

Written



**TESTIMONY**

**OF**

**LOUISE FELD**

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**EDUCATION, FOOD AND ECONOMIC SECURITY**

**PRESENTED TO THE**

**NEW YORK STATE SENATE FINANCE COMMITTEE**

**AND**

**NEW YORK STATE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**REGARDING THE**

**NEW YORK STATE EXECUTIVE BUDGET PROPOSALS FOR**

**EDUCATION**

**STATE FISCAL YEAR 2011-2012**

**FEBRUARY 15, 2011**

Good Morning. My name is Louise Feld and I am the Policy Associate for Education, Food and Economic Security at Citizens' Committee for Children of New York (CCC). CCC is a 67- year old privately supported, independent, multi-issue child advocacy organization, dedicated to ensuring every New York child is healthy, housed, educated and safe. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce. For 67 years CCC has undertaken public policy research, community education and advocacy efforts to draw attention to children and their needs so that we can advance budget, legislative, and policy priorities that are cost-effective and produce better outcomes for New York's youngest residents. I would like to thank Chairman Farrell and Chairman DeFrancisco and members of the Assembly Ways and Means and Senate Finance Committees for this opportunity to submit testimony on the Governor's Executive Budget for State Fiscal Year 2011-2012.

It is clear that New York's troubled economy and staggering budget deficit demand long-term structural budget changes and not short-term fixes. To this end, Governor Cuomo's first Executive Budget looks to redesign state government to help address the fiscal challenges facing our state. While addressing the state's spending is critical and all New Yorkers are reeling from the economic downturn, few are being hit harder than poor children and their families. It is CCC's belief that we must not allow this year's budget to eliminate the safety net needed to ensure that the next generation of New Yorkers can reach their full potential.

Governor Cuomo's \$132.9 billion Executive Budget proposes to close a \$10 billion gap, almost entirely through spending reductions and cost-shifts to counties. While shifting costs of mandated programs to counties saves the state government money, it does not reduce the need for funds for these programs, leaving struggling counties burdened with paying for these programs and faced with tremendous service reductions. In addition to the proposed \$2.85 billion reductions to both Medicaid and Education, the Executive Budget proposes to reduce its commitment to Human Services by over \$300 million, \$114.2 million of which is Human Services cost shifts to localities.

For New York City, Mayor Bloomberg has estimated that the reduction in aid totals \$2.1 billion, including a \$1.4 billion in aid to public schools; \$361 million in cuts and cost shifts in social

services; and \$300 million due to the elimination of the AIM for New York City. And as you know, given the still ongoing work of the Medicaid Redesign Team, the impact of the \$2.85 billion Medicaid reduction is not yet known.

While there are some areas where the Executive Budget proposals protect essential programs for children and families, and Governor Cuomo has made laudable efforts to address the State's broken juvenile justice system, CCC is extremely concerned that the adoption of this budget, as it is proposed, would place the State of New York's most vulnerable children at even greater risk.

Notably, the Executive Budget includes numerous cuts and cost shifts for programs and services that have been cost-effective and have produced good outcomes for children. This Budget decreases state support and commitment to children adopted from foster care, special needs school children being educated in special schools to meet their needs, homeless families in New York City, new mothers seeking to raise safe and healthy children by participating in home visiting programs, and youth trying to engage in positive activities and grow into successful adults through participating in after school programs and the Summer Youth Employment Program.

These cost shifts can be seen in the elimination of the AIM to New York City, the changed formula for adoption subsidies, the elimination of state support for CSE placements, the new proposed requirement to use Title XX for child welfare, the changed formula for adult homeless shelter costs, and the changed financing structure for TANF Family Assistance and Safety Net. In addition, cuts and service reductions are not only proposed in Education and Medicaid support, but also impact critical services previously funded with TANF dollars, such as Nurse-Family Partnership, post-adoption services, supportive housing, homelessness prevention programs and the Summer Youth Employment program. Also, the Executive Budget proposes cuts to the Runaway and Homeless Youth Program, Healthy Families New York Home Visiting, Early Intervention Services, and family treatment beds for children needing mental health treatment.

We urge you to negotiate a budget that uses fairness as a guiding principle. Fairness includes making deliberative choices about where the expense side of the budget needs to be reduced without jeopardizing cost-effective programs, resisting the urge to merely shift costs to counties to bear, and ensuring there is shared sacrifice for all New Yorkers. We urge you to negotiate an Adopted Budget that ensures that the state remains committed to the programs that produce positive outcomes for children, and ultimately saves the state money on more expensive interventions such as foster care, medical care, homeless shelters, and the juvenile justice system. Fairness also requires an acknowledgement that it is inequitable and disingenuous for the State to balance its budget by shifting costs for essential and mandated services to the counties, including New York City, which is hit particularly hard by the Executive Budget.

