



United Federation of Teachers
A Union of Professionals

**Testimony of the United Federation of Teachers
Michael Mulgrew, President**

**Before the New York State Senate & Assembly
Joint Committees on Education & Finance**

Regarding Governor Cuomo's FY 2015-2016 Executive Budget Proposal

February 3, 2015

Good afternoon and thank you for the opportunity to testify today. My name is Michael Mulgrew, and I am the President of the United Federation of Teachers (UFT). It is a privilege to come before you today on behalf of New York City's public school educators and the 1.1 million students they serve. I am pleased to be joined by Carol Gerstl, our Governmental Affairs Counsel. We look forward to sharing our testimony with you today, as well as answering any questions you may have.

I want to thank Chairpersons Cathy Nolan and John Flanagan, members of both houses and legislative staff for their work in making this hearing possible. We appreciate your strong leadership and advocacy on behalf of our public school communities and your support of educators.

We are here today to talk about how the state budget can be used to strengthen our schools and improve outcomes for our students. To do that, we must address head-on Governor Cuomo's attacks on educators and on our neediest students.

Instead of accepting responsibility for the failed Common Core implementation and his failure to properly fund our schools, the Governor has instead trotted out a group of discredited ideas that do nothing to help children. The Governor's proposals are so shameful and counterproductive that the New York Times accused him of ignoring the funding inequities facing our schools in favor of "political score-settling".

New York City's public school teachers are above that type of petty politics; after all, our members are the ones who have dedicated their lives to helping others and who have consistently had to do more with less as our schools have struggled with shrinking budgets and the lack of support. That doesn't mean, however, that we're just going to sit back and allow the Governor to harm our schools, our students and our profession.

We are going to stand up for our students and our school communities, not back down. We are going to engage the public in conversations about public education and the state's obligations, not shy away. And we are going to ensure that Governor Cuomo's harmful political agenda is kept far away from the work that we do every day to help our students. The Governor's political agenda has no place in our schools.

OVERVIEW OF OUR SCHOOLS

When we talk about school aid and the need for supports in our city's schools, it's important to first understand just what that means. New York City is home to more than 1,800 schools, serving 1.1 million students. To put that in perspective, there are more students in New York City public schools on any given day than there are people living in eight states, including Rhode Island and Delaware. The city of San Francisco has 837,000 people; Boston, only 650,000.

No two of our schools are alike, and the needs of their student populations are just as varied. For example, some students are attending elite high schools and competing for Ivy League colleges, while others are attending classes on Rikers Island, just hoping for someone to give them a second chance. We have students who are trying to adjust to our country after fleeing some of the worst war-torn regions of the world and others who are bedridden and being taught bedside in city hospitals. Every student's story is different.

Many of the challenges our students face are much closer to home and hard or even impossible for them to escape. Divorces and deaths can rip families apart. Some of our children suffer from extreme poverty, homelessness, mental or physical illnesses or even abuse and neglect. You name it, our teachers see it in their classrooms every day – and that means they must be trained to deal with those issues, and schools must have the proper supports for those children.

Consider these statistics for our city's public schools:

- Nearly 175,000 students require special education services, which could range from speech therapy and physical therapy to mental health services and full-time hospital care.
- More than 41 percent of New York City students – over 438,000 – are in homes where a foreign language is spoken, ranging from Chinese, Haitian Creole and Arabic to Urdu, Russian and Albanian. Nearly 160,000 of those students are considered English Language Learners. Our schools require translators and specialists in dozens of different languages.
- More than 40,000 of our students are considered homeless, either living in a shelter or experiencing family transience that may take them from place to place across the five boroughs.
- 31 percent of our schoolchildren age 17 and younger are living below the poverty line, many of whom require a variety of additional services, including breakfast, lunch and dinner at school.
- More than 230,000 students — the equivalent of almost a quarter of the entire school system — spend part or all of their school year in overcrowded classes. Thousands of students attend class every day in the city's 350-plus "temporary" trailer classrooms, some of which have been in place for more than two decades and now contain mold and faulty heating/cooling systems.

As you may know, thousands of teachers have recently taken to social media to educate Governor Cuomo about these real challenges facing our students and schools. They are inviting the Governor to visit their schools and see for himself the impact of overcrowded classes, a lack of supplies and too few supports. His only response has been more harmful and out-of-touch rhetoric.

