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**Rural Schools Association  
Rural Schools Program  
Cornell Office**  
Cornell University  
Warren Hall 275 Flex  
Ithaca, NY 14853  
Office: 607-255-8709  
Fax: 607-254-2896

**Rural Schools Association  
Of New York State  
Latham Office**  
24 Century Hill Drive, Suite 200-A  
Latham, NY 12110  
dal295@cornell.edu  
Office: 518-250-5710  
Cell: 518-888-4598

David A. Little, Esq., Executive Director  
dal295@cornell.edu 518-888-4598  
Dr. Gretchen Rymarchyk, Deputy Director  
gkr1@cornell.edu 607-254-3557  
Natalie Mitchell, Administrative Assistant  
nam33@cornell.edu 607-255-8709

## BEING RIGHT DOESN'T ALWAYS MEAN WINNING

Sometimes it hurts to be right. For months we cautioned that several factors were likely to combine to suppress state education aid this year. Among them were:

1. Immediately following a gubernatorial election, aid is historically lowered, as new governors take advantage of the time before another election. Lower aid in past years can safely be overcome with higher aid in the next election year. The fact that the legislature also has another year to recover compounds the problem.
2. The newly elected majority in the Senate would need to hire all new staff, leaving them at a disadvantage in budget negotiations. As a result, they would likely be vulnerable to the positions of other leaders, who had seasoned staff to help advance their positions. Despite promises of reform to the state aid formula, the new Senate leadership would need time to establish themselves and the budget process began even before they took the reins.
3. Our state provides our governor with almost insurmountable budget making authority. This power is enhanced by the fact that he is now the undisputed leader of the political party that controls all facets of the legislative process.
4. Shortly after negotiations began, the state comptroller identified a spending deficit that put a damper on any potential increases.
5. A higher than usual allowable tax levy increase, combined with a slightly lower retirement system contribution rate and existing total school reserve levels would convince budget negotiators that no immediate crisis would ensue, should they not provide a historic increase.
6. Following the Executive Budget proposal, we suggested that the environment would allow the legislature to raise the governor's projection by perhaps \$300 million. Despite fiscal challenges, the governor would have to allow the new leadership a political "win" by increasing his aid totals. Sadly, we were close, as the final increase was \$281 million over the Executive Budget's figures.



*Communities Committed to Educational Excellence*

Despite fervent protests from those leaders proclaiming that the new era would bring systemic reform (and the long promised redistribution of aid according to levels of poverty, English Language Learners and other measure of school need) Albany's status quo won out. The only "reform" was to institute an even more convoluted ten tiered distribution scheme akin to the Gap Elimination Adjustment repayment plan. This allows state leaders to address local district issues that arise to the level of political imperative by carving out exceptions for what they consider to be problem districts.

The result is a mixed bag of insufficient (but not insignificant) aid levels, combined with the helpful rejection of poor policy proposals and the enactment of long sought after and much needed change, like an increase in the BOCES District Superintendent salary cap and (finally!) district authority for the creation of a TRS reserve fund. This pattern was true to form as well, as past leaders have also sought to mitigate lower than called for aid increases with high profile policy change; in order to salve the disappointment.

Rural school districts as a group, received uneven increases. Some got only a paltry increase that won't begin to cover even the usual year to year inflationary cost increases. To the extent possible, they will rely on fund balance to hold them until next year's expected legislative election year increase. Others were more fortunate. All were the victim of state leaders' failing once again to recognize that the usual political and economic calculations often don't apply in rural settings. For instance, allowing an increase in the "tax cap" rate doesn't help when your local tax base has been decimated by a depressed local economy and population loss. In many instances, the increase in the tax cap for this year allowed local district tax increases to surge from "negligible" to "insignificant".

State leaders are having a hard time understanding the crisis that remains in our rural communities. They look at stable state unemployment figures and high rural school graduation rates and move on to areas with more visible issues, while just below the surface lurks a looming generational catastrophe where rural students receive noncompetitive diplomas and are forced from their homes by economic necessity. A generation ago when New York City was in fiscal distress, rural New York had a thriving economy and did provide the resources needed to turn the City into the economic engine of today. When the economy inevitably turns again, rural New York will no longer be their safety net, plunging the state further into its already historical level of debt.

State leaders have so far failed to understand that it's not enough to treat rural schools like every other school. They're not like every other school and ignoring their unique needs will have far reaching economic consequences for the state. Other states have "sparsity" and other adjustments for small and comparatively remote school districts. In New York State not only do they not adjust for rural challenges, they call for districts to

overcome their lack of state support by combining into geographically massive super districts (claiming that somehow their size is the issue.) Their claim that small schools are too costly is more than curious as they continue their support for 200 tiny charter schools.