Further, fairness requires supporting revenue-generating proposals, to ensure shared sacrifice. CCC urges you to extend the personal income tax increase; to impose an excise tax on sugar-sweetened beverages as a means to take a critical step towards addressing childhood obesity while increasing revenue; and to work with the Governor and Mayor Bloomberg on pension reform.

Turning to the State Fiscal Year 2011-2012 Executive Budget proposals for education, our lawmakers need to ensure that, despite the State's severe economic issues, they do not approve an Adopted Budget that jeopardizes the education of New York's next generation of leaders.

CCC is pleased to see that the Executive Budget proposes to maintain funding for Universal Pre-Kindergarten (UPK) at \$393 million for SFY2011-12. Preparing 4-year olds for kindergarten is critical for their later academic success. While half-day (2 ½ hours) UPK is beneficial for these young children, full day UPK has demonstrated even greater success. We urge you to negotiate an Article VII bill that would allow counties that have achieved a standard of universality for half-day UPK be given the flexibility to use the State's funds to expand their programs to full day UPK.

CCC also appreciates the proposed \$800,000 increase in State funds to supplement Federal support for the School Lunch and Breakfast Programs and the Summer Food Program, resulting

in a total of \$36 million for these essential programs. School meals represent a vital and consistent year-round source of food for a substantial number of New York children, many of whose families face difficulty accessing healthy, affordable foods, particularly during the economic downturn.

Despite these positive proposals, the SFY11-12 Executive Budget proposals regarding school aid include a number of recommendations that undermine the Campaign for Fiscal Equity's hard-fought battle to provide equitable resources to all of New York City's over 1 million school children, as well as the educational achievements of schoolchildren throughout the state.

We urge the Legislature to reject the proposed \$1.5 billion, or 7.3%, year-to-year reduction that will decrease School Aid to \$19.39 billion statewide for the 2011-2012 year. This reduction, which follows the loss of the \$1.3 billion in time-limited Federal funding that the American Recovery and Reinvestment Act provided, will be detrimental to New York's schools, many of which are still suffering from the previous year's reductions. CCC is particularly concerned about New York City's schools, which Mayor Bloomberg has estimated will suffer an overall \$1.4 billion loss that will result in a substantial number of teacher layoffs, increased class sizes, and negative impact to the quality of the basic education provided to New York City students.

Further, CCC asks that the Legislature reject the Governor's proposal to consider wealth as a factor in reimbursing summer school special education costs. This proposal will reduce the State's funding for New York City's summer special education students by an estimated \$120 million. Providing special education is a Federal and State requirement, but such a cut leaves this mandate unfunded.

At this time, CCC is concerned about the Governor's proposal to create a competitive school performance incentive program that awards \$500 million in grants for school district performance and efficiency. While we applaud innovations in education and recognize the importance of efficient use of education funding, we cannot ignore the immediate financial needs of our schools, especially in light of the considerable reductions in School Aid that the Governor has proposed. CCC would like to see the establishment of and support for programs and policies

that retain teacher positions, prevent increases in class size, and improve quality instruction in classrooms throughout the state, and therefore needs further information about the programs for which the \$500 million will be used.

Finally, CCC opposes the Governor's proposal for a 2% property tax cap on all local governments and school districts (excluding New York City). Such a tax cap would prevent local districts from employing the only mechanism that they have to raise funds for the continued functioning of their schools. Given the cuts to education that have already occurred in previous years and those that the Governor now proposes, the districts need to have even greater flexibility in order to raise revenue for local education needs. Without this flexibility, staff and teaching positions, provision of arts instruction, after-school programs, and a basic quality education all stand to suffer, especially in low-income areas, if the property tax cap is instituted.

In closing, we ask the Assembly and the Senate to negotiate a budget with the Governor that protects our youngest New Yorkers from paying for this economic downturn for the rest of their lives. While we appreciate that very difficult choices about revenue increases and expense reductions need to be made, we urge you to protect the services that will ultimately be less costly to the children of today and the taxpayers of tomorrow.

Thank you for the opportunity to submit my testimony.

\* Written

February 14, 2011

Dear Members of the Joint Budget Hearing  
for P-12 education.

My name is Pam Farino and I drove from Suffolk County Long Island to Albany so I could see and hear first hand how our elected officials are debating this very difficult budget. It seems everyone understands that spending must be cut substantially but, no one, other than the Governor is willing to publically state where those sacrifices must be made.

I am in Albany specifically for Tuesday's Public Education Hearings. I am not a lobbyist, or a union member. I am a stay at home mom with two children in the public school system, and I am here to **support** the difficult choice the Governor had to make regarding the P-12 education budget. You must be asking yourself why I support this since my children will surely be affected by the state aid reduction, 16.31% for my district. I support the Governor's decision because the infusion of money just hasn't proven to increase our students' educational outcomes. Decade after decade the data proves this. When I first began studying the data New York State per pupil spending was \$14,843., now it is \$17,173. Yet our national assessment scores as well as our SAT/ACT scores have remained stagnant. The infusion of tax dollars has not made any significant impact on our students, but it has made an impact on the taxpayers. Taxpayers can no longer afford to live here which is why we have lost 1.7 million New Yorkers to other states in the past decade.

