

**TESTIMONY OF  
THE UNITED FEDERATION OF TEACHERS**

**MICHAEL MULGREW, PRESIDENT**

**BEFORE THE  
NEW YORK STATE SENATE & ASSEMBLY  
FINANCE AND WAYS & MEANS COMMITTEES**

**REGARDING THE EXECUTIVE BUDGET**

**JANUARY 23, 2012**

Good afternoon, Senator DeFrancisco, Assembly Member Farrell, Senator Flanagan, Assembly Member Nolan and members of these distinguished committees. My name is Michael Mulgrew, and I am the president of the United Federation of Teachers (UFT).

On behalf of New York City's public school educators and the students we have dedicated our careers to helping, thank you for allowing me to present our thoughts on the Executive Budget.

There is a lot to be positive about in this budget, and I commend Governor Cuomo for putting forward a plan that prioritizes education and addresses some key needs in our schools.

I also want to thank the Legislature for its leadership and hard work late last year in creating a fairer personal income tax system that will generate much-needed revenue for our state. Those changes will make a dramatic difference.

The UFT is committed to working with you again this year to improve our schools, protect our communities and tackle the complex economic challenges facing our great state. Together, we will make things better for all New Yorkers, especially children.

## SCHOOL AID

I want to begin with the issue of school aid. The proposed 4% increase in statewide school aid (\$800 million), targeted towards high-needs school districts and those affected most by the cuts made in recent years, is an important step in the right direction. But further investments are needed if we are going to truly help our schools get back on track.

The situation is dire in New York City, where schools have absorbed significant cutbacks in their budgets – 11% since 2009. What's more, students have 5,000 fewer teachers in their classrooms, thanks to attrition over that same period of time. The sheer scope of what our students have lost is staggering: tutoring, college prep courses, academic intervention services, art, music, theater, science labs and many more classes, electives, programs and services have all been scaled back or eliminated.

These losses are taking a toll on the quality of education that our students are receiving. The latest National Assessment of Educational Progress (NAEP) scores revealed that New York City students have lost ground against other large cities, and only one of every four students who graduate New York City schools is ready for college, according to the State Education Department.

Under the proposed executive budget, New York City is slated to receive \$135 million in school aid, with another \$88 million to cover reimbursements – amounting to a 2.9% increase. Given the sizeable cuts that our school budgets have endured, we urge the governor and the Legislature to allocate additional school aid funds for New York City

schools. It is critical that additional school aid investments are made so that we can revive our schools and bring back the programs and services that children so desperately need.

### SCALING UP COLLEGE NOW & CTE PROGRAMS

Several successful programs can easily be scaled up to provide thousands more high school students with the knowledge and skills that they need for college-level work. The College Now program, a collaborative program run by CUNY, served over 20,000 students in 390 high schools last year. The program is free for students, who enroll in basic skills courses and college credit classes either before school, after school or on weekends. More than half of the participating students who graduated high school in 2010 and attended college went to CUNY. What's more, research has shown that College Now participants accumulate more credits in their first year at CUNY and have better retention rates. For an additional \$5 million, the program can be expanded to reach virtually all 540 city high schools.

Likewise, I want to strongly advocate for additional investment in career and technical education schools and the vital public/private partnerships that CTE schools use to expose students to new technologies and careers. As a teacher in a CTE school in Brooklyn, I saw how partnerships and alternative career pathways were able to engage students in ways that traditional classroom work might not, helping to keep them in school and pointing them towards productive lives. I'm talking about partnerships like that of Food and Finance High School, which works with the Food Network, and some of our CTE graphic arts programs working with media and technology companies. Teachers have been developing these partnerships for years, and we hope the state will make additional monies available so that more of these partnerships can be created.

