Johnson

William A. Johnson, Jr.

Elizabeth O'Connor Little

Mark P. Pattison

Walter L. Robb

Jamie Rogers

Tom Tranter, Jr.

Howard S. Weitzman

Staff

John Clarkson, Executive Director

Lori Heithoff, Deputy Director

Darrin Derosia, Counsel

Michael Cohen, Senior Analyst

Jesse Olczak, Senior Analyst

Janeen Paul, Administrative Assistant

nyslocalgov.org

To the Citizens of New York State

People are demanding change at all levels of government. They are frustrated by a local tax burden that is the highest in the nation. They value their communities, but want modern, efficient services at an affordable price.

Our Commission was launched with the conviction that New Yorkers are living under a very outdated local government structure. The vast majority of our municipalities were established and their boundaries set during the horse-and-buggy era. There are also outdated laws and offices for which no modern rationale exists. Over the years we have added to this outdated system, but rarely simplified, and today we have nearly 5,000 local government entities.

Substantial savings are available if we choose to modernize. Over the past year, this basic truth has been confirmed again and again in testimony, and in the 200 initiatives for change brought forward by local leaders. Because we believe that top-down reform seldom works, we sought from the beginning to learn from a process of assisting local initiatives and addressing barriers encountered. This must be an ongoing effort at the state level, because we need to better enable, assist, and promote successful practices.

Shared services are one way to bring efficiencies to local governments, including school districts, and we have recommended enhancements in state assistance, support and funding for these activities. However, consolidation of services or even governmental entities may be needed in some areas. Both shared services and consolidation face many hurdles. It is always harder to change than to hold to the status quo. But with the economic challenges New York faces, doing nothing is no longer an acceptable answer. We need to find ways to tip the balance in favor of efficiency.

This Commission was charged with examining *local* government, and our report focuses on ways to make counties, municipalities, schools and other local entities more affordable, accountable, democratic, and competitive. That does not imply, however, that the problems are solely or even primarily caused by local leaders. Our proposals address mandates and other cost-drivers. State government creates the rules under which local governments and schools operate – rules which can stand in the way of efficient and effective operations.

Our suggestions for change are presented with a mix of optimism and concern, because past local government reform commissions have issued reports that were not implemented. However, we are hopeful that with the emphasis on locally generated ideas, this effort will achieve significant success. Most of our recommendations are designed to encourage or enable change, rather than to mandate it. Few would argue with the proposition that we cannot continue on the path we are on.

We want to encourage local leaders to be bold. It is our view that big changes are necessary, although many will be difficult to achieve. With these recommendations, and a lot of hard work at all levels of government, we can adapt our best tradition – local democracy – to a 21st century model.



Stan Lundine, Chair





Executive Summary

The Commission on Local Government Efficiency and Competitiveness was established in April 2007 to examine ways to strengthen and streamline local government, reduce costs and improve effectiveness, maximize informed participation in local elections, and facilitate shared services, consolidation and regional governance.

This report and recommendations are submitted to the Governor, the Legislature, and to the citizens of New York State. It describes the Commission's process and sources of information, including research, public input, and contact with local leaders. The initiatives brought to us by local officials, which we sought to support and learn from, are also described in summary and throughout the report where they relate to particular issues.

Recommendations

This report presents our recommendations, developed over the course of a year. Most are highly specific, but given the breadth of our charge several are general or call for further study. Some proposals can be achieved administratively, but most require statutory change, for which legislation is being prepared. In five instances we call for state constitutional change. Several of our early recommendations were included in the 2008-09 Executive Budget, but most are appearing here for the first time. Our recommendations are presented in brief with this summary and in much greater detail in succeeding chapters along with contextual information and our rationale.

Where we believe that there is a clear need to centralize a particular service we have specifically recommended it. We are very much aware that "one size" may not fit all and that circumstances and needs are very different in communities across New York State. In many areas we are therefore not prescribing a single approach, we are merely recommending that – after local consideration – a choice be made.

Our recommendations lay out a path to a far more efficient and effective local government system. If they are accepted, here are some of the most important changes we envision:

- More services will be provided on a countywide or regional basis, which will both save money and provide better service. In most cases, this will be the result of a local choice to regionalize, but we will tip the balance in favor of making such choices.
- Local governments will operate under more modern, consistent, and understandable rules, and citizens will have a clearer understanding of where responsibility lies for services.
- School consolidation issues will be examined, and it will be more likely that consolidations will occur where they are fiscally and educationally advantageous.
- There will be a local conversation on how fire and emergency medical services can best be provided and the volunteer system preserved, with the likelihood that some counties will move forward with restructuring initiatives.
- Health insurance costs – a major driver of local government expenditures – will be significantly reduced statewide, and we will also address other major cost drivers such as pension contributions.

- With uniform local election days, there will be greater participation in local democracy and voters will be presented with alternatives to continuing business as usual.
- There will be better information on local finances allowing citizens to easily compare their costs for services to neighboring communities.
- We will move away from elective offices for professional functions, such as highway maintenance, giving town boards and supervisors more direct accountability and control.
- We will stimulate local demonstration projects illustrating new models for 21st century governance and encourage collaborative regional action.

Cost Savings

New York State needs to be more competitive in an increasingly global economy, and the costs and effectiveness of government – both state and local – are a big part of this. The State can help by addressing mandates, which we discuss in our section on cost-drivers. Local government service sharing and consolidation can save money, as studies and local actions have demonstrated.

Throughout this report we have cited both research and specific local actions where significant cost savings are available. We have quantified the potential statewide savings from specific recommendations where we could, acknowledging that overall savings will depend upon local choices and actions. In just those areas where we were able to estimate potential statewide impacts – the minority of our recommendations – we have identified more than \$1 billion in savings. These estimates are described in a staff brief, and include potential savings from school district restructuring, minimum employee contributions for health insurance, some policing consolidations, coordinated snow-plowing, special district reforms, and others. Major savings are also available through reformed state oversight of county jails, sharing and consolidation of highway operations, Wicks and procurement reforms, and local government restructuring in general – but the statewide magnitude cannot be estimated at this time.

Individual communities can realize dramatic savings from service consolidations. Perhaps the best current example is from Central New York, where the Town of Clay and Onondaga County have announced a plan to consolidate the Town police force with the County Sheriff's Department. This plan is expected to reduce town tax bills by 20 percent, and save up to \$17 million over 10 years, without reducing service.

Improved Functionality

While our recommendations are aimed at efficiency, in many areas coordinated or consolidated services can also be much more effective, and that is as important an outcome. For example, functions like assessing and tax collection when consolidated at the county level can provide many improvements, including professionalized services, modern conveniences for taxpayers, and greatly eased governmental administration. County and school taxes would no longer need to be apportioned using state-calculated "equalization rates," which often cause big swings in tax rates. Emergency dispatch is another vital area where county-level consolidation – already necessitated by the technology needed for mobile 911 calls – could allow for greatly improved service, as well as substantial cost savings. Many broad goals such as sustainable economic growth and community development are really only achievable through coordinated regional action.

Recommendations in Brief

Regional Services

- Centralize certain services at the county level: assessing, tax collection, emergency dispatch, civil service commissions, vital records
- Provide flexibility for counties to share jail facilities and manage jail populations
- Expand local governments' ability to share services
- Encourage justice court consolidation
- Consolidate IDAs at the county or regional level
- Enable multiple counties to share functions like weights & measures and health directors
- Allow renegotiation of collective bargaining agreements when consolidations occur

Modern Municipal Structures

- Require town-wide approval for new villages and local reconsideration of small villages
- Ease procedures for consolidation, citizen petitions, and coterminous town-villages
- Require local consideration of county-level management for fire protection
- End compensation for special district commissioners, turn over management of sanitation districts to towns, and require local reconsideration of all commissioner-run districts
- Allow local governments to make property tax sharing agreements
- Strengthen home rule by prohibiting the judicial doctrine of "implied preemption"
- Examine reclassifying some cities, towns and villages, and reconsider powers for each class

School District Restructuring

- Empower the Commissioner of Education to order consolidation
- Set up local schools restructuring committees to examine service sharing and consolidation
- Authorize regional collective bargaining contracts for new hires (phased in at local option)
- Facilitate consolidation of back office services and regional high schools

Informed & Active Voters

- Hold all local elections on November or May dates
- Reduce number of elective offices by converting certain positions to appointive
- Provide better information for voters
- Improve local financial data for benchmarking

Aid & Incentives

- Local Government Efficiency Grants and 21st Century Demonstration Projects
- Increase aid for efficient assessing using modern professional standards
- Encourage regional solutions, cooperative services and consolidation

Addressing Cost Drivers

- Require minimum employee contributions for health insurance
- Ease municipal cooperative health plan rules
- Review public employee pension benefit options (Tier 5)
- Reform Wicks and other procurement rules

Sustaining Local Efficiency

- Maintain a long-term focus on local efficiency at the state level, using existing state agency resources organized through a Center for Local Government Efficiency that will support local initiatives, promote cost-savings and follow through on Commission recommendations

Sustaining Our Effort

To make real progress in containing our local property tax burden, aggressive service consolidations and governmental restructuring are needed. This is a complex undertaking, and one that will require a continuing partnership with local governments and an ongoing effort across many state agencies. State and local programs both need to be reviewed on a continuing basis, as local services are provided under state law, programs and funding systems.

Accordingly, we recommend continuation of the Commission's work through a Center for Local Government Efficiency. This Center could be established without new costs, in the same manner the Commission has operated, utilizing the resources of the many state agencies with missions related to local government efficiency. It would extend the Interagency Task Force which is supporting local reform efforts. This effort could continue the work necessary to implement our recommendations, and would be in a position to follow-through with a continuing focus on local efficiency.

Additional Resources

A great deal of research and public input went into development of these recommendations. We were also inspired by local officials who responded to our offer of assistance for their ideas and initiatives, including shared services, consolidation, regional services and smart growth. For your convenience, a complete list of Commission recommendations is provided on the Commission website, as well as copies of draft legislation.

We invite you to send us your ideas and reactions to this report, by e-mail (localgov@empirestate.ny.us) or by postal mail (Commission on Local Government Efficiency and Competitiveness, 30 South Pearl Street, Albany NY 12245)

Links are provided throughout this document to issue briefs produced by the Commission and our Interagency Task Force partners and to other studies and reports influential in our deliberations.

If you are reading a paper copy of this report, an appendix lists the links provided in the text. You may also access these documents and other useful resources via the Commission website at: nyslocalgov.org



December 23, 2008

School District Consolidation Could Reduce Property Taxes Without Adverse Impacts

A Fact Sheet Prepared by the Staff of the New York State Commission on Property Tax Relief

New York State has the highest local taxes in America – 78 percent above the national average. School property taxes, the majority of the property tax burden, are 62 percent of total property taxes outside of New York City. School property taxes are high because New York spends more per pupil on education than any state in the country (an estimated \$18,768 in 2008-09). A large portion of spending is due to administrative expenses, which are higher on a per pupil basis for smaller districts. New York State has (outside of New York City), a lower average district size (about 2,500 pupils per district) than the U.S. average (3,400) and a much lower one compared to states that have countywide school districts – e.g., Florida (40,000), Maryland (36,000), North Carolina (12,000) and Virginia (9,000).

One of the recommendations put forth by the Commission to reduce the school property tax burden is consolidation of school districts with fewer than 1,000 pupils. In addition, the Commissioner of Education should be given authority to order the consolidation of school districts under 2,000 students.

The Commission recognizes that communities may have concerns regarding a loss of identity if school buildings are closed or sports teams disbanded. As such, it recommended consolidating school *districts*, not closing schools. Efficiencies can be achieved through centralized administration of newly created, larger school districts. In fact, in certain areas of the state, only administrative consolidation may be practical, especially where geographic distances would be too great to permit a reduction in the number of school buildings.

Consolidating small school districts to achieve economies of scale and increase educational opportunities is not new to New York State. The State has provided additional aid to encourage school district reorganization since the late 1920s when there were approximately 10,000 districts. The pace of school district reorganizations has slowed considerably since the 1990s leaving a large number with low student enrollments – approximately 200, or 28 percent, of New York State's school districts have fewer than 1,000 students.