So if costs keep going up but educational outcomes are flat how can anyone still believe that more money will make our education system better? The general public has become very aware that the money is not going to "the kids". So where is it going? It is going to the adult interests, not to the educational needs of our children. Time and time again **lobbyists, union leaders, textbook publishers, etc.** come to Albany to make sure the language written into any bill or budget satisfies the needs of the entrenched adult parties. Who is speaking for the parents who are frustrated with their children's public education? Who is speaking for the overburdened taxpayers? But mostly who will stand up and demand a better educational outcome at a lower cost? **I will**, because it can be done, if we just tell the adult parties **NO!**

My parents came from Ohio to New York in 1964. They were so excited to teach in a state with such exceptional standards, oh how we have fallen. My mother's starting salary was just under \$4,000/year. When she retired in the early 1990's she had a masters+60, in fact she was the highest paid teacher in her district. Her teaching career spanned 34 years, her current pension is \$43,196/year. Compare that to Mr. Iannuzzi who retired in 2004, also put in 34 years of teaching and is currently receiving a pension of \$102,585. When you look at where salaries are currently it is no wonder New York's pension costs are exploding! In 2009/2010 my district had 288 employees making more than \$100,000. In fact the teachers' salaries are doubling in 10 years! 78% of my district's budget goes to employee compensation. That number has crept up dramatically in the past few years. The attached two flyers help put into perspective the contractual constraints districts are faced with. Both of these school districts are in Senator Flanagan's district.

Without a firm comprehensive tax cap school districts will continue to negotiate contracts we can no longer afford. PERB will continue to award contracts we can no longer afford. The Legislature will continue to promise pensions we can no longer afford, and unions will continue to lobby for the interests of their adult members, and yet again the children's needs will come last. **Now** is the time to stand in solidarity with the children, **NOT** with the special interest groups that are entrenched here in Albany pleading their case for their adult members.

Thank you for your time and attention

Pam Farino Smithtown, NY



Our Smithtown Teachers are wearing pins that say they are working without a contract.

### **DO YOU KNOW** what "working without a contract means"?

The facts are that The Smithtown Teachers Association (STA) is working under a contract that expired on June 30, 2010. Under the Triborough Amendment School Districts are required to continue operating under that expired contract, until a new contract has been negotiated.

**\*Did you know...currently teachers salaries are doubling in 10 years here in Smithtown.** (Source: BoE meeting 2/7/2011)

#### **Workday & Salary**

**\*Did you know...** a starting teacher's annual salary, with a Bachelor's degree and no experience is \$ 51,232, and \$55,590 with no experience and a Master's degree? Salary for a teacher with 10 years experience and a Master's degree with 30 professional credits is \$88,237. 18 year veteran's with 60 professional development credits and a Master's degree receive \$117,851. (Source: STA B6 schedule, STA contract)

**\*Did you know...**Smithtown teachers work 184 workdays (not including 10 sick days and personal days which can be accumulated year over year). By comparison, a typical 40 hour per week job has 252 workdays and 10-15 personal/vacation time. (Source: Article XI, STA contract, Dept of Labor)

**\*Did you know...** A Smithtown teacher' day shall not exceed 7 hours (elementary is 6hrs. 40 mins.). Multiply 7 hours by 184 work days, and you get 1,288 hours contractually required by our teachers. Secondary teachers have a work load of 5 periods out of a 9 period day; a 6<sup>th</sup> period may be added with additional compensation. All teachers receive a lunch period and at least 1 preparation period a day. (Source: Article VI, STA contract)

**\*Did you know...** Teachers have the potential to earn THREE different types of salary increases each year of their contract? An annual cost of living increase, a "step" increase, and a "column transfer" increase for continuing education and professional development credits. In any given year of the contract this represents about a 7-8% raise each and every year, which is compounded. In addition some teachers are eligible for longevity bonuses of \$5,100., depending on length of service within the district. (Source: Article XX, STA contract and BoE meeting 2/7/2011)

**\*Did you know...**without a current contract teacher's are still receiving the "step" increase? Over 90% of STA members are receiving on average a 3.93% increase this school year? When a new contract is signed all compensation is retroactive to July 1, 2011. (Source: BoE Housing Committee meeting 2/3/2011)

#### **Extra Teacher Income**

**\*Did you know...** all extra curricular positions get added onto teacher pensions? Many of our STA members are compensated \$5,000-25,000 additionally per school year for sports, clubs, bands, chaperones, etc. Lead teachers/Instructional Specialists receives an extra \$5,329. There are many other duties/titles that can earn extra compensation. Even cafeteria duty is additional pay for teachers. The extra compensation that is added to their salaries is a huge factor in why our TRS is going up dramatically. (Source: [www.NYSTRS.org](http://www.NYSTRS.org), and Article XX, STA contract)