FIXING THE COMMON CORE

Governor Cuomo is claiming that students' low scores on the new Common Core tests are due to ineffective teachers. This is false. Four years ago, we and others began warning the Governor that he needed to ensure that the necessary effort and resources were put into helping our schools implement these new standards. Our schools needed to have a new curriculum in place and to have all teachers fully trained on the new standards before we started testing students. That did not happen.

The failed implementation of the Common Core standards continues to haunt the Cuomo administration, and with good reason. Our teachers are struggling to teach using poorly prepared materials on the new standards, and the much-needed training that educators required and the Governor promised never materialized.

Meanwhile, the governor is trying to use the widely anticipated drop in scores to create a false sense of crisis which he can use to blame and punish teachers, schools, and by extension, their students. It is incredible – so incredible that parents and educators see right through it. There is a huge and growing backlash from parents around the state against the tests and the Common Core standards themselves. They see that the growing emphasis on testing and test prep connected to the Common Core threatens meaningful, in-depth teaching and learning.

We have previously applauded Governor Cuomo for recognizing the severity of the problems with the Common Core implementation and for convening a panel to recommend corrective action, but he ended that panel's work before it could be completed, and his administration has done little in the last year to tackle these issues. That's why it defies logic that the Governor is now trying to sweep his implementation failures under the rug and instead imply that the fault lies with teachers.

You should also know that all of the Governor's rhetoric about a so-called "crisis" misses the reality of what is happening in our schools. In New York City, we are moving forward with initiatives that are being watched around the country. The Governor's proposals would take us backward.

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NEW YORK CITY SCHOOLS ARE MOVING FORWARD

Instead of the already-failed policies the Governor is proposing, we have put into place new, innovative evidence-based strategies.

Expanded career ladder for teachers

For years, educators who wanted to have a greater impact in their schools beyond their own classrooms had few choices. They could either work informally, and often for free, to mentor or collaborate with their colleagues or they could leave the classroom to become administrators.

Our new contract recognizes that teachers are natural leaders who innovate and build the instructional capacity of our schools from within. It offers them opportunities, time and compensation to become instructional leaders. Now, our members have the opportunity to grow into new positions, including:

Master Teachers: These teachers are relieved of at least one teaching period per day. They use that time, plus their professional period to build instructional capacity through activities such as coordinating school-based instructional support programs, leading study groups, and coaching and debriefing with teachers. If a teacher is selected for this position, the additional compensation is \$20,000 per year.

Model Teachers: These teachers use their classrooms as laboratory classes to demonstrate lessons; explore emerging instructional practices, tools or techniques; and meet with colleagues to reflect on the classroom visits. If a teacher is selected for this position, the additional compensation is \$7,500 per year.

We advocated for the creation of these positions because this is the best way to reward teachers for excellent work while using their skills to support school improvement throughout our city. That stands in stark contrast to the governor's merit pay proposal. In study after study, experiments with merit pay have failed to improve student performance. The Governor's plan would do more harm than good by creating competition within schools and within the district, rather than foster a collaborative "we're all in this together" culture.

Dedicated time for parent engagement and professional development

The contract devotes time for training and professional development aligned with each school's specific needs. The contract also dedicates time for teachers to engage with parents or guardians, as well as do other professional work. Teachers are using this time to meet with parents, make phone calls to students' homes, send emails, create content for a school or class website, and to prepare report cards and progress reports.

PROSE

Of all the breakthrough ideas in our new contract, none has more potential to empower teachers and their school communities than the PROSE initiative. PROSE stands for Progressive Redesign Opportunity Schools for Excellence, and schools in the program are able to request flexibility in the standard teachers' contract, as well as city and state regulations.

The key to becoming a PROSE school is to propose initiatives that are driven by teachers and administrators working in a fully collaborative community. The 62 schools in PROSE this first year are planning or already implementing a variety of innovations, from an evaluation option that allows teachers to focus on individualized goals as part of their measures of teacher performance, to the use of staggered school schedules and mastery-based assessments to better serve high-needs students.