There are potential fiscal and educational benefits from consolidating the state's smallest school districts:

- The Commission found that New York State school districts with less than 1,000 students would reduce total per-pupil expenditures by up to seven dollars for each additional student. Thus, for every 100 pupils added to a district with fewer than 1,000 students, the total expense per student would be reduced by up to \$700.
- The Maxwell School at Syracuse University found that consolidation would save two 900-pupil school districts in New York State 7 to 9 percent and two 300 pupil districts approximately 20 percent. The Commission on Local Government Efficiency and Competitiveness used these

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findings to estimate savings of \$159 to \$189 million from merging New York State districts with fewer than 900 students.

- The Commission found that larger districts have a higher likelihood of providing increased educational opportunities. For example, using data for New York State districts with fewer than 954 pupils, it found that larger district size is associated with a higher likelihood for Advanced Placement participation.

The Commission recognizes that the impact of consolidation will vary across the state. Its school district consolidation recommendation provides that determinations of where and how consolidations occur be guided by a careful review of the costs and benefits of each potential merger. Such analyses should include consideration of demographic, geographic, educational and fiscal indicators by the State Education Department and/or a committee of interested parties within each BOCES region.

If the school district consolidation recommendations were implemented for all districts under 1,000 pupils and half the districts of 1,000 to 2,000 pupils, with savings on the order of those found in the Maxwell School study referenced above, the total statewide savings could reach \$450 million.



December 23, 2008

Commission Recommendations Included in the Governor's Executive Budget

A Fact Sheet Prepared by the Staff of the
New York State Commission on Property Tax Relief

In its Final Report, the Commission on Property Tax Relief issued a series of recommendations aimed at solving New York's property tax problem. Governor Paterson adopted several of the Commission's recommendations in his 2009-10 Executive Budget. The following is a list of these recommendations, including an explanation of how the Executive Budget proposal differs from what the Commission recommended.

Wicks Law Relief

The Commission Proposal: Repeal the Wicks Law, or significantly increase the threshold amounts for determining when separate contracts are required in construction projects.

The Executive Budget Proposal: Consistent with the Commission's recommendation, the Governor proposes providing all school districts with a full Wicks exemption for a five-year period. Additionally, the Governor proposes raising the Wicks Law threshold for New York City from the \$3 million level established earlier this year to \$10 million for a five-year period.

Tier 5 Pension Reform

The Commission Proposal: Convene a study to evaluate creating a Tier 5 in the pension system for new employees.

The Executive Budget Proposal: The Governor took the Commission's recommendation one step further, proposing the creation of a Tier 5. Key changes include reinstating 3 percent employee contributions past 10 years and increasing the minimum retirement age from 55 to 62. The Executive Budget also includes a proposal to implement a new tier of pension benefits for newly hired City of New York uniformed employees. Under the proposed reform, there would be a reduction of 29 percent in the employer pension contribution rate for each new teacher hired in school districts outside of New York City. Estimated local school district savings outside of New York City for the local fiscal year ending in: 2010: \$17.6 million; 2011: \$27.5 million; 2012: \$37.8 million.

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Health Benefit Reform

The Commission Proposal: Encourage health benefit trusts in order to facilitate additional collaborative participation in health benefit cooperatives throughout the State.

The Executive Budget Proposal: The Governor's plan also seeks to encourage the creation of health benefit trusts by easing the regulations regarding formation of cooperative health benefit plans.

School District Mandate Relief

The Commission Proposal: The following recommendations to address the burden of excessive school district mandates were put forth by the Commission.

- **No new legislative or regulatory mandates** without a complete accounting of the fiscal impact on local governments, which must include full documentation, local government input and proposed revenue sources to fund the new mandates.
- **Mandate accountability** through an annual report from the Office of the State Comptroller, which should include the cumulative cost to localities of complying with all new regulatory and legislative mandates.
- **Centralize and streamline school district reporting** to decrease personnel and other costs associated with sometimes duplicative and unnecessary forms and other filing requirements.
- **Increase threshold amounts for purchasing** under competitive bidding requirements.

The Executive Budget Proposal: The Governor's proposal includes similar mandate relief items.

- **Delaying the Effective Date of Mandates.** Any new mandate with a cost would not be implemented sooner than the following school year to allow districts the opportunity to build those costs into their budgets.
- **Reducing Paperwork.** This proposal would streamline existing reporting requirements and eliminate required reports that are outdated or no longer serve a public policy purpose.
- **Reforming Procurement.** This would allow school districts additional contracting flexibility by increasing existing bidding thresholds and allowing them to piggyback onto existing contracts. This provision would also benefit other types of local government.



January 21, 2009

Census Data Shows Property Taxes are Getting Worse

A Fact Sheet Prepared by the Staff of the
New York State Commission on Property Tax Relief

Background: Based on information from the United States Census Bureau's 2007 American Community Survey, the Tax Foundation has released new property tax data on owner-occupied housing. The data ranks counties across the country according to various property tax measures.

In terms of residential property taxes paid, New York has several of the highest taxed counties in America: Westchester, Nassau and Rockland counties are among the top ten counties nationally. (Putnam and Suffolk Counties ranked eleventh and twelfth, respectively.) Alarming, Nassau moved up one position from third to second. Westchester and Nassau are now the two highest taxed counties in the nation in terms of average household property taxes. Westchester's median property tax of \$8,422 is now more than four and a half times the national average of \$1,838.

Rank	County	State	Median Property Taxes Paid on Homes
1	Westchester County	New York	\$7,908
2	Nassau County	New York	\$7,726
3	Hunterdon County	New Jersey	\$7,708
4	Bergen County	New Jersey	\$7,370
5	Somerset County	New Jersey	\$7,201
6	Essex County	New Jersey	\$7,149
7	Rockland County	New York	\$7,066
8	Morris County	New Jersey	\$6,977
9	Union County	New Jersey	\$6,727
10	Passaic County	New Jersey	\$6,673

In terms of property taxes as a percentage of home value, New York counties fill the top ten positions nationally and hold all but one of the highest twenty-one counties in the nation.

Of particular note is that all of these counties are in the upstate area and are either losing population or experiencing slow population growth. Additionally, some of these counties are in rural areas of New York, where housing values tend to be lower, which necessitates higher tax rates to raise the same amount of taxes. The previous year's data showed New York as having the seven highest taxes counties in terms of tax rate. This year's data showed New York as having the ten highest taxed counties. For comparison, the national average tax rate for all counties is about one percent.

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Rank	County	State	Tax Rate
1	Orleans County	New York	3.0%
2	Niagara County	New York	2.9%
3	Allegany County	New York	2.9%
4	Montgomery County	New York	2.9%
5	Monroe County	New York	2.8%
6	Wayne County	New York	2.7%
7	Cortland County	New York	2.7%
8	Genesee County	New York	2.7%
9	Chautauqua County	New York	2.7%
10	Livingston County	New York	2.6%

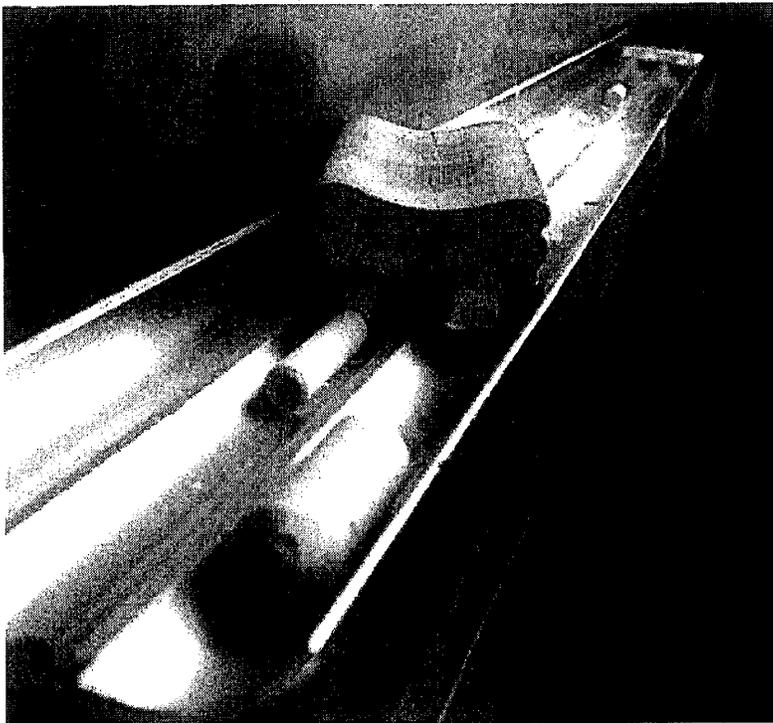
In terms of property taxes as a percentage of household income, four of the highest taxes counties in America are in New York

These counties are all in the metropolitan New York City area, where both average incomes and property taxes are higher than in other states. The national average for taxes as a percentage of income is 2.9%, less than half than the rates for these four New York counties.

Rank	County	State	Taxes as a Percentage of Income
1	Passaic County	New Jersey	8.2%
2	Essex County	New Jersey	7.9%
3	Nassau County	New York	7.9%
4	Union County	New Jersey	7.7%
5	Bergen County	New Jersey	7.5%
6	Hudson County	New Jersey	7.4%
7	Westchester County	New York	7.3%
8	Suffolk County	New York	7.2%
9	Hunterdon County	New Jersey	7.2%
10	Rockland County	New York	7.2%

The Commission on Property Tax Relief has identified a comprehensive approach to relief

The Commission's principal recommendation is for a cap on the growth of property tax levies. Once that critical priority is addressed, two other key recommendations can supplement the first in important ways: individual relief based upon need – a "STAR circuit breaker," – and reform of state laws and mandates, where compliance causes an unwarranted growth in costs.



Report of the Task Force on Maximizing School District Resources

October 2008



New York State
School Boards Association
www.nyssba.org
The Voice of Public School Leadership

On October 27, 2007, the delegates to the New York State School Boards Association (NYSSBA) Annual Business Meeting passed the following resolution:

RESOLVED, that the New York State School Boards Association create a statewide task force that will explore and formulate ways for school districts to contain costs.

The 55 recommendations in the full report of the task force are divided into the following categories:

A. New and Existing State Mandates and Requirements.

This far-ranging section contains overarching recommendations regarding the fiscal impact of mandates, including needed changes to school district reporting requirements, collective bargaining laws and the impact of charter schools.

B. Public Employee Pensions.

NYSSBA has long advocated for a study of public employee pension benefit options, including a new Tier 5, reinstatement of lifetime employee contributions and an option for new employees to choose a defined contribution plan. In the meantime, the state should assume all or most employer contributions as has been done in other states.

C. Health Insurance.

This comprehensive set of recommendations addresses one of the fastest growing school district expenses by setting minimum premium contribution requirements for school district employees, capping employer cost spikes, and developing a cost-effective statewide health insurance pool. In addition these recommendations would ease provisions for school districts to form cooperative employee health benefit trusts, clearing obstacles to self-insured single-payer health plans, lift restrictions to changing retiree health care benefits without making similar changes for current employees, and increase incentives for health insurance buy-outs.

D. Special Education.

The cost of providing special education services has risen greatly in recent years. School district budgets can fluctuate wildly with the addition of unanticipated and non-discretionary costs. The state must accept more financial responsibility for the cost of placement of children

The NYSSBA Board of Directors assigned this charge to the **TASK FORCE ON MAXIMIZING SCHOOL DISTRICT RESOURCES**, consisting of the following individuals:

- President Wayne Schlifke Erie 1 BOCES
- Vice President Florence Johnson Buffalo City SD
- Vice President Thomas Nespeca Webster CSD
- Treasurer Michael Masse Fayetteville-Marlinus CSD
- Immediate Past President Carl Onken... Orange-Ulster BOCES
- Area 7 Director Lynne Lenhardt..... Bethlehem CSD & Capital Region BOCES
- Area 11 Director Susan Bergtraum Nassau BOCES

referred to state schools for the blind and deaf and for high-cost excess cost aid, whether for local public schools, BOCES or private tuition.