**\*Did you know...**Smithtown spent \$3,500,000 on 7<sup>th</sup>-12<sup>th</sup> grade interscholastic sports, 201 teams for 2,599 students in the 2009-2010 school year. During the 2009-2010 school year Smithtown had 127 coaching positions costing over \$1,200,000. (Source: SCSD financial documents)

#### **Retirement & Health Benefits**

**\*Did you know...**Due to State laws, teachers hired before 2010 only make a contribution of 3% of their salary for 10 years toward their pension fund? For a teacher hired in 2009 at a starting salary \$51,232, their TOTAL lifetime contribution toward their own pension will be approximately \$21,000. When they retire, as early as 55, they will receive monthly benefits, based on their last three years of salary, for the rest of their life. (Source: [www.NYSTRS.org](http://www.NYSTRS.org), contribution estimate based on schedule B6, STA contract)

**\*Did you know...** \$5.3 million of our current budget goes to teacher and administrator pensions? This year the district will be paying about 22 million just for employee healthcare and pensions contributions, and during the 2009/2010 school year we paid out \$5.2 million to 1066 retirees healthcare expenses. (Source: BA meeting 12/9/2010 & 1/19/2011)

**\*Did you know...** Employees contribute 14.5% towards their healthcare premiums, but the district pays 100% of the dental plan premiums. AND the district is required to provide a "Benefits Trust Fund" to the STA for the purpose of providing benefits to its members. District was required to budget \$363,400 for the 2010/2011 school year. (Source: Article XIX, Article XX, STA contract)

**\*Did you know...** 78% of this year's budget goes to compensation?

*Our teachers have been "protesting" at Northport High School and the Brosnan building...because they feel they haven't been offered a "FAIR DEAL."*

***DID YOU KNOW this about  
The United Teachers of Northport (UTN) Contract?:***

**Workday & Salary**

**\*Did you know...**...a starting teacher's annual salary, with no experience, is \$49,559 with a Bachelors degree, and \$56,295 with a Masters? The salary for a teacher with 10 years experience and a Masters degree with 30 professional credits is \$83,890. A 20 year veteran with 60 professional development credits earns \$120,511. (Source: Schedule D, UTN contract).

**\*Did you know...**Northport-East Northport teachers have 185 workdays, (not including 15 sick and personal days). By comparison, a typical 40 hour per week job has 252 workdays and 10-15 days of personal/vacation time. (Source: Article 14, UTN contract)

**\*Did you know...**Northport-East Northport teachers workday starts 5 minutes before school starts and 5 minutes after dismissal? That translates to a workday of 6 hours, 20 minutes. Multiply this by the 185 workdays, and you get 1,171 hours of work contractually required by our district's teachers. By comparison, the regular full-timer works 2,016 hours in a year. For someone earning \$50,000 per year, a Northport-East Northport teacher earns \$43 per hour whereas the full-time worker earns \$24.80 per hour. While most teachers do work beyond their normal workday, isn't it fair to say that in these economic times, most other full-time workers do the same? (Source: Article 14, UTN contract)

**\*Did you know...**High School and Middle School teachers receive at least one planning period per day, one lunch period per day, but are contractually obligated to teach classes only 5 periods a day? That's out of a total of 9 periods per day for high school and 8 periods for middle school. The remainder of the time is for out of classroom activities and assignments such as hall monitoring, extra help and other student-related activities. (Source: Article 31, UTN contract)

**\*Did you know...**Elementary teachers receive a 40 minute lunch hour plus a 45 minute planning period each day? (Source: Article 31, UTN contract)

**\*Did you know...**Teachers have the potential to earn FOUR different types of salary increases each year? An annual cost of living increase, a "step" increase, and a "column transfer" increase for continuing education and professional development credits. In any given year, these amount to 6%-9% raises each and every year. In addition, some teachers are eligible for longevity bonuses, depending on length of service within the district. (Source: Article 33 and Schedule D, UTN contract)

**Extra Teacher Income:**

**\*Did you know...**all extra-curricular positions (i.e. coaches, band leaders, club advisor, class advisor, chaperones, etc) must be filled by certified teachers, and that the appropriated amount for these positions in 2010-2011 is over \$1,000,000. (Source: BOE Schedule D-Personnel Pay Actions Report)

**\*Did you know...** The current contract allows over 80 coaching positions for our district, each of which pay between \$4,000-\$9,000+ per season/per coach. For example, the varsity football coaches receives \$9100 for one season and an additional stipend for post-season play. Game scorers/timers for all home field/court games receive \$91 per game. (Source: Article 36, UTN contract and BOE Schedule D-Personnel Pay Actions Report)