### MORE OVERSIGHT OVER THE CONTRACTS FOR EXCELLENCE

Maintaining the Contracts for Excellence is also important to our schools, and we commend the Governor for again proposing the program's continuation. It is vital, however, that the State Education Department exercise additional oversight over the implementation of the Contracts for Excellence to ensure that the funding is being properly allocated. We are greatly concerned that despite contracting for \$700 million to lower class sizes, the NYC DOE has not properly implemented that funding. In fact, instead of class size reductions, students in New York City schools are sitting in the most packed classrooms we have seen in decades – and that's across the board, kindergarten through 12th grade.

### MORE INVESTMENT IN EARLY CHILD CARE

We also want to thank the governor for recognizing the importance of investing in quality early child care, but we urge the governor and the Legislature to consider additional funding in this area as well. The proposed budget preserves child care subsidies by using \$93 million in state general funds to offset reductions in federal funds. That commitment to

thousands of our youngest New Yorkers will make a difference in their early development and likewise provide working families, particularly those with high needs, with the child care they need to be productive members of the workforce.

However, there remains a huge unmet need, with recent reports saying that only 27% of income-eligible families receive child care. That means many eligible kids who fall through the cracks will enter kindergarten lagging behind their peers.

Having reliable, quality early child care makes a huge difference in a child's life and a family's stability. Studies show that every dollar invested in early childhood programs brings a return investment of \$7-plus dollars in the future. And any elementary school teacher can tell you how early learning and care greatly benefits a child – they see it every day. Simply maintaining the status quo isn't enough. Further investment in early child care is an investment in our state's economic future.

#### RESTORING TEACHER CENTER FUNDING

Finally on the subject of funding, I want to talk about the important work done by Teacher Centers. Teaching is a craft that is acquired over time, and teachers desperately want to improve their skills. Strengthening teacher quality is at the heart of improving student achievement, and thanks to funding restorations made by the Legislature last year, our Teacher Centers were able to continue providing educators with ongoing and relevant professional development, mentoring and support.

Upwards of 66,000 teachers have retired or resigned since Mayor Bloomberg took control of New York City public schools. These teachers leave the profession for a variety of personal and professional reasons – but the most common single reason is a lack of support from supervisors and the Department of Education. Teacher Center instructors are colleagues and mentors who step into that void, sharing practical classroom experiences and offering advice, encouragement and opportunities to try out and master new techniques.

This year's proposed executive budget again does not include funding for these vital resources. We hope the Legislature and the Governor will recognize their importance and recommit Teacher Center funding again this year.

\*\*

#### ADVANCING FAIR TEACHER EVALUATIONS

One of the main components of the proposed executive budget involves the issue of teacher evaluations. The UFT welcomes the governor's interest and involvement in this important issue and his efforts to get the Bloomberg administration back to the negotiating table.

We desperately need a new teacher evaluation system, one that helps teachers improve their skills and become better at what they do, not as a justification to fire them. That's why the UFT spent months here in Albany, in close consultation with the State Education Department and the Legislature, designing an evaluation process that we believe will move our profession forward.

We all agreed that if a teacher receives an "ineffective" rating, we need to quickly identify that person's strengths and weaknesses and get them help. And if that teacher cannot show improvement, then it's time to find another career. We even traveled to Washington to secure federal support for the plan.

Unfortunately, now I know the full meaning of the phrase "no good deed goes unpunished." Not only did the city not want any part of those discussions, but the Bloomberg administration has spent the last few months trying to undermine the hard work that so many of us have done, most recently walking away from negotiations that would have brought additional funding and support to dozens of struggling schools.

It was clear by the governor's budget address that he understands the importance of getting the Bloomberg administration back to the negotiating table and putting this new evaluation system in place, and that's why I was happy that he included this issue in his budget. The UFT has also taken its own steps to get the mayor back to the table by filing for impasse with the NYS Public Employment Relations Board.

Amazingly, the mayor continues to thumb his nose at the governor's ultimatum. The UFT stands ready at the negotiating table, but there's no one on the other side and my phone hasn't rung.

Before the city abruptly walked away from the talks and refused further negotiations, we had agreed on everything except the process for teachers to appeal an "ineffective" rating. The UFT didn't ask for additional appeals despite the city's claims to the contrary; we just wanted to fix the current appeals system – and they weren't willing to discuss it.