## **Here are the state budget items (outside of the aid itself) with the biggest impact on rural schools:**

1. **Equitable Distribution within school districts:** The governor's plan to require school districts to submit equitable budget distribution plans to the state was modified in the final budget agreement. Now, "underfunded or high need" schools within school districts with more than one building at a given level (elementary, middle, high school) will need to submit a report to SED by the first of September, showing how they plan to prioritize funding to those schools deemed to be underfunded in comparison to their counterpart(s) within the district. SED will produce their list of designated schools by the first of May each year. Plans to have the state pre-approve those plans were thankfully, not included in the state budget. While still an overreach by state government, this is a far cry better than the original proposal and an advocacy "win" for the educational community.
2. **Community Schools:** Community Schools continue to be one of the most promising means of transforming our rural schools and the communities that support them. This year the amount set aside within aid for Community Schools increased from \$75,000 to \$100,000 with a total increase of \$50 million. This funding remains flexible for districts and can be used for anything that maximizes academic achievement. The increase should allow the hiring of Community Schools coordinators and other helpful local efforts. RSA continues to support Community Schools and appreciates this increase, as well as continued local discretion in spending.
3. **BOCES District Superintendent Salary Cap Increase:** Finally! This has been an RSA legislative priority for years, as the ability to attract and retain educational leaders to this vital role is crucial to the success of rural education in New York State. Increases of 6% per year will be allowed, eventually reaching a maximum of \$208,000. This should allow BOCES to be competitive in reaching out to the field's best and brightest.
4. **TRS Reserve Fund:** This is another critically important change and one that some of us have worked our entire advocacy careers to obtain for our schools. While the state Employee Retirement System (ERS) has for generations had a reserve fund to offset fluctuations in the employer contribution rate, the same could not be said for the Teachers' Retirement System contributions. This left school districts vulnerable to market swings; often leaving schools to face large

increases just when they had the least money available. Now, when expenses are lower at the end of the year than anticipated, funds can be set aside to protect taxpayers and employees from these large cost swings. This should not only prevent large swings in local taxes, but help assure that district programs and services needn't be sacrificed to adjust for increased pension costs. Simply put, current education shouldn't suffer to pay for future costs and now, they'll be at lower risk of that happening. This is a longstanding RSA legislative priority and we are proud of have played a role in obtaining this improvement on behalf of our members.

5. **No Cost Dual Enrollment:** It was always a conundrum; go to high school, but be forced to pay for coursework done jointly with local SUNY colleges and universities. Since cost and particularly the cost of remedial coursework is a huge contributor to our college dropout rate, the ability to obtain these courses free of charge is tremendously helpful to students and their families. Authority to offer the courses for free doesn't necessarily mean it's automatic. Districts should coordinate with local higher ed to be sure our students can receive free courses. This new authority is helpful in our partnerships and of great potential benefit to rural students.
6. **Transportation "Piggybacking":** Akin to cooperative purchasing, school districts can now join sister districts in their transportation contracts. This should provide both administrative relief, as well as cost savings to districts. In our rural communities, transportation is the key to most successful programming and so this ability should prove highly beneficial.
7. **APPR:** No more requirement to use Grade 3-8 test results, as well as other state exams as part of staff evaluations. No more state growth model. No more including student 3-8 test results in their permanent record. Districts will still need to negotiate their evaluation system with local bargaining units and the student growth measure assessment still stands. The state missed the chance to improve the already passed stand-alone legislation by eliminating the collective bargaining requirement that will be costly for districts, as well to arrive at an approach that didn't potentially increase student testing by having (but not using) state tests for evaluative purposes, in addition to local tests that might be used to evaluate staff.
8. **Agency Shop Fee Indemnification:** When the U.S. Supreme Court rejected agency shop fees, it opened the potential for past payers to request those fees back from school districts that collected them on behalf of unions and those unions themselves. Now the state budget sets law that prevents that from occurring.