E. Collective Bargaining.

A regional collective bargaining contract with voluntary participation by school districts would put districts on a more level playing field with teachers unions during negotiations. It would also provide more career flexibility for teachers as they would more easily be able to transfer among districts covered by the same contract. It would also make it easier for school districts to consolidate services.

F. Energy.

School districts should consider forming a statewide or regional energy purchasing cooperative modeled after already successful BOCES buying groups. For example, the five-year savings from the cooperative of 23 component school districts within the Onondaga-Cortland-Madison BOCES is estimated at more than \$8 million. In addition, the state should cap school district energy cost increase exposure, mandate free energy audits, and implement the audit findings.

G. Consolidation of School Districts and Functions.

Recommendations in this category pertain to school district merger studies, incentives, consolidation of various district business functions, and expansion of the regional BOCES services.

H. Property Tax Assessment and Collection.

The task force supports recommendations to establish uniform statewide assessing standards, administered at the county level. Having different statutory arrangements for tax collections poses a barrier to consolidated,

Recommendations Worthy of Support

by

NYSSBA Member Boards

Sources: Reports published the state Commission on Local Government Efficiency and Competitiveness and the state Commission on Property Tax Relief and a draft report on BOCES reforms submitted by a committee of district superintendents. School districts officials who read through this report are encouraged to share with NYSSBA their suggested additions to the list of recommendations.

A. New and Existing State Mandates and Requirements

1. **There shall be no new legislative mandates without a complete accounting of the fiscal impact on local governments, which must include full documentation, local government input and proposed revenue sources to fund the new mandates.**

Specifically, strengthen the current requirements for the fiscal impact note. Section 51 of the state Legislative Law requires that, with some limited exceptions, a fiscal impact note be prepared when a bill is proposed to the Legislature that is presumed to "substantially affect the revenues or expenses, or both of any political subdivision." The existing requirement for a fiscal impact note should be expanded to include a more rigorous cost-benefit analysis. The process for developing fiscal notes must include input from local governments, including school district officials and associations that represent their interests. The fiscal note should also identify funding for the full cost of implementing the proposal, including transfer of costs from the state to school districts or among local governments.

2. **New regulatory mandates from the State Education Department should contain a complete accounting of the fiscal impact on local governments, which must include full documentation, local government input, and proposed revenue sources to fund the new mandates.**

Not all state mandates originate in statute. Many requirements are advanced as state agency regulations which, depending on the proposal, may not be subject to in-depth fiscal analysis. The State Education Department should conduct a regulatory review process before rules are proposed during which the potential costs and benefits are weighed, and that the views of school districts and other entities that will be required to comply with the rule are sought and evaluated.

3. **The Office of the State Comptroller should produce an annual report, which should include the cumulative cost to localities of complying with all new regulatory and legislative mandates.**

Fiscal analyses of legislation and State Education Department rulemaking should be aggregated annually to calculate the cumulative cost to localities of complying with new state mandates. Currently, a single source for information on newly enacted mandates and their annual fiscal impact on local governments, including school districts, does not exist. As a result, there is no available analysis of the total impact of new state requirements on localities.

4. **Amend the Triborough provision of the Taylor Law to exclude teacher step and lane increments from continuation until new contracts are negotiated.**

The Triborough Amendment should be amended to require school districts to maintain salaries at the rate set in the expired agreement, but without further enhancement through step and lane increments during a contract hiatus. This proposal recognizes the basic purpose of Triborough to maintain the status quo during contract negotiations, and would not preclude school districts from bargaining to pay step and lane increments, which may have accrued during the contract hiatus, at a later date.

5. **Centralize and streamline school district compliance reporting.**

Because of overlapping state and federal requirements, school districts must prepare numerous and sometimes redundant reports often unrelated to program effectiveness.

There should be a single unit at the State Education Department responsible for all existing school district reporting, charged with streamlining and consolidation of reports. The unit would also determine how to implement and integrate new reporting requirements.

C. Health Insurance

12. **Require local government and school district employees to contribute, at a minimum, 10 percent (for individual coverage) and 25 percent (for dependent coverage) toward the cost of health insurance.**

This requirement would directly address one of the fastest growing school district expenses. Though costs are increasing dramatically, 20 percent of school districts that responded to a recent Department of Civil Service survey do not require an employee contribution for individual coverage from some or all of the employees in their largest employee group. This recommendation would align school district employees with what state employees are required to contribute, though it would still be below the nationwide average for all employees of 16 percent for individual coverage and 28 percent for dependent coverage.

This change would be phased in over five years as collective bargaining agreements expire, after which employee contributions would rise to the minimum thresholds. Having a required percentage contribution reduces most school districts' costs in the first instance, and would also give employees and their labor organizations a stake in overall health insurance costs. The mandatory local employee contribution would be linked to provisions of law applying to state employees but would be a floor, with school districts having the freedom to negotiate higher employee contributions.

13. **Cap employer health care costs.**

Employee health insurance costs school districts roughly \$1 out of every \$10 in their budgets. The amount has been escalating at a double-digit rate for several years and is projected to continue at this rate. State law hampers districts' ability to adjust benefits. When Medicaid costs threatened to overwhelm county budgets, the state stepped in to cap county Medicaid costs. Our schools now face the same circumstance with health care. If schools are expected to restrain taxes to an inflationary rate, they cannot absorb health care costs that approach two and one half times the rate of inflation year after year. The state should pay school health care premiums that exceed the rate of inflation.

14. **Create a lower-cost statewide health insurance plan under New York State Health Insurance Partnership (NYSHIP) for all school employees.**

One of the best ways to lower school district health care insurance costs would be to establish a single statewide health insurance pool. The current state plan is only economically feasible for downstate municipalities. The size of a statewide all-school

districts group would drive down costs through increased purchasing power, standardize benefits for all participants, allow the state to set employee contributions and co-pays, and enable prescription drug savings, among other benefits.

15. **Ease provisions for school districts to form cooperative employee health benefit trusts by amending Article 47 of the Insurance Law.**

State law authorizes certain municipal corporations to form municipal cooperative health benefit plans (MCHBP) in order to share, in whole or in part, the costs of self-funding employee health plans. Intermunicipal or countywide employee health insurance approaches provide an opportunity to stabilize health claim costs, lower administrative costs and enhance negotiating power with health care providers. There are 10 MCHBPs currently active across New York, all formed before Article 47 restrictions were enacted. Albany, Broome, Erie, Livingston, Monroe, Montgomery, Suffolk, Tompkins and Washington counties are interested in forming MCHBPs. These counties received grant funding to explore the potential benefits of creating one.

The restriction requiring districts to maintain a reserve for paying claims and expenses is onerous for MCHBPs just starting up. Several counties have local initiatives to investigate cooperative health insurance have requested that the required reserve level be relaxed based on recommendations from a qualified actuary. Another restriction is the requirement that at least five municipalities with 2,000 total employees participate in the cooperative. Counties seeking to form cooperatives have pointed out that smaller numbers of municipalities with larger workforces should be able to form cooperatives, and a successful start up could be joined by other municipal partners later.

16. **Clear obstacles to self-insured single payer health plans as recommended in the State Comptroller's health insurance audit report.**

School district efforts to achieve health insurance savings by pooling their resources have been hampered by state law and regulation. Similarly, districts' ability to self-insure, as many other municipalities currently do, is thwarted by laws never intended to apply to municipal entities like school districts, but which nonetheless restrain districts' efforts to provide health insurance more efficiently and economically. For those districts with the financial resources to self-insure, these restrictions must be lifted so that savings can be passed on to the communities that support them.

F. Energy

- 24. School districts should form a statewide or regional energy purchasing cooperative modeled after successful BOCES buying groups.**

The state Municipal Energy Cooperative of the Onondaga-Cortland-Madison BOCES is an example of such efforts. The cooperative, which currently serves 142 school districts and 24 municipalities, is a corporation established under Article 5G of General Municipal Law to coordinate the purchase of natural gas and electricity for school districts in the regions served by National Grid and the New York State Electric and Gas. The five-year savings from the cooperative to just the 23 component school districts of the Onondaga Cortland-Madison BOCES is estimated at more than \$8 million.

- 25. The state should cap school district energy cost increase exposure at the lesser of 4 percent or 120 percent of the CPI. This can be done in concert with collaboration on energy audits and implementation of the audit findings.**

The state should pay the amount of energy increases that is above the annual rate of inflation. School districts cannot be expected to restrain spending at an inflationary rate when energy rates have increased more than 50 percent in the past five years and continue to skyrocket. School districts have a responsibility to maximize their use of energy by auditing their energy use and implementing audit findings. Doing so should be rewarded by state assistance that restrains local spending on energy to the rate of inflation, returning savings to the community.

- 26. The state should provide free required energy audits and accompanying technical assistance through the state's two energy authorities, the New York State Research and Development Authority (NYSERDA) and New York Power Authority (NYPA).**

Many of our schools were built at a time when energy efficiency was not a concern. The need for savings, in the face of escalating costs, demands an examination of ways that schools can conserve energy. Many improvements can be paid through these energy savings, but school districts need the financial ability to seek expert advice in maximizing their energy use.

- 27. New York Power Authority (NYPA) financing should be used on a larger scale than currently exists to finance school energy conservation improvements and economic onsite energy production/services.**

One impediment to school districts improving their energy efficiency is the cost of paying for physical

improvements to their facilities. Attractive NYPA financing would encourage energy improvements and result in financial savings.

- 28. The state must enforce the 2004 state law entitling public schools to be customers of the New York Power Authority.**

Low-cost power should be made available to school districts (as it is for the City of New York and municipalities in southern Westchester County, which are already customers of NYPA). At a minimum, school districts should be relieved of the surcharges on current electric utility bills for (1) customers of the state's investor-owned utilities whose capital investment in generating plants was stranded when the state deregulated energy generation in New York State, (2) the "Systems Benefit Charge" used to fund NYSERDA's electrical system reliability research programs, and (3) the Renewable Energy Portfolio. The public should not be charging itself through its school taxes for these programs.

G. Consolidation of School Districts and Functions

- 29. Each BOCES should convene a committee representing school board members, administrators, teachers, parents and other citizens to review current school district boundaries, enrollment, and financial circumstances and to evaluate potential restructuring opportunities, including consolidation and other options.**

These committees, organized for each BOCES region, would look at all manner of shared services and potential consolidations, including non-core services such as healthcare consortia, workers compensation consortiums, regional information programs, regional lunch programs, centralized technology, building and grounds maintenance, and shared bus facilities. Core educational services such as a common curriculum and texts, back-office functions, and purchasing should also be considered. Transportation of non-public school students, which often crosses district lines, is another area where BOCES-wide approaches may be able to yield significant savings.

- 30. Provide real incentives for school district consolidation and overcome current financial penalties associated with leveling up to highest cost employee contract of merging districts.**

The state's 699 school districts range in size from New York City to districts with fewer than eight teachers. More than 200 districts have fewer than 1,000 students. Smaller districts are not limited to rural areas. On Long Island, where there are almost a

H. Property Tax Assessment and Collection

38. Establish uniform statewide assessing standards.

There are 1,128 independent assessing jurisdictions in New York, mostly at the town/city/village level. New York is one of only three states that do not have clear statewide valuation standards and is one of the few without periodic revaluation of all properties. The combination of a myriad of assessing jurisdictions and the lack of statewide standards makes the New York system of property assessment arguably the worst performing in the country in terms of equitable treatment of taxpayers.

39. Move property tax assessing and collection to counties for administration, providing reasonable phase-in provisions.

New York's assessing arrangement is among the most fragmented in the nation. New York currently has 1,128 individual assessing units, 981 city and town assessing units, two county assessing units, and 145 villages which assess property for village tax purposes (a duplicative function in that the towns where these villages are located assess the same parcels). There are 1,376 assessor positions, including approximately 150 elected three-person boards of assessors. Only three states – Wisconsin, North Dakota, and Michigan – have more assessing jurisdictions than New York. More common is the county assessing model used in 33 states, and at the far end of the spectrum, Maryland, which assesses at the state level.

