



New York State
**School Boards
Association**

Better School Boards Lead to Better Student Performance

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PUBLIC HEARING

The Regents Reform Agenda: “Assessing” Our Progress

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To the

Standing Senate Committee on Education

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INTRODUCTION

Chairman Flanagan and distinguished members of the committee, I am David Little. For the past 14 years I have directed governmental relations on behalf of the nearly 700 boards of education that comprise the New York State School Boards Association. Prior to that time I had the honor of serving for 17 years as counsel in both the New York State Assembly and Senate. During that time I also served for a number of years (first) as a school board member, then as a school board president. These experiences have allowed me to form a broad perspective on our current educational circumstances. Today, I would like to offer this broader contextual perspective, safe in the knowledge that much of the information you glean from these hearings will be specific and operational in nature. I would refer you particularly to the testimony presented by Nassau BOCES District Superintendent Dr. Thomas Rogers for an excellent assessment of the impact of specific current policies and approaches.

THE NEW YORK CONUNDRUM

Our beloved state has historically enjoyed the benefit of innovative economic advantages that have not only shaped the course of history, but have provided a firm financial foundation for generations of New York State residents. From the world's greatest natural harbor and the Hudson River's trading opportunities to the Erie Canal, the Industrial Revolution and Wall Street, New York State has always developed its economy from a position of creative strength. Between those peak periods, New Yorkers have always worked to develop the next innovation that would rejuvenate our economy and allow us to regain our position as an economic leader. These innovations and our reputation for the determination to lead have enticed generations of business and industry to migrate to New York State.

Yet, there are inherent challenges resulting from our more than 300 year old history. We have an aging infrastructure. We are not centrally located, creating transportation challenges. We endure seasonal extremes in temperature, creating high energy costs. Perhaps most importantly, we suffer the effects of generation upon generation of layered statute and regulation, creating a confusing and burdensome business climate. Our natural inclination to treat our residents as equitably and generously as possible (in good times and bad) has forced us to impose virtually every tax used throughout the fifty states; many times at the highest rates in the nation. The cumulative impact has resulted in our state suffering from one of the highest tax burdens, which is economically disadvantageous as we once again seek to attract new business into the Empire State. Exacerbating the problem is an extremely high debt level, virtually assuring the continuance of high taxes into the foreseeable future. When combined with the outward migration of college educated young adults and the continuation of our longstanding and proud tradition of attracting an influx of immigrants, our state faces the systemic challenge of a decreasing number of total residents supporting an ever increasing debt and tax burden. This condition is not lost on prospective businesses evaluating the possibility of locating within New York State.

Combating this structural challenge is the potential of our state to provide business and our nation with the next in that long line of innovations having the capability of reshaping our economy and our history. Whether that innovation comes in the form of technology, nano science or some as yet unidentified industry, our state's hope again rests on our ability to promptly and repeatedly create an environment supportive of innovation and capable of supplying industry with qualified, creative and dedicated employees. The task is daunting. Since the issuance of the report A Nation At Risk a generation ago, the business community has long decried public education's presumed inability to provide it with highly qualified and capable workers. The irony of course is that business and its goals evolve at a rapid rate, while education takes at least 13 and hopefully 17 years to produce a college educated employee. As a result, public education struggles to meet a standard that inevitably shifts prior to completion.

Nowhere has this premise been more apparent than in our present circumstances. The swift pace of technological growth, combined with the globalization of the marketplace has produced a rate of economic change that virtually precludes public education's ability to tailor information to the current needs of business at any given point in time. The value of knowing any specific fact is diminished in an age where knowledge itself is in transition, constantly developing and reforming based on newly acquired information. In this environment, the most productive approach public education can take is to prepare students through the ability to learn whatever information might be required at any given moment, under whatever circumstances are relevant. In my own experience, I never knew more law than the day I graduated from law school. That specific knowledge has diminished over time and has become less relevant to current events. Yet, the value of my legal education lies in my ability to find and evaluate current law. So too must public education prepare students for an ever changing marketplace, with multiple employers over a career and a transitory existence for most businesses and industries. Our students must be capable of evolving, adapting, producing and creating in a variety of environments. In an age where facts are only as far away as the device in your hand, it is the ability to learn that is itself most valuable; the ability to collaborate, problem solve, provide context and experience that allows an employer to foresee the usefulness of a product or service is what will make our residents the attractive workforce of tomorrow and lead our state to the next Erie Canal, Industrial Revolution or world financial center.