**\*Did you know...**The current contract allows for over 260 club/activity advisor positions with stipends ranging between \$1300 and \$7100 per session, activity or event. For example, several charity-based clubs have advisors who are paid in excess of \$6000 for oversight of the club. High school class advisors receive between \$2325-\$5097 for this position. Most elementary club advisors receive a \$1300-\$1700 stipend for programs that may run as little as 8 weeks. (Source: Article 36, UTN contract)

**\*Did you know...**all extra- curricular work (i.e. club advisors, coaches, concert/play coordinators) receive salary credit toward their pension for these activities? (Source: www.NYSTRS.org)

**Retirement & Health Benefits:**

**\*Did you know...**Due to state laws, teachers hired before 2010 only make contributions of 3% of their salary for 10 years toward their pension fund? For a teacher hired in 2009 at a starting salary of \$56,295, their TOTAL lifetime contribution toward their own pension will be approximately \$23,000. When they retire, as early as age 55, they will receive monthly benefits, based on their last three years of salary, for the rest of their life. (Source: www.NYSTRS.org, contribution estimate based on Schedule D, UTN contract)

**\*Did you know...**Of the school district's total 2010-2011 budget, \$7.2 million is for payment towards teacher and administrator pensions? In total, the district pays \$33 million just for employee BENEFITS. (Source: Northport East Northport UFSD 2010-2011 Approved Budget)

**\*Did you know...**Employee medical insurance contributions are 18% of the total premium. Dental is 25% of the premium, and the district pays the difference. All part time employees are eligible for health insurance with the district paying a large portion of the premiums. (Source: Article 35, UTN contract)

**\*Did you know...**If a teacher elects not to participate in health benefits through the district, they are awarded a bonus equaling 40% of the health premium. (Source: Article 35, UTN contract)

**\*Did you know...**all unused vacation/sick days are paid out upon a teacher's retirement... at a rate of anywhere between \$66-\$99 per day. (Source: Article 32, UTN contract)

**Teacher Job Performance:**

**\*Did you know...**that according to the UTN leadership, one of the primary issues that has caused stalled contract negotiations involves the right for the District to terminate a teacher who has poor performance reviews for 2 years in a row? (Source: The Times of Northport, December 13, 2010). How many of our children need to endure a poorly qualified teacher in their classrooms before a change can be made?

**And Guess Who Pays the Union President's Salary?**

**\*Did you know...**the UTN President's salary, which is just shy of six figures, comes out of the taxpayer funded school budget (not union fees)? In addition, the UTN President has no teaching responsibilities so that he/she may spend 100% of his/her time on union business. The contract also allows for other union officials to be excused from their classes, with substitutes hired, while they attend union business.

***What do you think, now that you DO KNOW what their contract says?***

See the complete contract at [www.UTNEN.com](http://www.UTNEN.com) \* Paid for by the United Taxpayers of Northport-East Northport

Testimony for Consideration:  
Joint Legislative Public Hearing on 2011-2012 Executive Budget Proposal –  
Elementary & Secondary Education

Date: February 15, 2011

Submitted by: Taxpayers Supporting Fiscal Accountability

Concerns identified: BOCES/RICs unfairly competing with private business

BOCES/RICs using State Aid as a discount to artificially reduce the purchase price thereby costing NYS taxpayers more than necessary for certain goods and services.

We support the Governor’s initiative to increase efficiency and reduce unnecessary spending in secondary education. We also support his desire to GROW and ATTRACT business in the State of New York. We are supporters of teachers and the impact they can have on our students. We are supporters of students and the impact they have on our future. We also support BOCES in its originally intended mission but NOT the BOCES mission of today. Currently BOCES, through the RICs, continue to stifle innovation, unfairly compete against private businesses, and reduce (in many cases unfairly eliminate) competition in the K-12 Information Technology, Telecommunications services, local, long distance, and internet services.

BOCES’s original mission was to provide services to K-12 schools that would otherwise have been uneconomical, inefficient, or unavailable. Looking at what they supply today we ask, “Why are they providing many of the services they are offering?” One such example of services they currently provide that are readily “available” are “IT” services. Many of these services, if not all, are available on the competitive bidding/OGS state contracts.

A quick search on “yellowbook.com” reveals the following numbers of Companies listed when performing the word search provided below.

<b>Word Search</b>	<b>Number of Matching Companies in NYS</b>
Computer	18,063
IT Support	16,023
Data Storage	16,969
Computer Networking	3,107

As is evidenced with this search, private companies providing a variety of Computer and related IT services are readily “available”. We would expect that many of these companies can provide services shown to be “efficient”. Given “open and fair” competitive bidding practices, one can be assured of “economical” pricing as well. There are other searches for internet service, long distance carrier, and telephone system providers that would yield similar results.

Additionally, BOCES currently costs the taxpayers a premium and there are many questions of why this is permitted. A couple of the issues we would like you to consider are:

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- A. BOCES/RICs do not pay any income tax on their revenue while the activities in which they are engaged are essentially for-profit activities which provides an unfair advantage in the market place and deprives Local, State and Federal Governments of revenue to which they are entitled.
  