Here's what our argument with the mayor is about: We need an appeals process for negative ratings that is fair and educationally valid, and right now that doesn't exist.

A fair process has become more important than ever with the new evaluation system. We agreed that if an educator gets two "ineffective" ratings in a row, they will be presumptively incompetent in a 3020a hearing to terminate their employment. That's why we must be sure those ratings are fair.

The present appeals system, which the DOE wants to continue, is a disaster, and here's why: In negotiations with the UFT, DOE deputy chancellors told us directly that they would not overturn any negative rating on questions of substance, but rather simply rubber-stamp a negative rating by a principal. According to our records, 99.5% of all appeals to the chancellor are rejected.

What that means is even in cases where it has been proven that a good teacher is being harassed or retaliated against, the chancellor will still reject the appeal and approve the negative rating. It's not just the teacher that is harmed by this process – students suffer when a good teacher is unfairly targeted. And it violates the evaluation law, which says that educators may appeal ratings on substance.

Unfortunately, harassment and retaliation are very real. One of the most egregious examples was at Fordham High School of the Arts in the Bronx, where the principal had a so-called "hit list" and instructed administrators to "get rid" of particular teachers by giving them bad ratings, regardless of how well they taught. That kind of corrupted system cannot be allowed to continue, and that's why we have fought so hard against it.

A real teacher evaluation system that helps all teachers improve while providing checks and balances is a critical step toward stopping the hemorrhaging of our teaching force and making our schools more effective. At the same time, it would help ensure that teachers who cannot succeed in the classroom leave the profession.

#### STRUGGLING SCHOOLS REMAIN COLLATERAL DAMAGE

While we wait for the city to return to the bargaining table, we are moving forward with training for the new evaluation system, with hopes that we can get it done. To that end, we have committed the resources of our Teacher Centers to conduct training for teachers and principals on the new state Common Core Learning Standards and what's called the Danielson Framework of Teaching, a comprehensive methodology for understanding and improving the complex skills of teaching.

For its part, the DOE continues to deflect from its shameful abandonment of negotiations and instead is playing games with our school communities by starting the process of closing dozens of schools. The mayor said he would rather close schools, remove teachers and lose millions of dollars in extra funding than create an evaluation system that will truly improve our public schools. His approach will undoubtedly hurt children, but it also apparently serves his own political agenda.

How else would you explain why the DOE wants to close Maxwell High School in Brooklyn? The DOE considered it an 'A'-rated school on its most recent School Progress Report, up from a 'B' last year. Maxwell was at one point a so-called "failing" school before its dedicated teaching staff and an energetic new principal rolled up their sleeves and turned it around – without help from the DOE. The DOE plans to close the school and remove the principal and half the staff.

Long Island City High School in Queens, with its high-needs student population, is a sad example of just how completely the DOE has abandoned so many of our struggling schools. Without proper support and resources, the school fell short of state and federal benchmarks that required it to have the same graduation rate as schools like Bronx Science or Stuyvesant High School. Instead of jumping in to help, the DOE further sabotaged the

school by shuttling through three different principals in three years. What's more, the DOE and its failed administration mismanaged the academic program so completely that student schedules had to be overhauled three months into the school year, forcing some students to essentially start the year over.

Grady High School, a career and technical high school in Brooklyn where I taught for years, is another school that has undergone a dramatic transformation, thanks to a new principal, an influx of federal funds and a tremendously committed teaching staff. The school's upward trajectory is evident as you walk through the halls: School safety has improved, new academic intervention services, after-school tutoring and prep classes are in place, and the school has shown gains in nearly every category of its quality review. Yet, the DOE plans to remove the principal and half the teachers.

Fordham Leadership Academy for Business and Technology in the Bronx is another example of the DOE's inexplicable decision-making. After enduring three difficult years working under a principal whose superintendent found him to have engaged in sexual harassment, the school finally got a new principal in September who began working with the staff to turn the building around. Now, with morale up and progress being made, the rug is being pulled out from under them.