County-level assessing and tax collection provide benefits in several ways. Coordinated or consolidated assessing countywide eliminates tax shifts resulting from changing equalization rates within the county. Assessment accuracy may improve as a result of more regionalized data, analyses, and market monitoring. A single countywide office would also permit increased specialization of staff for specific types of properties, such as utilities, industrial, and complex commercial properties. A recent study by the Erie County Comptroller found that \$2.1 to \$3.9 million could be saved by countywide assessment.

The current method of collecting taxes results in duplication of effort and discourages the utilization of new technology that would make the process more efficient. Counties are already involved in tax collection, guaranteeing taxes for towns and school districts, certifying warrants for taxes in all municipal jurisdictions, and collecting delinquent taxes. In addition, county taxes appear on town and city tax bills. By moving to a county system of tax collection, counties could offer electronic funds transfer and online payments and billing.

40. Eliminate state statutory requirements for school district tax collections that prevent functional consolidation.

The current school tax collection system is immensely complex and inefficient in many areas. In addition, school district tax collections are handled differently, depending on where a particular part of the district is located. Most school districts overlap town boundaries and many have portions overlapping cities. Having three different statutory arrangements for tax collections, therefore, poses a barrier to consolidated, modernized operations. Elimination of the position of school district tax collector and transfer of the collection function to a town, regardless of its class, is an essential step in modernizing collections.

I. School Construction

41. The state should repeal the Wicks Law or, in the absence of that, dramatically increase its thresholds.

The Wicks Law, enacted in 1912 to promote fair bidding on construction projects, requires state and local governments to issue multiple prime construction contracts for all public works over a monetary threshold. The project threshold, \$50,000, established in the early 1960s, was not increased until just recently. In this year's enacted state budget the thresholds were increased to \$3 million for New York City, \$1.5 million for projects in Nassau, Suffolk and Westchester counties, and \$500,000 in all other counties. According to many school officials, nearly all construction projects now cost more than \$500,000. Therefore, most districts outside of the New York metropolitan region will continue to require multiple contracting. New York City had estimated, before the recent threshold changes, that it would save \$3.7 billion over its 10-year capital plan with full repeal of Wicks.

42. Assess the consequences of temporary incentive programs like RESCUE and EXCEL.

State incentives for school building projects can actually raise construction costs. For example, as the result of a large infusion of state funds for school construction projects, experienced construction professionals become scarce and the cost of their services are bid up. When everyone wants to build at the same time, the result can also be project delays as districts unable to find appropriate construction professionals must defer their projects. The extra burden placed on the State Education Department's Facilities Planning Office also leads to a project review and approval slow-down as the regulatory review pipeline becomes jammed. It can also lead to other problems when districts simply cannot afford to wait and push ahead with a less experienced team.

L. Operating Rules

49. Amend state law to allow for the creation of central high schools or regional high school districts containing more than one high school. These high schools could be managed by BOCES, and funded on a regional basis.

Central high school districts involve two or more school districts combining their high school programs, while retaining separate elementary and middle school programs. This allows the separate districts to retain younger children close to home, while older students are bussed to a central location. A central or regional high school approach would be useful for small districts that lack the resources to operate a high school program with a full range of services, but do not want to reorganize completely.

Only four central high school districts exist statewide, and all are on Long Island. These districts have separate boards of education, drawn from the boards of component school districts. The Education Law includes provisions allowing for formation of central high school districts, but only within Suffolk County. The statute provides a model that could be expanded statewide.

50. Amend state law to remove anachronistic distinctions among union free, central and city school districts.

The anachronistic distinctions among various types of school districts should be eliminated. This topic was studied in the early 1990s, in connection with interest in school consolidation issues. Most of these current distinctions are confusing to the public and may impede the consolidation of programs and districts.

M. Other Recommendations

51. Rescind the statutory cap on the BOCES district superintendent salaries.

The current statutory cap on the district superintendent has proven to be an obstacle to hiring and retaining BOCES superintendents in areas of the state where component district superintendents' salaries are either on par or higher. Nearly a third of the BOCES are currently operating with interim district superintendents. Restructuring a more efficient, comprehensive, consolidated service delivery system via the BOCES network, will necessitate leadership skills of the highest caliber and contractual incentives to attract such leaders.

52. Design an alternative to the county-by-county Civil Service system to better serve the needs of school districts. For example, the writing of job descriptions and the preparation of new civil service tests for school district positions could be done on a state or regional basis.

School districts are a major component of the Civil Service administration within counties and cities throughout the state, comprising approximately 40% of the 398,000 employees in the classified service. Every school district must work through a county civil service department to hire all of the non-certified employees. It takes time and effort on the part of every school district to work with these agencies, which are required to handle the needs of all governmental units located within their county, including school districts. Often these units are not very familiar with schools and school needs.

Generally, examinations are prepared on a state-wide basis by the state Civil Service department. Position classifications, which describe the duties and responsibilities of a position as it exists within a particular school district, are determined by the municipal civil service agency.

53. Create a Task Force on Fiscally Dependent School Districts.

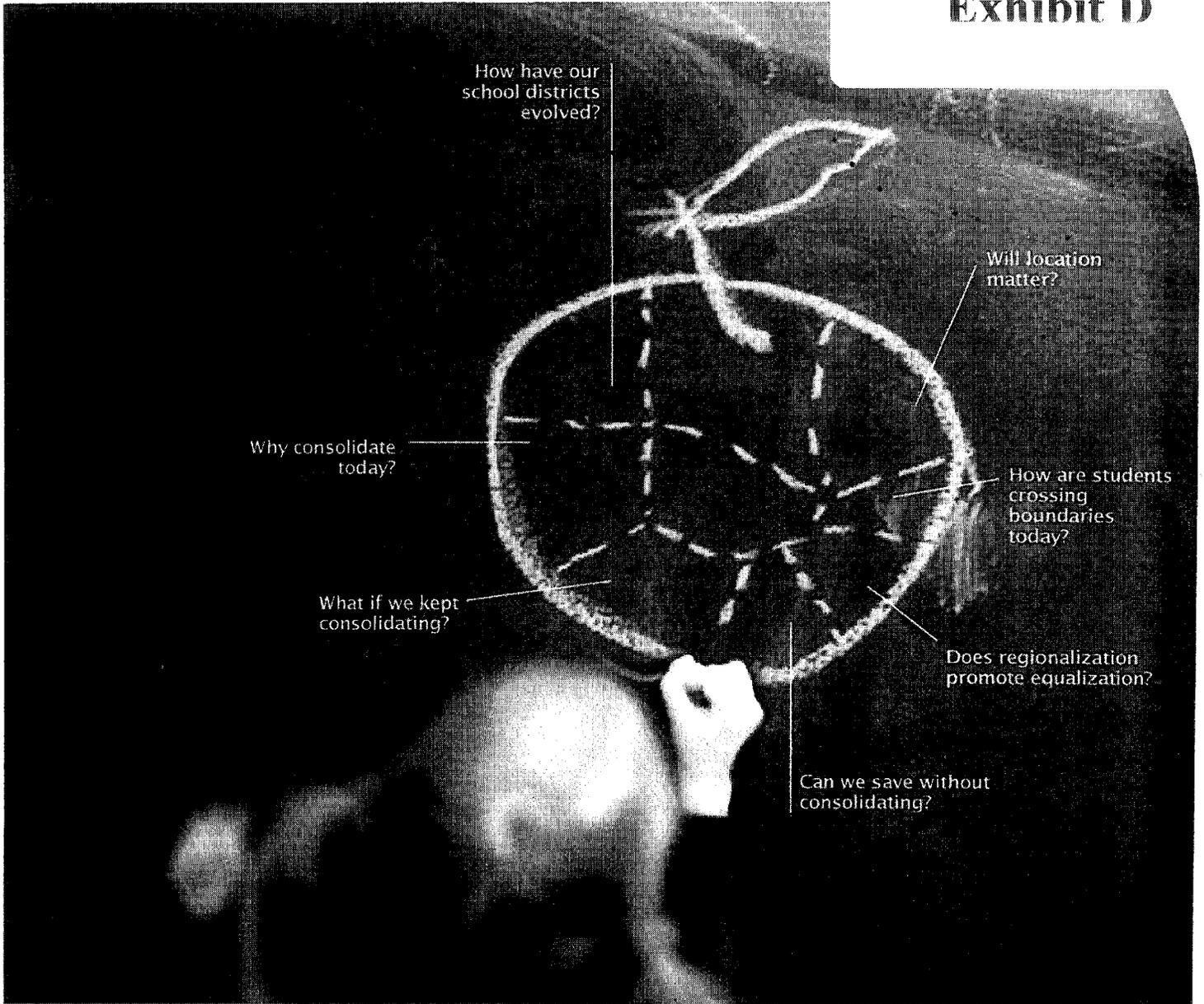
Property taxes in the Big Four cities are not specifically earmarked for education, and thus the dependent school districts are exempt from the Commission's proposed property tax cap. To further examine the unique characteristics of the Big Four cities, a Task Force on Fiscally Dependent School Districts should be formed.

54. Create a Task Force on Special Education.

The issues surrounding federal and state special education mandates are complex and necessitate additional attention. A state task force should assess the spectrum of mandates related to the needs of children classified as requiring special education services, and examine the relationship between the New York State law and the federal Individuals with Disabilities Education Act mandates.

55. Create a Task Force on Innovation in Education.

A state task force of this nature should help focus the education community on positive change and innovation, by providing incentives for taking risks and rewarding results based on new innovations. The goals of these innovations should be relevant and timely – for example, raising the graduation rate, improving school safety, hiring the highest qualified staff, and keeping costs down.



School Limits

Probing the Boundaries of Public Education

Western New York has far fewer school districts today than it did a century ago, thanks to an intense 30-year wave of consolidation. For small districts, consolidation still offers the possibility of major efficiencies. A challenge for all districts, and the region, lies in knowing when to centralize, when to localize and when to cooperate. As the Digital Age changes education and the meaning of location, networked governance may be the wave of the future.

How have our school districts evolved?

SCHOOL DISTRICTS IN WESTERN NEW YORK

1920 **1,549**

A century ago, the delivery of public education in New York was an intensely local enterprise. In Western New York alone, over 1,500 individual school districts blanketed the region's eight counties. Averaging four square miles per district, their territories were linked to an essential physical requirement: a child's trek, by foot, bicycle or trolley, to the place of instruction.

The constraint of distance meant that most districts in the early 1900s were one-room rural schoolhouses—largely unaltered vestiges of the 1812 state law authorizing the establishment of “common schools” to provide public primary education. In many villages and hamlets, these common schools had long since merged, starting in the 1850s, into somewhat larger “union” districts to support the creation of high schools. Cities, with their fast-growing networks of elementary, middle and high schools, overseen by citywide districts, had the most centralized schools in the early 20th century.¹

1940 **1,060**

Today, the governance of public schools remains a profoundly local matter. Nonetheless, public education has evolved from one of our most localized and fragmented forms of governance into a far more centralized one, with many districts crossing municipal and even county boundaries. A number of forces prompted and enabled the pooling of students into larger districts during the 20th century, including greater expectations for the quality, comprehensiveness and duration of schooling in industrial societies; calls from state officials and academics for more efficient and professionalized management of schools; falling enrollment in rural communities as population shifted to urban areas;

and, not least, the emergence of school buses and good roads to transport students to centralized classrooms.

New York made several failed efforts to promote consolidation in the early 1900s, including an attempt in 1917 to centralize schools at the town-level. Only with the Cole-Rice Act of 1925, offering additional state aid for transportation and construction to centralizing districts, did the movement gain traction. Later that year, Friendship Central School, formed by the merger of nine districts, became the first central district in Western New York. As tax revenues ebbed in the 1930s, the pace of mergers quickened, leaving the region with 1,060 districts by 1940. More mergers during the 1940s, influenced partly by state recommendations, lowered the tally to 395 by 1952. By the end of the 1950s, a 30-year spree of school consolidation came to an end as the remaining common school districts were centralized or absorbed.² Concurrent with the organizational centralization came an expansion of the state's fiscal support to local schools, reflecting New York's proportionately high commitment to public education.