- B. BOCES/RICs advise, school districts in particular, to purchase products (hardware and software) from vendors who are not the lowest responsive bidder. They advise the school districts that even if they acquire a higher, more costly product that the State Aid associated with that product will cost the school district less than the low bid because BOCES/RICs has not approved that particular low bidder for State Aid. By way of an example, if my organization makes a bid to a particular school district for \$100,000 and another vendor submits a bid for \$120,000, then BOCES/RIC will suggest that since the higher bid will receive \$60,000 of State Aid that the net savings to the school district is \$40,000. However, the net additional cost to the NYS taxpayer is \$20,000. We have witnessed amounts up to 300% greater paid for similar services based upon BOCES/RICs' recommendation. These are not isolated cases. We have FOIL information from agencies statewide showing multiple examples of this as a common practice.

Originally, BOCES services or requests for services were initiated by the schools. If multiple schools had similar needs, teaching the blind, educating automobile mechanics, for instance, then they would ask their BOCES for support. Today, BOCES has gone 180 degrees from this model. BOCES/RICs offers typically involve a creative element to generate more "State Aid" funding for the BOCES/RIC provided or endorsed solution. Many of the more recently developed BOCES/RIC services are created within the BOCES organization and are offered to the schools without a request from schools. From our research, BOCES is not to market services or endorse a particular vendor, but that is clearly happening. We also have evidence of some of these services being copied from the Private Industry and then offered by BOCES to the schools.

If a school has a need to be filled, then it is increasingly uncommon to see a bid or RFP visibly advertised and publicized for an open and competitive bid process. As private IT and Telecommunications businesses, it is very common today, unfortunately, to have no idea that a project is even being considered at our local schools. It seems as if BOCES and the RICs are keeping IT projects and other initiatives under the radar hoping businesses interested in bidding on these projects remain unaware. From our discussions with some School Board Members and School Administrators, BOCES appears to recommend procurement methods that are not OPEN and well-advertised in order to reduce the chance that non-BOCES-endorsed technology will be selected. By manipulating the process so that the installed solutions in schools are BOCES/RIC-supported solutions, BOCES/RICs ensure that their employment continues and the BOCES/RICs grow. Our Counsel requested information by FOIL regarding the increased number of employees of the BOCES/RICs but that information was not provided by them. We believe that the BOCES/RICs employment and growth has dramatically increased at the expense of private business jobs. Several private sector businesses that had considerable business in the K-12 market are severely hurt by the BOCES/RICs. We have seen evidence that the support cost of the BOCES/RICs is greater than that of the Private competitor. In all, we believe that BOCES/RICs are growing at the expense of Private Industry and at a premium cost to the TAXPAYER.

This is a travesty that can be remedied. Open and competitive markets are known for driving innovation, taxpayer return on investment, and underlying value- all of which are lacking in much of

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what we see in Secondary Education IT/Telecommunications systems. We believe BOCES are involved in similar practices with other services under their self-expanded umbrella.

One may argue that “Shared and Consolidated Services” is the way to go and it saves taxpayers money. This is not always the case. We believe many are using this accepted term to get their agendas passed and adopted, regardless of the self-serving benefits and the extraordinary cost to the common taxpayer and the cost to the business climate in NYS. From our perspective, using Companies that ONLY do IT/Telecommunications design, implementation, and support can also be considered a shared service. We are experts in what we do and “share” our talents with multiple customers in multiple vertical markets, including K-12. We believe that the true benefit of a shared service needs to be evaluated based on its individual merit. We also question, are BOCES/RICs efforts duplicating those currently achieved by the Office of General Services?

Many of the Fortune 1000 Companies outsource IT/Telecommunications services entirely so that they can focus on their core delivery of services. Bombardier, for instance, made the strategic decision to outsource its IT/Telecommunications infrastructure, design, implementation, and support. A number of private companies around the globe currently and effectively support this Company’s systems. Many believe that BOCES would be better off using outside private entities to provide IT and other “non-core focused” services. A greater level of innovation and competitiveness could be achieved by utilizing private tax-paying companies in a competitive role rather than BOCES/RICs providing these services for themselves and other component school districts. BOCES original mission is a massive and extremely critical undertaking and to accomplish their goals should have the total focus and effort of BOCES executives and personnel. In this day and age, the education of our youth is of the highest importance in our Country, especially if we wish to regain our position as the most achieved Global Competitor.

The numbers just do not make sense. In a conversation with a Superintendent this past year we learned more specifics about State/BOCES costs and reimbursement of AID. He explained that all the AID is not immediately received in the same year as the expense. For instance, in the Taconic Hills School district, in 2010/2011, they paid approximately \$2,300,000.00 for BOCES services. They only receive \$366,000 back for that school year in State Aid reimbursement. At that rate, will the school ever catch up? Is this a harmful numbers game? Has the original, well-intended funding model been modified and/or manipulated to the point of poor return for us as taxpayers?