Bushwick Community High School and Harlem Renaissance High School, both transfer schools that teach students who have dropped out of other high schools, were given as little as one or two years to get students through five Regents exams and earn 40 credits. And although they faced huge hurdles, the schools scored 'C' and 'B' on their respective School Progress Reports. Yet the DOE now wants to remove the principal and half the staff in each school.

These schools and many others are the collateral damage of the mayor's failed policies. Bloomberg's record of educational failure has finally caught up to him, and he's desperately trying to blame teachers, using schools as political pawns. If and when the DOE begins the legal process to close schools, the UFT will immediately take the appropriate legal action to stop them from doing so.

It's also worth noting that State Education Commissioner John King has said publicly that he doesn't even need to see the city's plans because he has already decided to approve the closings. That's not the kind of leadership that will help our kids or move our schools forward. We refuse to give up on our students and schools, and the commissioner shouldn't either.

\*\*

## THE 3020A PROCESS

Along with the proposals surrounding teacher evaluations, the governor has also proposed changes to procedures for carrying out Section 3020a disciplinary hearings and the method

of paying for these hearings. The justification for these changes is the length of time such hearings have been taking.

It's important to note that the UFT and the NYC Board of Education entered into an agreement in the spring of 2010 that resolved these problems in New York City. Since September 2010, virtually all Section 3020a hearings have been completed within the statutory time limits. The proposed changes are, therefore, not necessary and will diminish due process rights.

Further, the shifting of costs to the school district and the employee is highly problematic. Districts are under pressure to remove teachers who are not performing acceptably, but districts are also under great fiscal pressure with years of budget cuts and property tax caps in most districts. The State Education Department already has the authority to rein in the cost of these hearings but has failed to exercise its authority.

#### PENSIONS & THE MARTIN ACT

Another area of the proposed budget that I have strong reservations about is the idea that we need a new pension tier. Let's be clear about what we're talking about. This is a proposal that runs counter to the idea of strengthening the middle class. Do we really want the next generation of workers to have less financial security than the current one? That's exactly the wrong direction for our struggling economy.

Workers didn't create the state's fiscal problems – the reckless actions of Wall Street firms did that – and we shouldn't be diminishing our future workforce to solve them. That recklessness cost the New York City Teachers' Retirement System over \$11 billion and the New York State Teachers' Retirement System \$29 billion. Our pension funds should have the ability to sue the financial institutions that committed fraud and recoup the taxpayer money that they lost, just as pension funds in many other states have done and recouped billions of dollars. We strongly support the Libous-Lancman bill amending the state Martin Act to allow pension funds to take these actions.

\*\*

#### CLOSING CORPORATE TAX LOOPHOLES

Before I close, I again want to commend the governor and the Legislature for their work to reform the tax code and generate additional revenue for the state. The UFT and its coalition partners were proud to be part of that process. New York State will truly benefit from the advances that were made.

Our work is not done, however. The next hurdles that we must tackle are the corporate loopholes that allow corporations to get around paying state taxes. A significant ramping up of enforcement for the tax laws already in place would also pay huge dividends.

By taking on corporate tax evaders and other abuses, New York State could bring in an additional \$1 billion for our communities without the need for broad-based tax increases. That money would help our schools and all the nonprofits that provide social safety net services that so many New Yorkers depend on – many of the same meaningful programs and services that the Legislature has helped fund over the years.

Critics attack the idea as being anti-business, but what we're talking about is fair and equal treatment for all by leveling the playing field between small businesses and big business. We look forward to working with the governor and the Legislature on continuing the important work of creating a fairer tax code by closing the loopholes

\*\*

#### FINAL THOUGHTS

We face many challenges in the months ahead, but there are smart and practical solutions available. Through your strong leadership, I believe we can work together to find ways to move our schools and our state economy forward. The UFT stands ready to do the hard work ahead because we understand what is at stake. Each and every student deserves a quality education and the opportunity to succeed.

###