Relatively few mergers have happened in the past 50 years. Most have been mergers between existing central districts, including the last Western New York merger, in 2000, between Cattaraugus Central and Little Valley Central. The region currently has 98 school districts, averaging 66 square miles. Collectively, these districts enrolled almost 230,000 students in 426 school buildings in the 2007-08 school year, and employed over 27,000 people, including 19,228 teachers. Spending almost \$4.1 billion, public schooling has been, and continues to be, the most extensive and expensive service provided by local units of government.

1952 **395**

1962 **130**

SCHOOL DISTRICTS
IN WESTERN NEW YORK
TODAY **98**

2007-08 School Year

\$ 4.1 Billion
Total Expenditures



27,166
Employees

19,228
Teachers



426
School Buildings



228,054
Enrolled Students

Why consolidate today?

While school district boundaries in Western New York have been largely static for the past few decades, the issue of consolidation is frequently debated. In recent years, several states have explored the issue, leading to proposals in Maine, Vermont and Pennsylvania to reduce the number of districts statewide by establishing minimum enrollment levels.

What can be gained by consolidation in 2009? Arguments in favor of centralization today, as in the past, tend to revolve around two perceived benefits: cost savings through economies of scale and greater equity through expanded educational opportunities.

Cost Efficiency

CONVENTIONAL WISDOM

Mergers will save money by eliminating duplicative administrative and operational costs.

Small mergers save the most. Pre- and post-merger spending patterns have rarely been analyzed to determine whether mergers actually save money. One of the few studies of this kind looked at recent mergers in New York and found that the smallest mergers—especially those between districts with under 1,000 students—offer the biggest savings potential.³

...but merging isn't free Almost any merger will have costs, as well as savings. The costs can be significant if mergers require new facilities and more busing. Generous state aid can ease merger pangs in the short-term, but long-term maintenance and debt costs can add up. And if pay scales between districts are uneven, mergers often result in a 'leveling-up' to the higher scale, negating personnel costs—the biggest slice of any budget—as a source of savings.

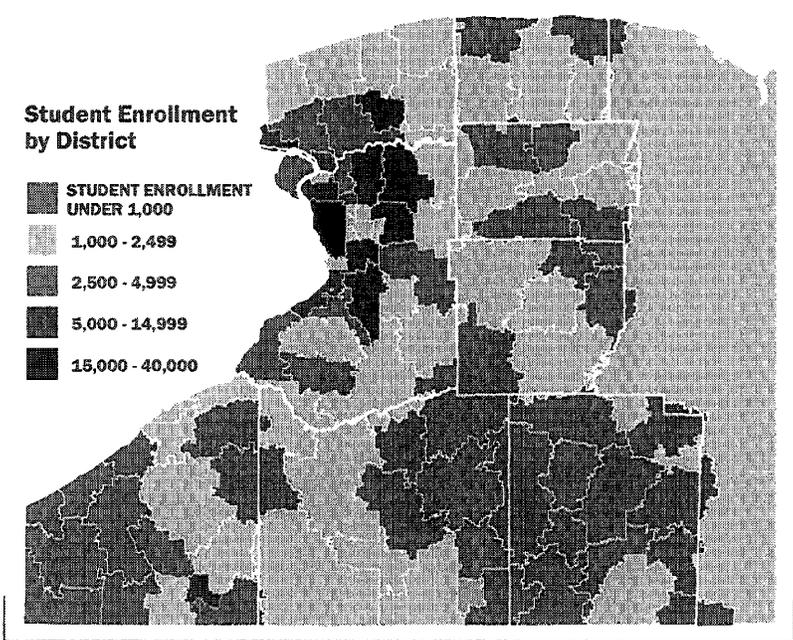
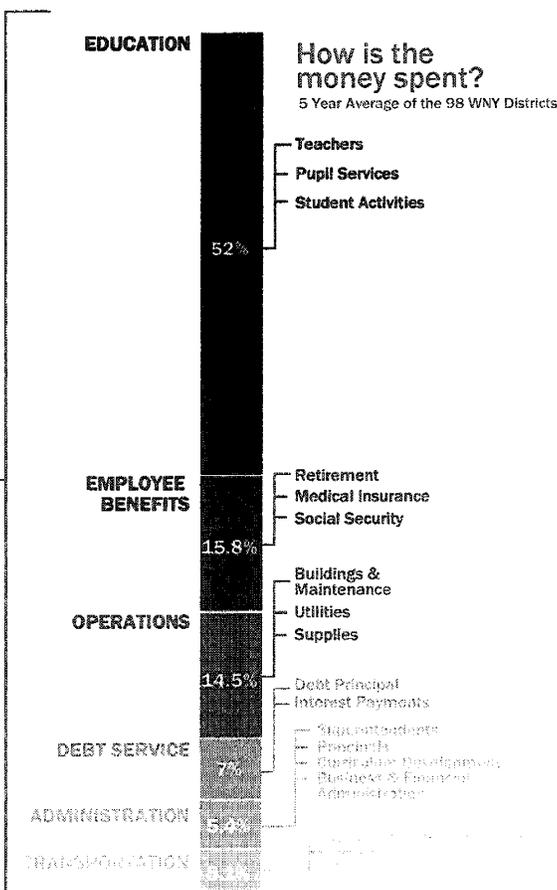
Educational Equity

CONVENTIONAL WISDOM

Consolidation can broaden opportunities for students in small or poor districts by reducing income-based disparities and expanding curricula.

Size matters for secondary programs. When it issued merger recommendations 50 years ago, the State Education Department used an existing or proposed district's high school population as a key factor, setting 500 as the minimum enrollment needed to maintain a complete secondary program and optimize faculty specialization. The logic of "critical mass" still applies today, and research suggests that high schools with 600 to 900 students are better learning environments than are smaller or larger settings.⁴

...and equity isn't automatic If a community or region has an uneven distribution of poverty—reflected by wide poverty gaps between schools—consolidation does not automatically alleviate the condition. Addressing the gap requires special action and can take a variety of forms. Fiscal redistribution can level resource inequities between schools, while student redistribution can lessen the concentration of poverty in poor neighborhood schools.



Can we save without consolidating?

For larger districts, consolidation as a cost-efficiency strategy has limitations. The larger the merger's partners, the higher the likelihood that merger-related expenses, including capital costs and associated debt, will erode potential operational savings and, in some cases, trigger size-related inefficiencies that afflict very large organizations. Consolidation, if poorly conceived, can also be an overly blunt tool, ignoring the reality that while some aspects of service delivery are well-suited for centralization, others are ideally localized.

The potential pitfalls of outright consolidation—functional and political—are among the reasons behind the slowdown in mergers since the 1960s. The rise of Boards of Cooperative Educational Services (BOCES), authorized by state law in 1948, has also been critical. Instead of regionalization by consolidation, the BOCES model represents regionalization based primarily on cooperation—allowing districts to pool resources around programs and services that cannot be efficiently delivered by many districts on their own. BOCES in Western New York have, themselves, been reduced from 10 in the late 1960s to seven today.

While the public recognizes BOCES foremost as a provider of career and technical training for high school students, BOCES also provide other academic services plus a wide range of administrative services to districts, including labor relations, employee recruitment, library and media services, technology support, facilities planning and professional development. Currently, BOCES services are provided a la carte—member districts choose from a menu of services and pay for the ones they use. This makes each BOCES slightly different, offering a menu reflecting the service demands of its members.

Because administrative and managerial functions are among the more "centralizable" aspects of public education, utilizing BOCES as a platform for creating a central business and operations office is a model garnering considerable interest. Rather than offering individual administrative services to local districts, BOCES would become the administrative hub, overseeing human resources, transportation, accounting, insurance, food services, purchasing, information technology, and other feasible functions for all member districts. In addition to reducing staff redundancies, the administrative consolidation can also result in efficiencies through scale and expertise. A regional purchasing office, for example, can employ commodity specialists (utilities, textbooks, office supplies) and achieve volume discounts.

Orleans-Niagara
BOCES

Monroe 2
Orleans
BOCES

Erie 1
BOCES

Genesee Valley
BOCES

Erie 2
Chautauqua-
Cattaraugus
BOCES

Cattaraugus-Allegany-
Erie-Wyoming
BOCES

Greater Southern Tier
BOCES

Centralized administration also provides many of the benefits of district consolidation without undermining local identity—traditionally a key barrier to public acceptance. A dozen districts can share the same fiscal officer while keeping their schools and football teams—acting very much like any countywide or big city school district with multiple schools. The Cayuga-Onondaga BOCES, based in Auburn, and its nine component school districts are currently looking into the feasibility of such a model. Locally, several regionalization efforts—including the Health Insurance Trust managed by Erie 1 BOCES, with 22 participating districts and \$27 million in cost avoidance over the past six years—point to the significant savings already being realized through centralized operations.

Absent from the existing BOCES model of regional cooperation are the state's largest urban school districts—the "Big Five"—including Buffalo. In 2008, the state's Commission on Local Government Efficiency and Competitiveness recommended that these districts be allowed into BOCES membership, enabling them to benefit from and contribute to cooperative arrangements, as other districts have for 60 years.

Does regionalization promote equalization?

Greater levels of regionalization in public education, whether by consolidation of districts or centralization of specific functions, do not necessarily address the reality of uneven income distribution and its impact on schools. Every region has rich neighborhoods, poor neighborhoods, and neighborhoods somewhere in between. When its students are drawn from a particular territory, a school will both reflect and reinforce the socioeconomic characteristics of that territory as well as broader regional sorting by class and race.

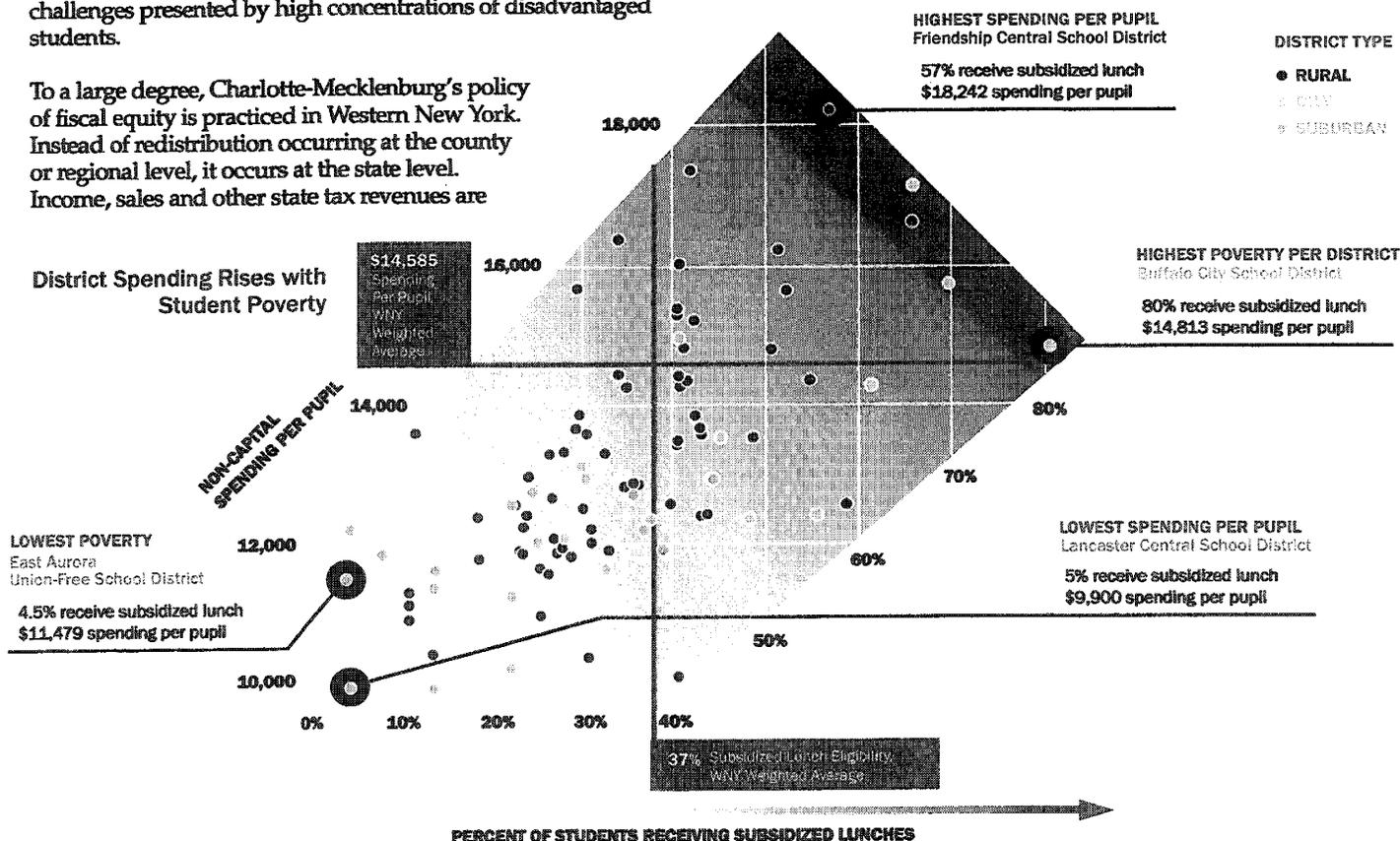
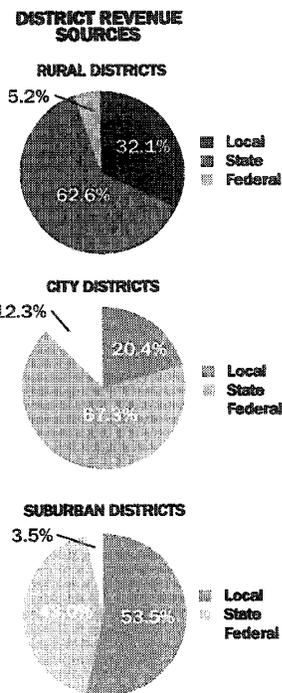
In North Carolina, as in many parts of the South, school districts are organized at the county level, covering areas roughly equivalent to a typical BOCES in New York. The state's two largest districts—Wake County and Charlotte-Mecklenburg—represent two distinct ways of trying to reduce the effect of regional income disparities on schools.⁶ In both districts, the central cities—Raleigh and Charlotte—contain pockets of extreme urban poverty, a fact often masked by municipal boundaries that far exceed those of most cities in the Northeast and Midwest.