Over one hundred additional schools have expressed interest in joining the program and are working with the DOE and the CSA to explore innovative new ideas about ways to hire, evaluate and support teachers; programming for students and teachers; the handling of grievances; and dozens of other issues.

The proposals put forth by the Governor would have a chilling effect by replacing the collaborative work being done with a new layer of restrictive bureaucracy and regulations at the state level.

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SCHOOL FUNDING

As we implement these exciting new ideas and work hard to provide a great education to our students in the face of the daunting needs of our school communities, there is no higher priority for our students than the need to properly fund our public schools. Chronic underfunding, now at more than \$5.5 billion statewide, continues to complicate teachers' ability to properly service their students. In fact, funding inequities have reached record levels during Governor Cuomo's tenure, with New York State among the worst when it comes to the funding gap between wealthy and poor districts.

The Regents and other experts have recommended at least \$2 billion as a down payment on fulfilling the state's constitutional requirements. The Governor is trying to ignore the state's constitutional obligations and this recommended down payment, opting instead to propose a \$1.1 billion increase in school aid.

Not only is the Governor's proposal inadequate, but he has also decided to hold schools hostage by refusing to release the aid increase or even the school aid runs that local districts need to plan the upcoming school year unless his other proposals are adopted. This is a very dangerous and destructive game to play with students' education.

At a time when Albany needs to step up and help move public education in New York State forward, the Governor's destructive policies would instead take us backward. For example:

- **INDIVIDUAL MERIT PAY:** The Governor's plan for merit pay is an idea that has been tried many ways and in many places and has consistently failed. Studies of merit pay programs in Tennessee and New York City, for example, found no significant positive effects from basing teacher bonuses on student test scores, leading both cities to end their programs.
- **EVALUATIONS:** The Governor wants 50 percent of teacher evaluations to be based on test scores, an increase from the current 20 percent. All this will do is increase the emphasis on testing and test-prep at the expense of meaningful teaching and learning. Other states have already realized the folly of this approach, and are moving in the other direction. Even Texas, an early proponent of this practice, has backed away from using test scores to evaluate students and teachers.
- **PROBATION:** The Governor proposes extending new teachers' probationary periods from three years to five years, but he has absolutely no plan to help or support teachers during this period. He fails to recognize that teachers have to earn tenure; it's not just given to them. Of the New York City educators eligible for tenure last year, only 60 percent received it. What's more, his proposal entirely misses the real problem, which is how to keep great new teachers in the classroom – 40 percent of teachers still leave within their first five years. The Governor doesn't seem to know that in 1971, New York State extended probation from three to five years. And only three years later Governor Malcolm Wilson signed another law returning probation to three years, noting that the longer period made it harder to attract and retain teachers. We will have a conversation with anyone who wants to strengthen the probationary period for new teachers, but extending probation makes no sense.
- **DUE PROCESS:** The UFT has long fought for a due process system that is both fast and fair. Any notion that the current system takes years is simply false. But the governor's proposal

isn't concerned with fairness; he doesn't want teachers to have the ability to defend themselves if they are brought up on charges. This idea that teachers would be barred from defending themselves flies in the face of everything our justice system stands for.

- **CHARTERS:** Governor Cuomo's proposals on charter schools would undermine public education and reward charter operators who are creaming students from other schools and flouting state law on the admission of ELLs and children with special needs in proportionate numbers to district-run public schools. Financial improprieties and conflicts of interest by some charter school chains have been well-documented. As the Annenberg Institute for School Reform has concluded, "The lack of effective oversight means no guarantee of academic innovation or excellence, too many cases of fraud and abuse, and too little attention to equity."
- **RECEIVERSHIP:** The Governor's proposal would further punish schools that are already suffering from his disinvestment. It's a plan that experts say has repeatedly failed in other places, including Roosevelt on Long Island. State receivership would strip local control from schools and districts, and also set the stage for scandals, as has happened in other states such as Michigan and in Indiana, where one school management group threatened to quit at the start of the school year unless it was paid an additional \$2.4 million from the state. What's more, plans to intervene with supports such as mental health services should be occurring when a school starts to struggle, not after it has failed for years.