Please also keep these in the equation: Benefits, Pensions, and Retirement Health Care. When a Government entity does the work of private business in an attempt to increase efficiency and reduce costs, the Government needs to take into consideration the “true” cost of that endeavor including future liabilities. When the Government hires from the private sector, the responsibility of current benefits and future retirement and benefits stays with the private business whereas if the government hires the employees directly, then the future liabilities for benefits and retirement costs remain with the Government.

We believe strongly that our State is in need of dramatic change to reduce costs and inefficiency and to grow our way out of the unhealthy business climate that currently exists in NYS.

Thank you for reading and considering our written testimony in making decisions to better the efficiency of Government and improving the business environment of New York State.

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Joint Legislative Public Hearing on 2011-2012 Executive Budget Proposal –  
Elementary & Secondary Education

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## Testimony

New York State Joint Finance and Ways and Means Hearing: Education  
February 15, 2011

From: A. Dirk Hightower, Ph.D., Executive Director, Children's Institute  
Re: **Primary Mental Health Project at Children's Institute**

As you may know, the **Primary Mental Health Project** (Primary Project) line in the aid to localities education budget was eliminated from the governor's proposed 2011-2012 Budget. In the 2010-11 Budget we had a reduction from \$942,000 to \$894,000. We ask that you make Primary Project a **Senate and an Assembly, Republican and Democratic, priority and restore this line item to \$800,000, a 10.5% reduction from this current year. We too need to do our share in tackling the NYS Budget deficit, but not the whole thing.**

In regards to the Primary Project there are some questions that reoccur – usually in the following order:

**What is Primary Project?**

**How many children need this program?**

**How does this program affect my local district?**

**Who is for or against this program?**

**What is the data behind this program?**

**Why does this program receive so little money?**

**What is the agenda for Primary Project and Children's Institute?**

I will answer these questions succinctly for New York State. Should you require additional or more specific information, my contact information is provided at the end of this testimony.

**What is Primary Project?**

Primary Project is a school or child care center-based early intervention/prevention program that helps young children get a healthy start in school. By analogy: Tutoring is to academic performance as Primary Project is to social and emotional health functioning. Primary Project identifies problems early and then provides effective intervention in the "school" setting. In Primary Project children learn self-control, self regulation and social skills that are necessary for success in school and life. It is a program that looks for the strengths of children and families and builds upon them.

**How many children need this program?**

Our research indicates that 10% to 20% of most primary grades have children who could benefit from Primary Project services annually. This translates to 2 to 3 children per classroom; 30 to 50 children per school; and at least 200,000 children state-wide. Children's behavioral issues are of primary concern in every primary and elementary school.

**How does this program affect my local district?**

At the most current count, Primary Project is in 140 primary, and elementary schools. This translates into 38 Senatorial Districts and 62 Assembly Districts. Parents, teachers and principals all report that students and schools that receive Primary Project are making gains socially and academically. Typically, these children do not need to be further referred for additional and costly interventions.

**Who is for and against this program?**

**For:** Parents, teachers, social workers, psychologists and principals who have experienced this program tell us that it should be available to every child who needs it in New York. Legislators in the NYS Assembly and the Senate have repeatedly and consistently supported the Primary Project.

**Against:** No one. Since 1977, when the first NY appropriation was made, I am not aware of any opposition to the Primary Project.

**What is the data behind this program?**

Primary Project is a proven, evidence-based, early intervention and prevention program for children experiencing school adjustment problems. In fact, Primary Project is one of the most researched and evaluated prevention and early intervention programs in the nation. Primary Project has been recognized as an outstanding program by:

- The New York State Education Department
  - The National Mental Health Association
  - The Surgeon General of the United States
  - The United States Department of Education
- Primary Project cost-effectively serves thousands of young pre-k and primary grade children per year with an average cost of only hundreds of dollars per child (\$550/ urban child and \$375 per suburban or rural child).
  - Primary Project successfully enhances children's social and behavioral skills in school so that they are better prepared to achieve the state's rigorous academic standards.
  - Primary Project improves the learning environment in the classroom by serving children who are behaviorally challenging to teachers, thus allowing all children an opportunity to learn.
  - Primary Project effectively serves behaviorally challenging boys and girls in rural, suburban, and urban areas across New York State.

In sum, Primary Project has served effectively thousands of young prekindergarten and primary grade children in need across New York for over three decades and longer in other states. Its research and evaluation data validate its early intervention and prevention focus. It cost-effectively serves young children of both genders and all races and ethnicities, in towns, villages, and cities across New York State.