THE MORAL IMPERATIVE

New York State has a proud tradition of providing economic opportunity and social generosity. Our leaders have rightly focused not only on what is necessary, but what is socially responsible. Challenging fiscal circumstances and tenuous political considerations have strained this most basic of tenets in recent years. New York State currently produces some of the most supremely prepared students in the world. It provides tens of thousands of dollars per year, per student to assure educational and vocational opportunity to its residents. While the entire nation spends \$590 billion per year on public education,

New York State alone spends ten percent of that total to educate its children. The amount that our state invests in public education is greater than General Electric makes in total worldwide. Indeed, it is greater than the gross national product of many countries. Yet, while we spend those tens of thousands of dollars on those supremely prepared students, we systematically starve others of those resources. While New York State spends among the most per child on average, that statistic masks the fact that we have one of the most inequitable distributions of public education funding in the nation. As the percentage of state aid in the amount of total aid provided to each child has decreased dramatically in recent years (partially offset by increased federal revenue) we have become increasingly reliant on the resources of each individual community to educate our children. The variations in local resources have created a bifurcated and inherently inequitable educational system where the character and quality of a child's education is wholly dependent on his or her zip code. A parent's choice of residence in our state has the potential to doom a child's economic prospects for life.

Many of us grew up hearing that Brown vs Board of Education was (no doubt rightly) described as the most abhorrent educational approach of our parents' generation. The doctrine of "separate but equal" was identified as a racist façade that had no place in a society that prides itself on its founding principle that all persons are created equal. Yet, a generation later, year after year we not only fail to address a remaining systemic inequity, we compound it. By providing state educational aid without any semblance of rational relation to local ability to contribute, we have created the de facto doctrine of "still separate but unequal." Wealthy, largely Caucasian communities in our state provide the best education in the nation, while impoverished, largely minority communities face systemic educational failure year after year after year, with no plan for remediation on the horizon. That we allow this to continue is the great shame of our own generation. It is not only inherently inequitable and socially repugnant, it utterly thwarts our state's attempts to position itself in a manner that will effectively attract and develop future business. Our governmental failure to address this fundamental social challenge is our Achilles Heel and it is preventing our economic resurgence. It is forcing our social service costs to spiral out of control and depleting the funds needed for economic development and educational achievement. It is ironic that the only area where equity has found its way into educational funding in recent years is in the reduction of the Gap Elimination Adjustment. Simply put, we are attempting to be equitable in the way in which we take money away from our schools. Our continued failure to comply with our responsibility to provide a sound, basic education to the residents of our state is having and will continue to have profound economic and social consequences for our state. Make no mistake, this is not a dire prediction for the next generation. Our college aged young adults are currently voting with their feet. Unlike other states, they are leaving and not returning. They are wisely choosing to avoid the high taxes and debt load that will infringe on their personal quality of life. Unless we dramatically and immediately alter course, we will by default irreparably alter our state's ability to sustain itself.

THE REFORM

New York State has been committed to increased, well defined academic performance standards for well over a decade. The current Regents Reform Agenda presents a complex assortment of higher standards and measures of accountability intended to inform future instruction (across the full academic spectrum, including teaching education.) The reforms themselves support the Common Core Learning Standards and are utilized in a number of states. The reforms' connection to federal funding at a time of severe fiscal distress both encouraged their adoption and created an adverse public perception of coercion among the educational community.

There can be little doubt that the implementation of both higher standards and a new system of accountability has come with great stress on the status quo of educational practice. Certainly the criticism of having initiated the accountability portions (prior to fully providing professional development and the complete array teaching modules) has resonated with parents and students anxious about being assessed according to standards and content that is as yet unfamiliar. Yet, the essence of the Common Core Learning Standards is little more than a shift in focus away from a broad assortment of content to a more concise list, taught in a more complete context, with the knowledge correlated to its practical application and integrated with the ability to communicate its value and the reasoning supporting the conclusion. Simply put, it makes sense in a far more realistic and useable way than the aspirational bromides of its immediate predecessor, the No Child Left Behind Act.

Much of the current criticism leveled at the reforms' implementation is valid. The shift in goals, the timetable and the demands were optimistic at the outset and there has been no recalibration to account for the dramatic influence of diminished funding due to the economic recession. Proponents perhaps correctly refuse to budge, knowing that the tremendous forces of public opinion, institutional resistance to change and the legislature's desire to respond to public outcry make any indication of reconsideration an opportunity to stall the effort in its entirety. Much of the discord is directed at testing. Many parents sincerely believe that the degree of testing currently employed has in total, infringed on the extent and quality of instruction. High performing school districts wonder aloud why they are forced to participate, when evidence of their success is apparent and they openly espouse the utilization of remaining resources to preserve highly successful programs and services, rather than test to document an already known outcome. Others are fearful that the number and duration of tests (particularly in young children) are tantamount to emotional abuse and at the least, educationally counterproductive. Critics provide emotionally charged examples of students experiencing nausea at the prospect of "high stakes tests." Certainly in an enterprise intended to develop children to their potential, such concerns need to be considered and appropriate adjustments implemented.