If the state wants to truly improve education and outcomes for students, the work must begin with honoring the state's obligation to properly and equitably fund all schools. The \$2+ billion recommended by the Regents, lawmakers and other experts must be invested and targeted to high-needs students and districts. We recommend that rather than funding failed ideas, the state must support strategies that work:

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REDUCING CLASS SIZES

Research has proven time and time again that smaller class sizes are essential for student success. Students need more individual attention, especially in high-needs districts, and especially in the early grades. Educators know that students who aren't reading on grade level by the end of 3rd grade are four times less likely to graduate by age 19 than a child who does read proficiently by that time. Add poverty to the mix, and a student is actually 13 times less likely to graduate on time than his or her wealthier, proficient peer. As the author of one study noted, "Third grade is a kind of pivot point...if you haven't succeeded by 3rd grade it's more difficult to [remediate] than it would have been if you started before then."

Based on this research and on other studies which have shown similarly strong effects of learning in the early grades on later academic performance, the UFT advocates bringing class sizes in kindergarten through grade 3 down to no more than 15 children. It's a solution that's research-based: One of the most widely cited research trials in education, Tennessee's Project STAR, demonstrated that class sizes of 15 or fewer dramatically raise achievement for young children, especially minority students, and the gains last at least through 9th grade.

Lowering class size requires the commitment of additional revenues, but doing so does not require an additional tax. On the contrary, the money can be raised by closing tax loopholes to ensure that

non-resident owners of luxury properties pay their fair share to support our city's students. Current tax loopholes allow absentee owners of luxury co-ops and condominiums to benefit from an outdated tax incentive program and unconscionably low property valuations. Some 90,000 condos and co-ops in the city are vacant most of the year as their owners live elsewhere, cheating the city out of hundreds of millions of much-needed revenue.

So far, Governor Cuomo has refused to ask millionaires and Wall Street hedge funders who give to his campaigns to pay their fair share to help our city's kids. This is one simple change that would make a huge difference in our students' lives.

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SUPPORTING OUR TEACHING FORCE

Teacher Centers, along with mentors and master teachers, remain one of the very best ways to train and support educators. Under Schools Chancellor Carmen Farina and the terms of the new UFT contract, our schools are able to focus on professional development like never before.

Each and every day, the experts at Teacher Center are supporting and guiding that important work, conducting workshops in math, literacy and other topics so that teachers are able to learn and practice new classroom skills. What's more, those Teacher Center staff members provide in-classroom support and lead professional study groups and work sessions.

We can all be proud of the advances our schools are making through the additional professional development and the work that our Teacher Centers are able to accomplish on a limited budget. But we can do so much more. For FY 2015-16, we propose increasing the statewide allocation to \$40 million.

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COMMUNITY SCHOOLS

The UFT is also advocating further investment in "Community Schools" that augment student learning with additional services and resources provided through public and private partnerships such as tutoring, mentoring, food and exercise programs, health, dental and vision clinics, social and mental health services, and more. These programs and services are developed and seamlessly integrated into a school's daily operations, giving educators additional options to better assist their students in a holistic manner.

Each community school has its own unique needs and can create its own model based on parent and community engagement, thereby creating a community "hub" for all.

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EXPAND EARLY CHILDHOOD EDUCATION

Under the leadership of Mayor de Blasio and Chancellor Farina, New York City has revolutionized early childhood education. More than 50,000 children are now enjoying the research-proven benefits of universal pre-kindergarten (UPK), laying a strong foundation for their school careers.

The case for UPK is undeniable. Providing families with access to universal, high quality, full-day pre-K is among the most important things we can do to help prepare young children, especially those in high-needs communities, for school and beyond. These programs can help lay the foundation for a child's social, emotional and intellectual development, including critical thinking, the ability to concentrate and transition from one activity to the next, and verbal and written communication.

The priority for this Legislature should once again be to direct much-needed state revenues to high-needs districts, including New York City, so that UPK programs can be expanded and enhanced.

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TECHNOLOGY AND INFRASTRUCTURE

Last year, we came before these committees to urge the passage of the Smart Schools Bond Act, to help districts purchase educational technology and update tech infrastructure in school buildings. Now that the Bond Act has passed, we have a chance to make drastic improvements in our schools, but we want to urge caution. Before we spend one penny, it is critical that a proper plan is developed for all the work and purchasing that will be done, including capital improvements and training. We can't afford to waste this important funding.