Since the end of court-ordered busing in 2001, the Charlotte-Mecklenburg district has largely returned to its previous practice of neighborhood schooling, resulting in wide poverty, racial and performance gaps between inner-city and suburban schools. In an attempt to soften these socioeconomic differences, the district has applied a policy of fiscal redistribution. High poverty schools in high-poverty neighborhoods receive more funding per pupil from the district than do other schools to mitigate the educational challenges presented by high concentrations of disadvantaged students.

To a large degree, Charlotte-Mecklenburg's policy of fiscal equity is practiced in Western New York. Instead of redistribution occurring at the county or regional level, it occurs at the state level. Income, sales and other state tax revenues are

distributed to school districts through a school aid formula that takes a district's poverty and local taxing capacity into account. As a result, poorer districts rely on state aid much more heavily than do wealthier districts, with state dollars comprising 67% of total revenue in Western New York's city school districts and 63% in its rural districts, but only 43% in suburban districts.

Due to state aid and, to a lesser degree, federal aid, Western New York districts with high levels of poverty do not spend less per pupil than do wealthier districts—they tend to spend significantly more, as revealed by the strong positive relationship between current expenditures per pupil (not including capital spending) and the proportion of students receiving free or reduced lunches. Clarence and Lancaster, both outer-ring suburbs of Buffalo, have the lowest per pupil spending in the region, at around \$10,000, and very low levels of student poverty. At the other end of the spending scale, seven districts spend more than \$16,000 per pupil, including Dunkirk City Schools and six rural districts with under 1,000 students.



Subsidized Lunch Eligibility, by District

0% - 20% 20% - 40% 40% - 60% 60% and up
of students

By most measurements, leveling the fiscal playing field between schools with high and low concentrations of poverty often fails to bridge gaps in academic performance. Even with a boost in fiscal resources, high poverty schools have many other challenges to overcome, including higher rates of student, teacher and administrative turnover, relatively low levels of parental engagement, and a higher potential for disciplinary problems and other disruptions.

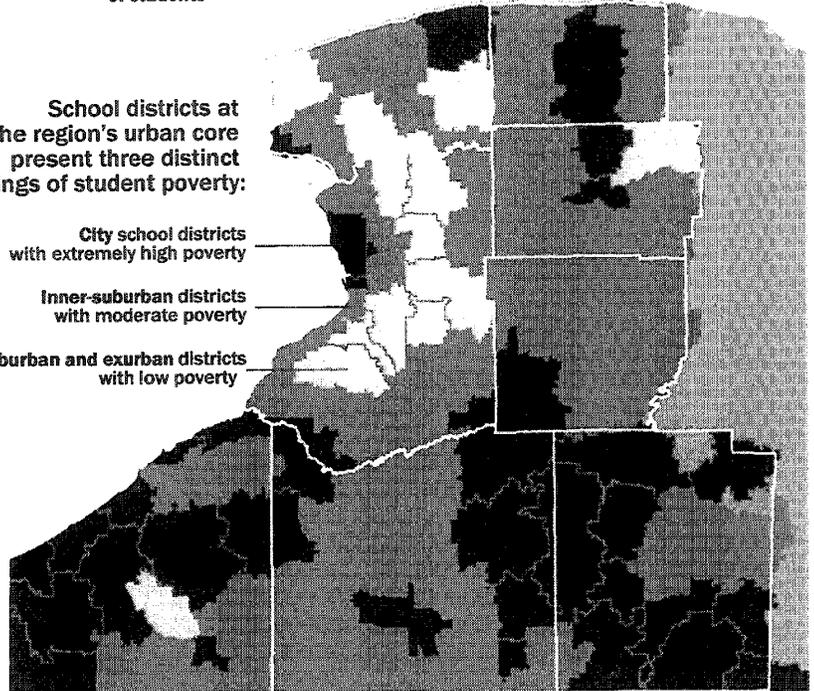
Wake County's effort to diminish regional disparities centers on the redistribution of students rather than money. Through the 1990s, Wake County, like Charlotte-Mecklenburg, used busing to implement a race-based integration plan. In 1999, the district switched from race-based student assignment to a more legally defensible income-based strategy that uses busing to achieve a 40% cap on subsidized lunch eligibility at each of its schools. While poverty rates are far from equalized, the plan greatly minimizes the incidence of poverty concentration within individual schools.

School districts at the region's urban core present three distinct rings of student poverty:

City school districts with extremely high poverty

Inner-suburban districts with moderate poverty

Outer-suburban and exurban districts with low poverty



Would this work in Western New York? Income-based redistribution of students, of course, depends heavily on the proximity of low and high poverty areas. In this region, where 35% of students attended schools with subsidized lunch eligibility rates of 40% or higher in 2007-08, achieving a Wake County-style poverty cap would be a far different proposition in urban areas than in rural areas.

In the urban counties of Erie and Niagara, a crescent-shaped zone of low poverty districts, stretching from Eden to Lewiston, surrounds the urban and inner-ring suburban districts. In these counties, one-third of all high poverty schools are within a mere 2.5 miles of a school with subsidized lunch eligibility rates below 25%. When the radius is expanded to five miles, proximity rises to 80%.

In the six rural counties, where greater distances separate schools and relatively few have low poverty rates, only 52% of high poverty schools are within 10 miles of low poverty schools. In rural areas, the presence of large centralized school districts already has the effect, to a large extent, of student redistribution. Poverty variations within these districts are smoothed over by the centralization of all students at the same school.

Which equalization strategy—redistributing money or moving students to deconcentrate poverty—produces the best educational outcomes, compared to doing nothing? We do not know. In North Carolina, both Wake County and Charlotte-Mecklenburg remain committed to their policy choices, but dissension is vocal in both districts, as are calls for greater localization.

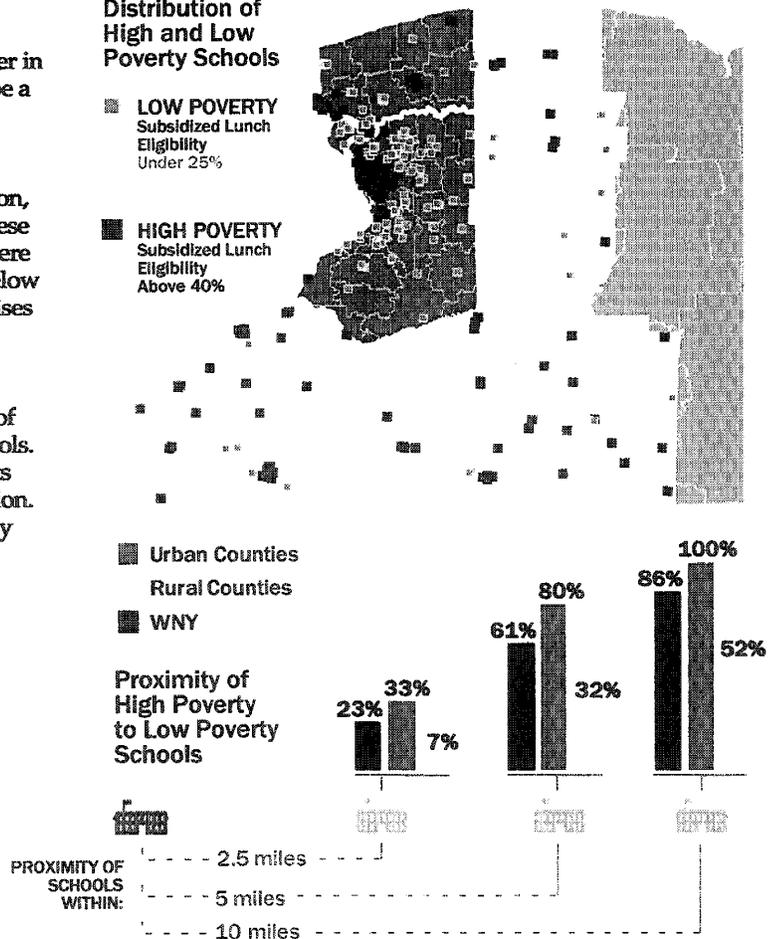
Distribution of High and Low Poverty Schools

LOW POVERTY
Subsidized Lunch Eligibility
Under 25%

HIGH POVERTY
Subsidized Lunch Eligibility
Above 40%

Urban Counties
Rural Counties
WNY

Proximity of High Poverty to Low Poverty Schools



How are students crossing boundaries today?

A physical redistribution of students on the scale necessary to overcome Western New York's geographic poverty disparities—especially in the immediate Buffalo area—raises questions of logistical practicality well before the inherent political tensions are broached. If a full-scale student assignment scheme is not a feasible approach for achieving educational equity, and if simple fiscal redistribution is insufficient, what can be done?

Once again, the BOCES model provides some ideas that, if greatly expanded upon, can lead to productive forms of regionalization. The creation of regional distance learning networks is one of the more widespread practices aimed at expanding educational opportunities by bridging the geographic and cultural distances between schools, providing greater access to the region's best teachers and drawing the critical mass of students necessary to make many courses feasible.

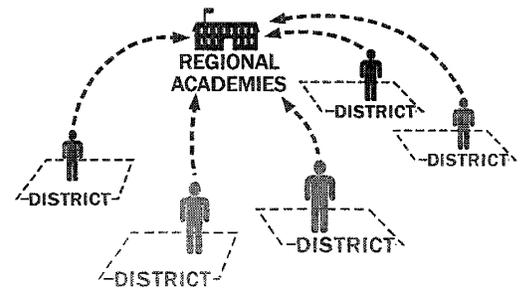
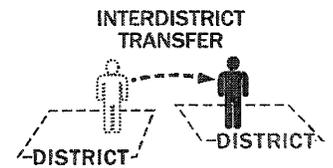
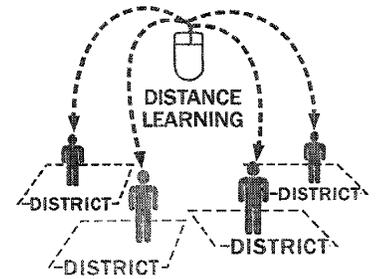
A second model is the inter-district transfer. Since 1965, minority students living in the City of Rochester have had the opportunity to transfer to participating suburban school districts. Today, seven suburban districts participate in the program overseen by Monroe #1 BOCES, and 400 to 500 students participate annually.⁷

A third concept, not yet practiced widely in New York, is the regional academy or magnet school. In Buffalo, magnet schools were established as part of an effort to desegregate schools, with the goal of creating unique

programs that would draw students from throughout the city. While desegregation is no longer their explicit purpose, magnet schools remain some of the city's best schools. Wake County and Charlotte-Mecklenburg have also maintained magnet school programs from the era of desegregation to provide specialized marquee programs to a regional student body.