However, one can hardly escape the irony of adults claiming that third graders have somehow intrinsically grasped the "high stakes" nature of these tests and are reacting with physical symptoms to the resulting

stress. It is worth noting that the very group of educators now complaining about testing is the very group that unilaterally negotiated the legislation that created the reforms themselves. The very group that has traditionally valued periodic assessment of students is now fully engaged in a movement to discredit its current application (now that a small component of that practice is used to also evaluate the educators themselves.) We must indeed adjust to account for legitimate concerns, but retrenchment as a result of adult professional concerns would systemically shortchange students. Simply put, if a third grader is vomiting on their test, it is a result of an adult's characterization of that assessment as being of much greater import to that child than is legitimate. Testing in early grades should be a common, regular but non stressful component of their education. My fear is that adult concerns and complaints about the accountability portion of the reforms have the potential to drive us further from a well-reasoned and broad based approach to improving historically intractable failure in many communities. That said, one must acknowledge that accountability for adults within the system must also be fair, legitimate assessments of performance. Professional development of instructional methods, aligned to the new content focus is needed to justifiably incorporate student testing results into adult staffing evaluations.

Here's the rub. There is no Plan B on the horizon. I have personally asked representatives (of the major state organizations constituting the educational establishment in our state) what their alternative might be if (in response to present concerns) we were to retreat from the current reforms. To a person, they had no response. Proponents and opponents of the reforms alike share only one view on this topic and that is that they do not know what else we might do to prevent further educational decay in our historically underperforming sectors. They do not know what can be done, beyond simply returning to the individualized approach of each educator in each classroom; the very approach that allows some students to soar and others to be subjected to a generation of poor practice. If we continue our state's traditional approach of believing that we can succeed simply by infusing ever greater amounts of money into the system without changing how that system is designed to function, we will intentionally achieve only the same intermittent success, at a rate of increased funding that is unsustainable, supporting the ever increasing costs of the participating adults at the expense of the children they serve. The educational system in New York State has been described as both broke and broken and that is an apt description, if maintained at the current trajectory and methods. The system has proven itself nothing if not capable of absorbing huge infusions of funding without change. Increase funding? Simply restore staff and increase salaries and benefits. The recession has made it imminently clear that without a fundamental rethinking of educational delivery systems, as well as the sharing of staffing and services and reconfigurations, the public educational system simply expands and contracts its staffing levels and the quality and number of the educational programs it offers. Ultimately the reforms, while difficult, offer the only realistic opportunity for the kind of systemic change demanded by our state's future economic and social expectations. The chance for a more rigorous course of study, a deeper understanding of subject matter and the ability to both reason and communicate that reasoning is the only hope of the large segment of our student population that has historically been and is currently doomed to failure by our existing

approach. The real question is not whether the reforms are coming too quickly (and thus inflicting needless collateral injury.) The real question is whether they are sufficient and have the time and support necessary to have even a modicum of chance of saving a generation of urban and poor rural students that have no realistic opportunity to live a life of the kind of dignity that only meaningfully contributing to society can provide.

THE REVOLUTION

Our state's system of public education has undergone a series of transformative events over its history. Begun in the community movement to educate children and carried out in one room school houses, in an effort to offer the next generation the opportunity (through literacy and mathematics) to engage in business beyond subsistence agriculture, our system of public education has firm, altruistic roots that have profoundly shaped our culture and our economic prospects over time. Over time, those communities ceded ultimate authority over that effort to the state through passage of a constitutional provision requiring the state to provide what has been determined to be a sound, basic education for every state resident. Finally, the school bus allowed children from vast areas to be gathered centrally, which created the numbers necessary to allow for instruction by age group, rather than communally (as well as the economies of scale attended to the centralized school system.) Much as large corporate enterprises begin to collapse of their own contractual weight and institutionalized but outmoded practices after roughly 50 years, so too has our current means of providing public education. Much like TWA or the major American auto manufacturers, we are overburdened by our cumulative contractual obligations and too constrained by our embedded historical practices. The very existence of charter schools and voucher programs is evidence of the inevitable attempt to at least circumvent these obstacles, once it becomes apparent that the institution is unable or unwilling to alter the status quo.

