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LEGISLATIVE SESSION CONCLUDES EFFECT ON RURAL SCHOOLS IS “HIT OR MISS”

Heading into the 2016 Legislative Session, the policy needs of public education were legion, but the political needs of state leaders (as they related to public education) amounted to only three:

1. Show the public and organized labor that they were responsive to the outcry over testing and teacher accountability.
2. Eliminate the GEA, as promised.
3. Reauthorize mayoral control of New York City public schools.

By the time legislators left Albany over the weekend, they had met their political needs (leading into their election season) but largely ignored public education’s policy needs. First let’s review their action regarding their political issues.

1. Early on the state changed leadership and membership on the Board of Regents, in response to public concern over standardized testing and teacher accountability. A moratorium on the use of tests was issued, the time and number of tests was reduced and the new federal education law (the Every Student Succeeds Act) reduced the pressure on states to continue the heavy emphasis on testing. By the end of the legislative session, both legislative houses passed a bill to push the deadline for approval of new APPR plans from the 1st of September to the 1st of December of this year. Legislation to separate submittal of the plans from the potential loss of state aid failed to pass both houses and districts still face the risk of losing their aid in a year that froze local revenue as well. Some districts have reported being asked to make contractual concessions in non APPR areas in order to secure timely union sign off of the evaluation plan. The delay does not address that issue, but provides three months of additional bargaining time.
2. The state did in fact eliminate the Gap Elimination Adjustment and not just in name, as many of us feared. Over \$400 million was directed at the last vestige of this budgetary raid on public education. The public educational community had spoken out so powerfully on this issue that legislators felt compelled to make good on their promise to end the practice of systematically reducing aid to school districts. In a classic case of “be careful what you wish for” the GEA elimination, combined with the need to uphold the traditional distribution of aid by state region (the “shares” agreement) made it very difficult to focus aid on our neediest districts. GEA elimination actually helped legislators with their political problem of hav-

ing frozen local aid to wealthy districts that are used to steady revenue increases. This year, both rich and poor alike were precluded from raising local revenue; forcing legislators to direct state aid according to political, rather than financial need. The result was the end of the dreaded GEA, but a one year aid distribution nightmare for those districts that need it the most.

3. Wrangling over reauthorization of New York City mayoral control of public education almost bleed out into new and onerous reporting mandates for all districts. Thanks to strong advocacy on the part of school officials and educational organizations, these reporting requirements were limited to New York City, as the legislature authorized only a one year extension of mayoral control. This creates the need for the City to request yet another extension next year, during the mayor's re-election effort. Legislators were hesitant to impose new mandates on the City without including all school districts and it was only through effective education efforts that they recognized the lack of need and indeed, the harm of such pervasive action.

BEYOND THE HEADLINES

While much of what state leaders did this year in the education arena was intended to address broad based public concern, there was still action on a number of less fundamental issues of interest to rural school districts:

1. As more and more school water testing samples came back with elevated levels of lead, the state **legislature passed a bill imposing a new water testing mandate** on districts. High profile media attention to polluted groundwater in several Capital Region municipalities put added pressure on leaders to ensure safe water for students and school staff. Districts that have already tested voluntarily will be exempted from initial testing. Both sampling and some forms of remediation of elevated lead levels in school drinking water will be eligible for Building Aid under the district's usual aid ratio. Some remediation will qualify for an increased reimbursement rate.
2. Legislators also passed **a bill to fill BOCES board vacancies through appointment**, mirroring the practice for other school districts. Traditional legislative opposition to the measure revolved around the impression that BOCES board elections were already conducted largely out of the public eye and that appointing to fill vacancies would send the wrong sort of message regarding a lack of transparency. This resulted in unnecessarily expensive and administratively burdensome elections. Component districts will be notified of vacancies. The bill was sponsored by Member of Assembly Amy Paulin and Rural Schools Association Award Winner Senator Cathy Young.
3. The state took steps to **combat the raging heroin epidemic** facing our communities and our schools. The approach includes additional treatment and prevention options for communities, as well as new state tracking of opioids.
4. In a little talked about move, the state will now **allow charter schools to pick who oversees their operations**. Until now, charter schools have been governed by their chartering entity; either the Board of Regents (that is traditionally tougher on charter school applications) or SUNY's Charter School Institute (which has essentially never seen a charter application it didn't like.) Successful charter schools will now be able to switch from the Regents to SUNY to provide oversight.

5. In a session that began with the conviction of the legislative leaders of both houses, the final hours of the session produced **ethics reform**. This included prohibiting the most egregious form of campaign contributions and took the initial step to banning corrupt state officials from receiving their state pension.
6. Perhaps one of the most significant accomplishments of the 2016 legislative session was the fact that our representatives **did not pass legislation authorizing tuition tax credits** for private and parochial school “donations.” The measure was once again considered right up until the very end of session, but was ultimately rejected. That’s good news for our rural schools, as siphoning off hundreds of millions in desperately needed revenue to private education would have had severe consequences for our schools. I’ve always said, if the State of New York can’t afford to adequately fund its public educational system, it certainly can’t afford to fund a private system as well.

NEAR MISSES

Individual houses of the legislature addressed a number of important issues, but failed to reach agreement. These included bills to prohibit new unfunded state mandates on schools, increase the long capped BOCES District Superintendent salary and reform the property tax cap’s most destructive aspects; all of which is to say that the legislature ultimately failed to address these important issues. History would tell us that next year, when neither the governor nor legislators have to worry about re-election, state aid will not be as flush. Let’s hope that if that’s the case, they take the opportunity to correct these longstanding problems.

THAT’S A WRAP!

Barring unforeseen events, the legislature won’t reconvene until next January, when it will face a host of unaddressed needs of our rural school districts. This year, (as it pertains to our schools) state leaders did what they had to do to get by. A healthy total state aid increase, elimination of the GEA and a degree of relief on testing staved off a public crisis in public education. State officials got a little help from their federal friends, who passed the year’s most significant piece of education law, the new ESSA (that allows state officials greater flexibility in structuring accountability measures.) The list of what remains to be done is too long to list here-or perhaps anywhere! But there is no question about what tops that list: **State Aid Reform!** With two court cases on the verge of demanding new action by the state, the elimination of the GEA and over a decade of ignoring existing state law, leaders must finally direct their efforts to producing an adequate, equitable and predictable aid formula. **In recent years, New York State has done everything with its aid formula but follow it.** The time to provide the children of our rural communities with the resources they need could not be more pressing. It’s up to us to take this election season (with legislators back in our communities and eager to be responsive to community concerns) and press the need for aid reform. We don’t need one year member items that allow us to hold one for yet another year - by the skin of our teeth. We don’t need aid distributed according to region but by individual district need! While the formula may be complicated, the idea isn’t: Figure out what a community can afford to pay and have the state pay the rest. It’s their constitutional responsibility.

THANKS, FOLKS!

What was accomplished on behalf of our rural schools this past legislative session could not have happened without our partners at NYSCOSS and NYSSBA, as well as the folks at NYSUT and others. Your efforts and those of our partners are vital to improving the lives of rural students and we at your Rural Schools Association are grateful. **In less than three weeks, we'll convene at The Otesaga in Cooperstown** to hear their insights, as well as those of top state and federal officials. We'll learn about the newest and best educational programs available to your districts and we'll hear about our challenges and triumphs, from each other. Thanks as always for all you do for your rural schools and your communities. See you in Cooperstown!



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