In New York, the best recent example of a regional magnet school is the Tech Valley High School near Albany.⁸ A collaboration between two BOCES and dozens of school districts, the high school attracts students from a wide geographic area to a program emphasizing math and applied science. In addition to the academic value of expanding and complementing the curricula of participating districts, regional academies in Western New York could have significant economic value when paired with labor force development priorities, as well as the social value of bringing together students from multiple communities.

If combined, these three models could do much to overcome the large academic gaps that occur over relatively small distances around Buffalo, while reducing the influence that schools have on investment and disinvestment in particular locations.



Tech Valley High School

After years of downsizing at General Electric, IBM and other big firms, the Hudson Valley has been reemerging recently as a center of high-tech innovation, with Rensselaer Polytechnic and SUNY Albany's College of Nanoscale Science & Engineering as wellsprings of new technology and skilled labor.

Tech Valley High School was established in 2007 to boost this transformation by engaging young people in high-tech fields and broadening the region's workforce development efforts. Its curriculum is focused on math, science and technology, with an emphasis on project-based learning.

As a joint venture of the Capital Region BOCES and the Questar III BOCES, Tech Valley is open and free to students in each of the 46 school districts served by those BOCES. At the end of its second year in operation, the school had 77 students from 39 school districts in its freshman and sophomore classes, with a class level being added each year until the full four-year program is in place.

In addition to the partnerships between BOCES and school districts, the school is also building a long list of regional partnerships with businesses, universities, and government agencies to provide students with a full range of experiences and opportunities. Symbolic of these efforts, the school will be moving in August 2009 into new space at the University at Albany's East Campus.

Will location matter?

Whereas school buses enabled centralization, the technologies of the digital age enable almost boundless networking. By the middle of this century, the idea of physically transporting students to a big centralized school may seem as hopelessly outdated as the dusty one-room schoolhouse seems today. And the one-room schoolhouse could well become the emblem of modern education—highly localized units where children plug into global learning resources, taking virtual, multi-media modules in biology, history, language and civics taught by teachers from around the world.

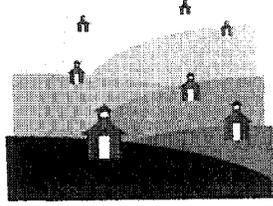
If technology steers education in a direction where each student has a nearly limitless set of choices that no longer depend on the physical presence of teachers, how would this be governed? Would local school districts still be necessary? Will education continue to be funded, in part, by local property taxes? Will there be school boards? In any conversation about reform of school governance, anticipating the future is just as important as reacting to contemporary conditions.

Where does this leave us?

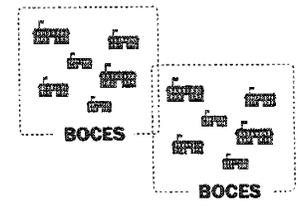
This investigation yields insights that both affirm and challenge conventional wisdom about public education arrangements in New York State. Key among these are:

- **Schools are a high priority for New York State—and New Yorkers.** This value is expressed by relatively high allocations of resources to schools—often by direct public approval. New York consistently ranks in the top three states for per pupil spending.
- **Administrative costs comprise a relatively small fraction of total school spending.** Contrary to popular belief, administrative costs represent only 5.4 percent, on average, of total district spending. As a result, potential administrative savings from mergers, which eliminate superintendents and related positions, are limited.
- **That said, mergers of small districts into larger units may pay off financially and educationally.** Because districts with small enrollments typically have higher administrative costs per pupil, sacrifice economies of scale and struggle to provide a full range of educational offerings, they stand to gain the most from mergers.
- **Regionalization policies can promote equity, but uncertainty abounds over their implementation and impact.** Targeting aid to disadvantaged districts or busing students to dilute poverty can clearly narrow fiscal and socio-economic disparities. There is little consensus, however, over the links between equalization strategies and educational outcomes, and income-based redistribution of students remains politically charged.
- **In New York State, BOCES and other innovative regional approaches to education demonstrate current and future benefits to educational cooperation and centralization.** BOCES offer a tested model for economic and educational payoffs through region-scale service delivery. Expanding this model holds the potential for significant advances in educational efficiency, quality and access.

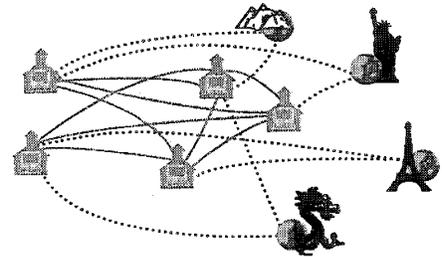
PAST:
Scattered, Decentralized
& Isolated Districts



PRESENT:
Centralized Districts in
Cooperative Arrangements



FUTURE?:
Integrated
Regional &
Global Learning
Networks



These themes and findings imply three NEXT STEPS for citizens, educational leaders and elected officials in Western New York and across the state.

1. In the phrase of educational leaders, “UNLEASH BOCES.” The promise of BOCES as a mechanism for educational excellence and cost savings is constrained by narrow thinking and outdated provisions in state law and policy. Prominent recent reports by state commissions and task forces (see “For More Information”) identify state reforms to empower BOCES to do more with fewer constraints. Reforms include enabling BOCES to offer services to New York’s “Big Five” school districts, as well as municipal governments, charter schools, colleges and libraries.
2. At the local level, DELIBERATE AND PURSUE SCHOOL DISTRICT RESTRUCTURING OPTIONS. One impediment to greater understanding and action in school district restructuring is the absence of a region-scale process for parents, educators, school board members, and other interested parties to investigate and pursue new approaches to educational service delivery. As called for by the state Commission on Local Government Efficiency and Competitiveness, committees convened by each BOCES would “put everything on the table,” from consolidations, shared services and regional high schools to regional approaches to health insurance, compensation and transportation.
3. More broadly, communities and education leaders should EMBRACE NETWORKED GOVERNANCE. Significant shifts in technology and information are reshaping how we communicate and interact. By diminishing the importance of physical proximity to achieve “connection,” these shifts promote decentralized, integrated networks. Embracing networked governance in education, through distance learning, increased use of instructional and operational technology and expansion of State Regional Information Centers, introduces new possibilities for achieving efficiencies and equalizing opportunity.

From: Chuck and Carole
Date: 8/10/2009 8:47:36 PM
To: Andrew Bodden
Subject: Re: Shared resources-NYSSBA

Thank you for the quick response, AJ. We'll skip the social graces and get to the point.

1. The best summary of where we are and what we need can be found in the University at Buffalo Regional Institute Policy Brief/June 2009. The summary on p. 9 would give you specific recommendations. If you have time in the AM to read more, fine, but the basic are on p. 9. There is a lot of information packed into each point on p. 9, so read slowly! See, specifically, "Will location matter?" "Where does this leave us?" and the 1, 2, and 3 points on the lower right of the page.
2. The Lundine Commission Study contains recommendation of efficiency and cost savings. It recommends regional approaches to sharing, however, it would take special legislation to create a Regional High School. As the UB study shows, Regional High Schools already exist in our BOCES!! All we have to do is promote more sharing within the BOCES. Instead of cutting our emphasis on BOCES, as was tried by past Commissioners and Regents, grow this regional institution.
3. Local Control has always been a high priority in NYS, but sometimes democracy does not get us the best decisions. I have been a part of several attempts at consolidating schools in WNY and only one happened: Chautauqua Lake from Chautauqua and Mayville. Politicians cry "local control" when we ask for their help in the Legislature so maybe it's time to take these important decisions out of the hands of the local taxpayers. SED people are not elected, therefore, they are protected from the outcry we might expect from the voters. Why invest thousands of dollars and hundreds of hours of study only to have ill informed taxpayers vote the plan down. Only the students loose!
4. SED and the Legislature need to think outside the box. Susan Spears shoots down most of our ideas because they don't fit inside the box(regs/law). Then I say expand the box!
5. As Wayne Schliifke points out in his August 10, On Board "Commentary," it's time to ditch school calendars based on an agrarian society. Only less than 2% of Americans make their living by farming. There is little or no aid for districts that want to offer a greater number of days of instruction, more in keeping with our European and Asian friends. Teachers/staff will have to be paid for the extra time but, how about funding some models using schools that are willing to program for a long school year. State tests are often given as an excuse - "Well, what about the Regents Exams?" There are ways around that.

If you can't access the UB Study, call me tomorrow at 716-386-5694 or 716-640-6698 and I will forward the study to you. I'll even try to do that tonight to save you time in the morning. Try: regional-institute.buffalo.edu.

Good luck, AJ. We'll all be cheering for you!!

School Districts in Western New York

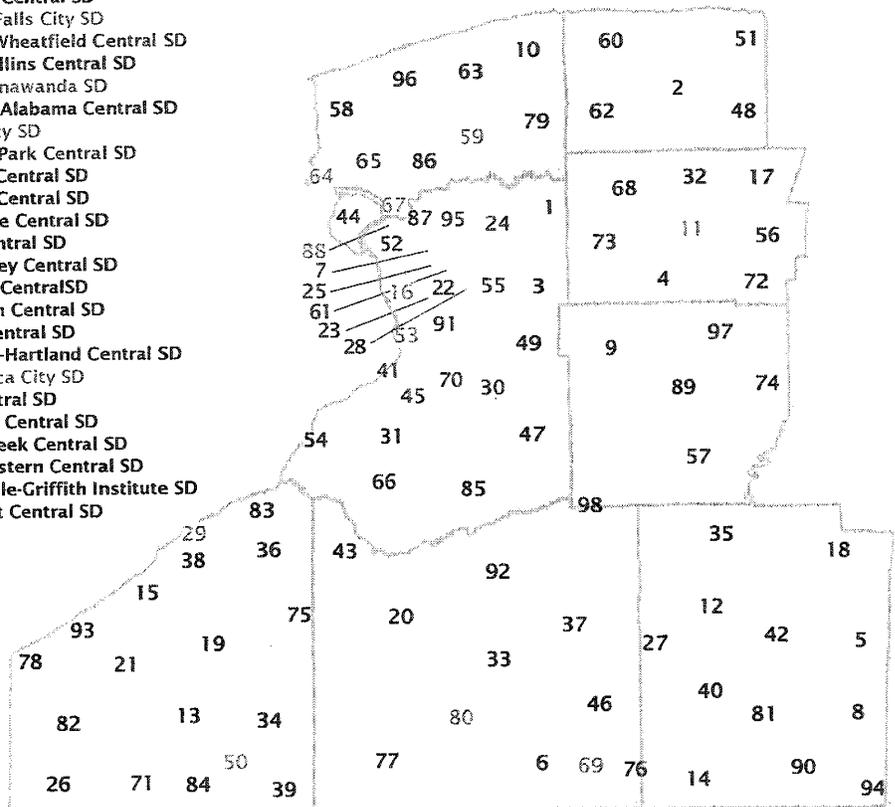
- 1 Akron Central SD
- 2 Albion Central SD
- 3 Alden Central SD
- 4 Alexander Central SD
- 5 Alfred-Almond Central SD
- 6 Allegany-Limestone Central SD
- 7 Amherst Central SD
- 8 Andover Central SD
- 9 Attica Central SD
- 10 Barker Central SD
- 11 Batavia City SD
- 12 Belfast Central SD
- 13 Bemus Point Central SD
- 14 Bolivar-Richburg Central SD
- 15 Brocton Central SD
- 16 Buffalo City SD
- 17 Byron-Bergen Central SD
- 18 Canaseraga SD
- 19 Cassadaga Valley Central SD
- 20 Cattaraugus-Little Valley Central SD
- 21 Chautauqua Lake Central SD
- 22 Cheektowaga Central SD
- 23 Cheektowaga-Sloan Union Free SD
- 24 Clarence Central SD
- 25 Cleveland Hill Union Free SD
- 26 Ciymer Central SD
- 27 Cuba - Rushford Central SD
- 28 Depew Union Free SD
- 29 Dunkirk City SD
- 30 East Aurora Union Free SD
- 31 Eden Central SD
- 32 Elba Central SD
- 33 Ellicottville Central SD
- 34 Falconer Central SD
- 35 Fillmore Central SD
- 36 Forestville Central SD
- 37 Franklinville Central SD
- 38 Fredonia Central SD
- 39 Frewsburg Central SD
- 40 Friendship Central SD
- 41 Frontier Central SD
- 42 Genesee Valley Central SD
- 43 Gowanda Central SD
- 44 Grand Island Central SD
- 45 Hamburg Central SD
- 46 Hinsdale Central SD
- 47 Holland Central SD
- 48 Holley Central SD
- 49 Iroquois Central SD