Three factors are currently at work to revolutionize New York State public education. The first is our economic and demographic reality. We simply don't have (and are unlikely to have in the foreseeable future) the funds required to carry out the enterprise of public education in the manner performed to date. Fewer and fewer residents are being asked to pay an increasingly higher percentage of the total cost of public education and other state programs. In response, they are leaving the state. Student enrollment is decreasing in many areas, leaving us in the unenviable position of having just improved virtually all school facilities through the multi-billion dollar EXCEL aid program, but not having the students to fill those facilities or the funds to staff them. The "legacy" costs of our existing and retired staff are on a trajectory to exceed current expenses. Pension and health care costs could well exceed salary in the near future. The high cost of current practices have already required school districts to explore the formerly unthinkable; merger, consolidation, shared services, shared administration and of course the elimination of virtually all of the reasons children actually want to go to school; music, art, athletics and social activities.

The second factor is the advancement of technology. Digital learning is the new school bus, offering to change the way we gather students and configure learning groups. Jeb Bush recently quipped that during the school day, our children resemble Bam Bam Flintstone in their exposure to technology; then at the end of the school day they miraculously turn into Elroy Jetson. Students who are barely awake and incapable of fully cognitive functioning in the early morning are fully engaged in electronic learning in late evening. If you need to ask my own two sons for information, don't do it from a podium at 7 a.m., do it on a screen at midnight. We continue to teach our children six hours a day, five days a week when they live in a world of 24/7 information exposure. Technology has the capability of redesigning the delivery of programs and services, recalibrating costs in relation to realistic economic levels and providing a level of educational engagement and enrichment that would otherwise be unavailable at many need levels and within many demographic cohorts.

This is not aspirational. The Common Core Learning Standards have had a very practical effect: They have created a national market of sufficient size to entice educational vendors to invest enormous amounts into the research and development of digital learning platforms and programs. Gone are the days of "distance learning" where one teacher beams out a Latin class to several schools. Today's digital programs are more akin to surgical or flight simulations or digital military exercises. They are highly individualized to the needs and capabilities of the learner. They are interactive, fully immerse the learner and they are capable of remediating the personal shortcomings of each student in a way that a single educator in a traditional group setting cannot. Many traditional educators are already taking advantage of this advancement. The "flipped classroom" provides the daily classroom presentation by video, as the nightly homework. This enables the educator to personalize instruction during class time, allow group problem solving or guidance for individual projects. New York State's school of the future might well serve more as an educational command post, coordinating interaction with local postsecondary institutions, regional programs, digital coursework, community business and social and healthcare service providers; all in an effort to maximize the ultimate success of its students and the creativity of its staff, while reeling in today's skyrocketing costs.

The third factor is political volatility. The political influence of the increasing public recognition of systemic educational failure and its consequences has led to a recent increase in local community unrest. It has led to a more pronounced challenge to the state's traditional funding approaches. In many quarters, the concept of a dormant funding formula that is regularly bastardized to assure a regional, rather than district by district allocation is being held up as a sham and an abrogation of the state's constitutional duty. Certainly the state's jettisoning of the settlement provisions of the Campaign for Fiscal Equity case and the inclusion of public education in the Gap Elimination Adjustment (institutionalizing an admission of unconstitutionality in educational funding) is galvanizing public opinion toward needed reform and renewed commitment to an effective and sustainable educational system. Continuing to ignore the social and economic implications of our existing inept approach to the seemingly intractable educational failure in some communities will most assuredly have profound, permanent consequences in the very near

future. While the cries of the high performing school district and the concerned suburban parent must certainly be addressed, they also serve as a diversion from the comparative tsunami of social unrest that might well erupt if we simply abandon the only hope of advancing academic achievement to be offered to this generation. New York State's tenuous political dynamic could and would not withstand the upheaval generated by universal recognition by the historically underserved of our population that not only have we failed them for the past 50 years, we are giving up without a new plan. The resultant exodus, combined with increased fiscal demands, would more than exhaust the state's resources and spell the end of our current political balance.

Finally, there is the consideration of the constitutional challenge presented by an attempt on the legislature's part to substantively alter an educational effort of the Board of Regents. Without devoting the required analysis in this forum, suffice it to say that at the least, discord between the two bodies bifurcates our effort at a time when unity is a necessary component of success. There is more than enough work for everyone involved. The Regents must be receptive to the practical effects of their sometimes ill timed, aggressive directives. The legislature must similarly be attentive to the dramatic need for a fundamental restructuring of our system of public educational finance. There is little need for these two seminal bodies to second guess the vital work of the other, but there is a crucial and immediate need for them to initiate and perfect the true, sweeping educational and fiscal reforms that will prepare New York State for a prosperous future and its residents for lives of purpose. The alternative would be worse than an abandonment of our democratic principles of self determination and individual worth; it would be a conscious and deliberate attempt to circumvent their application to this generation's circumstances. When our founding principles become too inconvenient, too distantly attainable to hold relevance, our state and indeed our nation will have begun an inexorable decline.