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INVEST IN CAREER AND TECHNICAL EDUCATION

In the last few years, Career and Technical Education has finally gotten the respect that it deserves as an important career pathway for students as well as a source of economic development for the city. The Regents just recently approved a plan that allows CTE students' proficiency in their chosen field to count toward their high school graduation requirements. Students who have passed an industry-certified CTE course will be able to take the corresponding industry-certified CTE assessment in lieu of one of — or in addition to — the five Regents exams.

It's an important step forward because according to researchers at Cornell and Harvard, many of the industry certification assessments are more difficult than Regents exams and in many cases require students to complete work at the undergraduate or graduate school level. That means that students in CTE programs who opt to take an industry assessment as part of their graduation requirements will have convincingly demonstrated that they are ready for college or a career.

CTE programs are teaching students innovative 21st-century skills, and can hold great promise for the different regions around New York State if those programs are aligned with the workforce needs of those areas through public/private partnerships. We urge the Legislature to further invest in these programs with a dedicated funding stream that would match Perkins Basic State Grants.

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ENSURING THAT CHARTERS SERVE ALL STUDENTS

Thanks to the deep pockets of their wealthy backers, some charter operators have increased the

funding disparity between the resources provided to students who attend their schools and those who attend traditional schools. What's more, the lack of transparency and oversight has made it easier for charters to serve fewer high-needs students and English Language Learners. Without basic regulations, oversight and transparency, additional charter growth will continue to undermine traditional neighborhood schools and further the proliferation of a two-tiered education system. This is not what our city or state need.

The original idea of charter schools in New York was that such schools would serve as laboratories to try new approaches to education that could be replicated elsewhere, specifically in schools with high-needs students. As critics have noted -- and as a district-by-district, school-by-school analysis by the UFT shows -- many charters are effectively "creaming" students.

In 2010, the state Legislature passed a law requiring charter operators to enroll and retain a student body comparable to those attending local public schools. Dozens of charters have ignored the law. The charters do not enroll appropriate numbers of students who are English Language Learners, have severe special needs, are in deep poverty or who are homeless. In addition, some charter schools often have suspension rates that can be 10 times higher than public schools in the same neighborhood, which is another way that they are failing to serve the highest-needs children

Twenty-five of the 32 Community School Districts in New York City have elementary and K-8 charters, which we analyzed using a refined version of a Bloomberg-administration measure of school need, called the "peer index." There are 98 charters in these districts, and more than three-quarters of them fall below their district's average on the peer index, clearly indicating that they are serving lower-need children.

This kind of discrimination is apparent in individual school buildings that house both charter and traditional schools. The public school teachers struggle with far more of the hardest-to-educate children than charters in the same buildings -- and do so without the supplies and supports the charters enjoy on the next floor or even across the hall. Unless and until charters meet their obligation to all our children, there should be no discussion of lifting the charter cap.

Governor Cuomo's proposal of a new "anti-creaming" law does absolutely nothing to enforce the existing laws that the Legislature passed in 2010. Further action must be taken to level the playing field. It's time that Albany strengthens the laws to ensure that charter operators admit children with special needs and that they comply with the same accountability measures for enrollment that neighborhood schools must adhere to.

That should start by changing the current lottery system. One way would be to set aside seats in every charter class for an appropriate number of students -- similar to the percentage in neighborhood public schools -- who are English Language Learners, eligible for free lunch or in other high-needs categories. These seats would be filled by separate lotteries or -- if not enough parents entered these lotteries -- by the local district superintendent.

To deal with the sky-high suspension rates that characterize too many charters, the schools should be required to follow the same suspension laws, regulations and reporting requirements as district schools.

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CLOSING THOUGHTS

Providing a quality education for each of our students requires much more than just putting a teacher in a classroom and trying to keep class size manageable. Students require a wide variety of special programs, services and supports to meet their wide-ranging needs – and while all of those resources cost money, they are necessary investments in our state’s future because they are what our young people need and deserve.

We also need to protect teachers from politically motivated attacks that undermine their work. We need a school system that supports and invests in teachers so that they can support their students.

The UFT remains committed to strengthening our school communities, and we look forward to the conversations ahead.

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