- 50 Jamestown City SD
- 51 Kendall Central SD
- 52 Ken-Ton Union Free SD
- 53 Lackawanna City SD
- 54 Lake Shore Central SD
- 55 Lancaster Central SD
- 56 Le Roy Central SD
- 57 Letchworth Central SD
- 58 Lewiston-Porter Central SD
- 59 Lockport City SD
- 60 Lyndonville Central SD
- 61 Maryvale Union Free SD
- 62 Medina Central SD
- 63 Newfane Central SD
- 64 Niagara Falls City SD
- 65 Niagara-Wheatfield Central SD
- 66 North Collins Central SD
- 67 North Tonawanda SD
- 68 Oakfield-Alabama Central SD
- 69 Olean City SD
- 70 Orchard Park Central SD
- 71 Panama Central SD
- 72 Pavilion Central SD
- 73 Pembroke Central SD
- 74 Perry Central SD
- 75 Pine Valley Central SD
- 76 Portville Central SD
- 77 Randolph Central SD
- 78 Ripley Central SD
- 79 Royalton-Hartland Central SD
- 80 Salamanca City SD
- 81 Scio Central SD
- 82 Sherman Central SD
- 83 Silver Creek Central SD
- 84 Southwestern Central SD
- 85 Springville-Griffith Institute SD
- 86 Starpoint Central SD

- 87 Sweet Home Central SD
- 88 Tonawanda City SD
- 89 Warsaw Central SD
- 90 Wellsville Central SD
- 91 West Seneca Central SD
- 92 West Valley Central SD
- 93 Westfield Academy and Central SD
- 94 Whitesville Central SD
- 95 Williamsville Central SD
- 96 Wilson Central SD
- 97 Wyoming Central SD
- 98 Yorkshire-Pioneer Central SD

DISTRICT TYPE

- RURAL
- CITY
- SUBURBAN



Need to know more?

UB Regional Institute
regional-institute.buffalo.edu



Find this and other policy briefs at the UB Regional Institute's Web site.

Regional Knowledge Network
rkn.buffalo.edu



For detailed education data, visit the UB Regional Institute's Regional Knowledge Network:

View and dynamically map the latest data on school district enrollment, finances, student performance and teacher experience.

View and download maps of school districts.

Data Sources and Notes

Pages 2 and 3

Historical district totals are based on UBRI analysis of the 1958 *Master Plan for School District Reorganization in New York State* from the State Department of Education (1920 and 1940 figures), and the 1952 and 1962 U.S. Census of Governments. The present total does not include the Hopevale and Randolph Academy districts, which are special districts without traditional district boundaries.

Contemporary school district statistics (enrollment, employees, buildings, total expenditures) are based on UBRI aggregation of data from the New York State Department of Education's School Report Cards for 2007-08. The expenditure breakdown represents five-year averages (2003-04 to 2007-08) for the 98 WNY districts, based on district-level fiscal data from the State Office of the Comptroller. Functional spending categories are those of the Comptroller's Office, with minor adjustments by UBRI, including the transfer of principals and curriculum development from "education" to "administration."

Pages 6 and 7

Spending per pupil represents total non-capital expenditures in 2007-08 divided by pre-K through 12 enrollment. Expenditure data are drawn from the State Comptroller's Office, with enrollment data from the State Department of Education's School Report Cards.

Subsidized lunch percentages are the proportion of students in each district receiving a free or reduced-cost lunch in 2007-08, as reported by the State Department of Education.

Data on the derivation of revenue from federal, state and local sources come from the National Center for Education Statistics' Common Core of Data for 2005-06.

The assignment of districts into city, suburban and rural categories was done by UBRI for the purposes of this report and does not represent an official state or federal classification. The school districts based in the region's eleven cities are classified "city," and districts in the most developed communities surrounding Buffalo and Niagara Falls are classified "suburban." All other districts are "rural."

Note: Fiscal data for districts include tuition payments to charter schools as educational expenditures incurred by the student's home district. Otherwise, charter schools are absent from the data and analysis.

Footnotes

¹ Folts, James D. 1996. "History of the University of the State of New York and the State Education Department, 1784-1996." Available at <http://www.nysl.nysed.gov/edocs/education/sedhist.htm#note>.

² Ibid and New York State Department of Education, *Master Plan for School District Reorganization in New York State*, Revised (1958).

³ Duncombe, William and John Yinger. 2007. "Does School District Consolidation Cut Costs?" *Education Finance and Policy*. Vol. 2, No. 4: 341-375.

⁴ Lee, Valerie E. and Julia B. Smith. 1997. "High School Size: Which Works Best and for Whom?" *Educational Evaluation and Policy Analysis*. Vol. 19, No. 3: 205-227.

⁵ Duncombe and Yinger, 2007.

⁶ Hui, T. Keung. 2009. "Whose Schools Work Better?" *The News & Observer*. Raleigh: February 8.

⁷ Monroe #1 BOCES, Urban Suburban Transfer Web site, at <http://www.monroe.edu/AAE.cfm?subpage=74>.

⁸ Tech Valley High School Web site, at <http://www.techvalleyhigh.org/>.

For More Information

National Center for Educational Statistics, online at <http://nces.ed.gov/>

New York State Education Department, Information and Reporting Services, online at <http://www.emsc.nysed.gov/irits/reportcard/>

New York State Office of the Comptroller, Local Government a School Financial Data, online at <http://www.osc.state.ny.us/localgov/datanstat/>

Recent reports by New York State commissions and task forces offer relevant analysis and recommendations on educational reform. These are:

"21st Century Local Government," Report of the New York State Commission on Local Government Efficiency and Competitiveness, April 2008, online at <http://www.nyslocalgov.org/>

"New York State Commission on Property Tax Relief, Final Report to Governor David A. Paterson," December 2008, online at <http://www.cptr.state.ny.us/>

"Boards of Cooperative Educational Services Intergovernmental Reform and Efficiency Program of 2009," online at <http://www.boces.org>

"Report of the Task Force on Maximizing School District Resources," October 2008, New York State School Boards Association, online at <http://www.nyssba.org>

 **Regional Institute**
University at Buffalo The State University of New York

A unit of the University at Buffalo Law School

The Regional Institute
University at Buffalo
The State University of New York
Beck Hall
Buffalo, NY 14214-8010
Phone: 716 829-3777 Fax: 716 829-3776
Web: regional-institute.buffalo.edu
E-mail: regional-institute@buffalo.edu

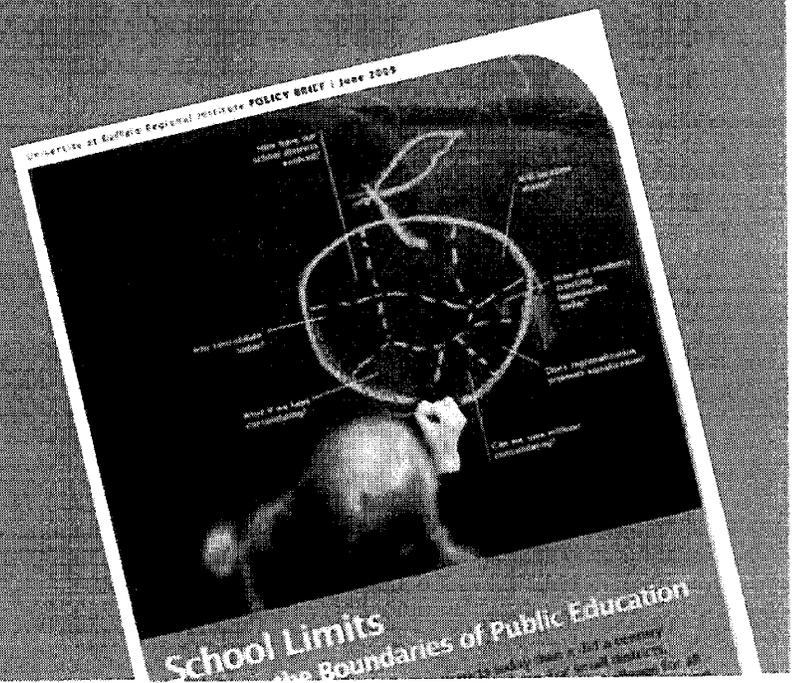
The Regional Institute
University at Buffalo
The State University of New York
Beck Hall
Buffalo, NY 14214-8010

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What if we
reorganized
school districts in
Western New York?



Ideas for Future Regional Sharing

Shared Teachers

Magnet schools

Foreign Language

On-line Learning

Collaboration with local colleges

Consolidated bus runs

Common bell schedule

Increased Distance learning

Transportation Maintenance

Shared Ball fields

Curriculum Coordinators

Chief information officer

Special Education

CSE Chairperson

Transportation sharing with county

Year round school/ summer school

Assessment correction

Inservices sharing

Common calendar

Investigate 4-day week

Facilities management

Cooperative bidding

Department sharing

Printing services

Computer technicians

Alternative education

Purchasing through BOCES

Warehousing through BOCES

Distance Learning - expanded

Greater reliance on BOCES for all shared services

Regional negotiations

Shared facilities & equipment

Regional High school
Municipalities sharing with schools
Flexibility in redistricting

Sharing teaches-guidance counselors-speech-OT-PT
Staff development
Shared superintendents
ELA/Math Camp
Gifted/Talented program
Science/language camp
Arts/Fine arts
Specialized schools - technology/careers
Revised program to facilitate graduation for all students
Trade training-apprenticeships/internships
Community involvement
Increased shared services in municipalities
Enhanced shared administrative staff

Regional all-day technology high school
No legislation for regionalism
Regional parent centers
Regional calendar - distance learning
Same # of days
Regional choirs/bands/performing arts
Regional transportation - fuels
Regional honors program
Regional marketing
Regional services committees
Shared cafeteria (with local farmers)
Regional health services
Preschool - sharing regions resources
Regional IS services
Regional athletic services
Shared data collection services

Regional-county/BOCES bldg grounds -tradesmen
Agriculture/business - sharing student between schools
Sharing teachers - move teachers not kids
Consortium - small districts

BLOCKERS TO SHARING

Money & time

Geography - distance

Fear of change

Pride - community individualism (loss of identity)

State regulation - gave a Maine example

Bureaucracy

Union contracts

Lack of awareness within the community

County turf -N versus S county (down county/up county)

Lack of vision

Competitive sports team identity

Leadership

Calendar - bell schedule

Potential loss of jobs

Debt

Culture of community (social - economic)

Local control

Change is hard

Tax implications

Legislation

Empty buildings

NYSUT-bargaining units

Mascots

Parent groups

State mandates

Mass - district boundaries

Property values

Time & communications

Misconception that it is only about saving money

Education is not a priority for all families

Change in personnel

Change in boards

Change in faculty

Change in administration

Paradigm shifts

Poverty

Weather

Inflexibility/complacency

Cost

Misinformation/communication

How education is funded