Mr. Chairmen and honored committee members, I appreciate this opportunity to identify these admittedly unpleasant possibilities, in the hope that in so doing, we will collectively determine to avert them. I urge you in your legitimate role of evaluating our educational progress to avoid being distracted from the central issues of our time. You are indeed our last, best hope of creating the New York State we would hope to be. I humbly ask that you accept the challenge of taking on the most important, rather than the most immediate issues.

THE NEXT STEP

In the midst of our concern over the effectiveness of and issues surrounding implementation of the Regents' Reform Agenda, we must not lose sight of the need to support the underlying Common Core Learning Standards. Attention to whether we have selected the correct means should in no way jeopardize our commitment to the end. New York's seven leading statewide education groups have come together to endorse a five-point plan to help all students and their schools meet the expectations of the new Common Core learning standards.

The Educational Conference Board (ECB), comprised of organizations that represent school boards, parents, superintendents, teachers, principals, business officials and other educators, has released a position paper entitled *Common Ground on Common Core* that outlines a plan to give students the support and resources they need to succeed under the state's new Common Core learning standards. I have provided copies of that report to you, today.

Recent attention on student test scores, compliance with the new teacher and principal evaluation requirements, and recurring financial struggles have diverted resources and focus from student learning, the report states.

As ECB Chair John Yagielski explains, "The Common Core learning standards are the right direction for our schools. These standards were designed to ensure that all students, regardless of where they live or what school they attend, are learning what they need to graduate from high school with the ability, not just to recite knowledge, but apply knowledge to real world challenges." He adds, "The Common Core learning standards represent the most significant increase in student expectations that New York schools have ever faced. Therefore, to be effective, these standards must be properly implemented. Working together, the member organizations of ECB have identified actions that need to be taken to make these standards a reality in every classroom."

The ECB's five-point plan to put the focus on student learning and get the Common Core back on track calls for state policymakers to take the following actions:

1. Institute a statewide campaign to build understanding and support for the importance and value of the Common Core Learning Standards.
2. Invest in ongoing professional development to implement the Common Core.
3. Ensure adequate state and federal funding to give all classroom teachers the tools, instructional materials, and technology they need to help all students meet the standards, including extra help for students most at risk of falling short of the standards.
4. Reassess the state's approach to student testing and address the most pressing concerns that parents and educators have expressed about testing.
5. Establish an ongoing process for engaging key stakeholders in reviewing and refining implementation of the Common Core.

"Members of the New York State Educational Conference Board recognize that in order for education reform to effect positive and sustainable change, it is imperative that we examine both its merits and flaws. This joint statement reflects that belief and identifies common ground from which all stakeholders can advocate with a unified voice," according to Lana Ajemian, president of the New York State PTA.

"Superintendents across our state overwhelmingly believe the Common Core Standards hold promise for improving the quality of education our students receive. The actions in the five-point plan endorsed by all

the state’s leading education organizations are essential to fulfilling the promise of the new standards,” said Robert J. Reidy, Jr., executive director, New York State Council of School Superintendents.

“The Big 5 school districts are moving forward with implementation of the Common Core Learning Standards as a part of their commitment to improve student achievement and ensure that every child is afforded a chance to succeed. The investment of adequate State and federal resources is critical to these efforts,” said Georgia M. Ascitutto, executive director, Conference of Big 5 School Districts.

“We must focus on providing students and teachers with the time, resources and professional support they need to properly implement a deeper and richer curriculum,” said Andy Pallotta, executive vice president, New York State United Teachers.

“The Common Core’s tougher standards help insure that taxpayer dollars are producing the results needed for our students to remain competitive in a global economy,” said Michael J. Borges, executive director, New York State Association of School Business Officials.

“If we truly aspire to improve student learning, we need to focus more on the development of common core curricula, quality instruction and professional development and less on a testing regime used for the purpose of assigning labels to teachers and principals,” said Kevin S. Casey, executive director of the School Administrators Association of New York State.

“The ECB organizations came together because they want the Common Core done right,” said Timothy G. Kremer, executive director of the New York State School Boards Association.

New York adopted the Common Core Learning Standards to make sure students leave high school college- and career-ready. Our ability to address the deep seated educational issues facing our state largely revolves around the state’s support of these learning standards. Whether or not we agree on the methods employed by the Regents’ Reform Agenda, there must at the least be agreement on the need to accept those standards and to commit ourselves to their support.

Respectfully submitted,

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