**Why does this worthwhile program receive so little money from New York State?**

- We have not asked consistently for additional support. Rather, we have focused on making the program effective and providing research to document its effectiveness and impact.
- Primary Project, while a successful early detection and prevention program that assists children adapt successfully to school, is not yet a priority for the education nor the mental health establishments.
- Primary Project is a program of Children's Institute, a not-for-profit organization. Therefore Children's Institute cannot contribute to governors' or legislators' re-election campaigns.

### **What is the agenda for Primary Project and Children's Institute?**

#### **We are ready, capable and willing to effectively:**

- expand and extend Primary Project and other early intervention and prevention programs we have developed to **any** and every elementary school, pre-kindergarten, or early childhood center in New York State.
- expand and extend our research and program development activities to address issues of importance to schools, universal pre-kindergarten programs, early education and care, and other human service providers across New York State.
- continue to help schools meet their new entrant screening requirements and Response to Intervention (RtI) mandates.
- expand and extend our unique integrated approach to collaboration with the medical, education, higher education, early education and care, mental health, and legal communities to meet the needs of the whole child and his/her family.

To accomplish the aforementioned, we need help from the New York State legislature. Help in the way of political vision and relatively small fiscal support of Primary Project and Children's Institute.

Therefore, we respectfully ask that the NY State Senate and Assembly make **reinstating the Primary Mental Health Project in the aid to localities education budget an \$800,000 two-house, two-party priority**. It is scientifically and politically expedient, and there is arguably no better and no more prudent fiscal alternative than to work with children and their families preventively – before minor issues become major and costly problems.

**For more information, please contact:**

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**Testimony of Members of the Coalition to Modernize  
State Aid for Technology and Textbooks**

**Joint Legislative Budget Hearing on Education**

**February 15, 2010**

**New York State Council of School Superintendents**

**New York State School Boards Association**

**Apple**

**Dell**

**Intel**

**Microsoft**

**TechNet**

Good Morning Chairman Farrell, Chairman DeFrancisco, Chairperson Nolan, Chairman Flanagan, and members of the Ways and Means, Finance and Education Committees.

Thank you for allowing us to submit testimony here today on behalf of members of the Coalition to Modernize State Aid for Technology and Textbooks on the Governor's Executive Budget for Fiscal Year 2011-12.

The coalition consists of both private and public sector groups including the New York State Council of School Superintendents, New York State School Boards Association, the New York City Department of Education, New York State United Teachers, United Federation of Teachers, Apple, Cisco, Dell, Hewlett-Packard, Intel, Microsoft, TechAmerica and Technet.

We joined together over a year ago because we believed that the current New York State policy that maintains separate funding formulas for textbooks, computer hardware and software purchases, prohibits individual school districts from having the flexibility to make the best instructional material funding decisions for their students.

We recognize the very difficult circumstances New York State faces as a result of the economy. What we are proposing would allow additional flexibility for individual school districts as they determine how best allocate diminished resources. This proposal carries no fiscal implications for the programs or school districts.

In these difficult economic times, this is a relatively easy fix that would allow school districts the flexibility to make cost-effective investments while building 21st Century Classrooms.

As the Board of Regents has long recommended, the State should change the law to enable school districts to spend resources on textbooks and software as they see fit, and hardware should part of in that flexibility as well.

It only makes sense to allow individual school districts to determine what's best to meet the needs of their specific student populations. If a school wants to take resources earmarked for textbooks and use it for technology – when that technology has been shown to be a better teaching tool for their students – they should be able to do so.

In the age of multimedia, we should not be lashing our schools to one medium. Instead we should be removing the restrictions that are preventing our schools from incorporating 21<sup>st</sup> century technology into their curriculum.

Each year that passes without making this change, New York falls further and further behind large portions of the country that have been providing better access to technology for students and teachers. Put simply, new opportunities to integrate technology into classrooms are increasing at a breakneck pace, but New York is not able to take advantage of these opportunities because individual school districts are handcuffed by a funding formula that was created in the 1980s, long before the integration of print and computer-based materials commenced or was even envisioned.

Many states, including Texas and California in 2009, and Florida, Georgia, Illinois, Georgia and Louisiana just last year, have passed legislation making funding for textbooks more flexible. Indeed, over one-third of our nation's students attend schools in states incorporating this modern approach.

As a group, the Coalition to Modernize State Aid for Technology and Textbooks recommends merging three of the four major categories of instructional materials aid – Textbook Aid, along with Computer Hardware and Computer Software Aid – and putting that funding in a single category of aid for the upcoming school year, designed to provide districts the flexibility to make the best educational material funding decisions with diminishing resources. Library Materials Aid would be continued as an entirely separate aid category under our proposal.

Finally, New York must seize the opportunity to permanently alter a system that puts a disproportionate amount of resources behind educational methods of past centuries. The sooner we start this process, the sooner we can begin to catch up to the growing number of states that are embracing digital approaches.

The Coalition to Modernize State Aid for Technology and Textbooks is prepared to work closely with the State to implement this change.

Thank you for your time and consideration.