## Here are the items we're glad they rejected:

1. **Capping the Reimbursable Aids:** Most rural schools would have suffered under this proposal that mirrored the old block grant concept: "We'll give you a set figure and if you spend more than that, take it from somewhere else in your budget." For now, districts will continue to receive the reimbursement promised by the state for BOCES, Transportation, Building and 8 other reimbursable aid categories.
2. **Cutting the Building Aid Adjustment:** The legislature rejected the governor's plan to reduce Building Aid reimbursement rates. Building Aid will continue to allow in incidental costs to be included in construction project reimbursement.
3. **Seat Belts on Buses:** Requiring the use of seat belts on school buses would have been horribly detrimental to students and school districts alike. Districts would have needed added staff to monitor belt use. Students would have been exposed to concentrated impact stress in a collision, as all force would have been directed to the lap belt area-an area that can cause spinal separation at amazingly low speed impacts.
4. **Division of Human Rights Jurisdiction over Schools:** The legislature rejected the governor's annual bid to subject school districts to the jurisdiction of the Division of Human Rights. School discipline remains right where it should stay; with schools who know their students and have corrective, rather than punitive discipline as their basis for action.
5. **New Curriculum Mandates:** Changes to the mandated health curriculum to require instruction on relationships and comprehensive sex education were rejected by the legislature.

## Here's Where They Should Have Left Well Enough Alone:

1. **Permanent Property Tax Cap:** By now, most of us are all too aware of the secondary consequences of the property tax levy cap. Adjustments needed to be made to avoid negative tax caps, it needed to simply be a 2% cap as advertised (rather than a much lower cap tied to the inappropriate consumer price index) and others. That didn't happen and we now have a permanent tax cap; as is. The tax cap institutionalizes the inequities of our public education funding scheme. Wealthy communities can throw millions to their schools while those with little remaining tax base struggle to raise a pittance. Perhaps its' one redeeming quality is that it forces the state to attend to districts that find themselves most in need. If only it would.
2. **Mandated Election Day Leave:** Most school staff work less than half of the days in a year. In addition, they have paid leave, negotiated and paid by the school district. Polls are open both before and after the typical instructional day, but the state felt compelled to include schools in requiring that each employee

receive three hours at the start or end of the school day to vote. Theoretically, all school employees could elect to take leave for half of the school day that coincides with election day. This truly was a solution without a problem and imposes yet another costly unfunded mandate on our schools. At best, it should have been left to collective bargaining.

## **Missed Opportunities:**

1. **State Aid:** After years of promising reform of the education aid distribution system, the new Senate leadership not only failed to produce that reform, it compounded inequities through a convoluted ten tiered approach, once again negotiated the budget in secret and failed to increase aid by the needed amount.
2. **School Bus Stop Arms:** Despite increased focus on the tragedies resulting from passing stopped school buses, the state declined to authorize the use of stop arms to prevent drivers ignoring the flashing lights and stop sign of a 60 foot long, bright yellow vehicle!
3. **Final Cost Report Forgiveness:** For the governor to allow forgiveness to some school districts and not others was reprehensible, particularly when it appeared for all the world like politics was the only tangible difference between them (he allowed forgiveness of aid penalties for districts before election, vetoed them afterward; allowed them for high profile, populous districts, vetoed them for small, rural ones.) The state budget was a chance to make this right once and for all.
4. **Smart Schools Bond Act:** Voters authorized \$2 billion to be used for upgrading the technology capacity of our schools. There are few issues as important to rural schools and their students. Yet, the panel that allegedly meets to authorize district plans rarely gets together and little of the authorized money has actually distributed. The budget could have required a meeting and distribution schedule.
5. **Pre-K Transportation Funding:** Nothing would help address the impact of increased poverty on our students like accessible pre-k. Transportation is the key to that accessibility and until the state allows aid on pre-k transportation, our fiscally challenged schools won't be able to provide it to those who need it most. Pure and simple. They know it and yet ignored this vital change.

## **ONE FINAL THOUGHT:**

If you spend enough time around Albany, certain signs concern you. The prospect of one political party controlling the entire legislative and budget making process raised the prospect of either finally reforming our inequitable state aid distribution system or having the legislature follow the governor as he leads the party in charge.

Thus far, the new leadership has followed lockstep behind the governor, mirroring decades of secrecy and political considerations pervading the budgeting process. It's not encouraging. Next year will bring a new U.S. Census. That census will reflect the hundreds of thousands of New York State residents who have left our rural communities. That means our rural legislative districts will be expanded to include the same number of voters; which in turn means fewer rural legislators. All of our statewide officeholders and all of our legislative house leaders already come from urban and suburban areas. Soon, their respective conferences will be stocked with even more fellow urbanites.

In meetings with legislators and at the Joint Legislative Budget Hearing on Public Education, I raised this very concern. I was promised time and again that they would represent **ALL** of public education, **ALL** New Yorkers, **All** students. They failed. They not only didn't live up to their promises, they made things systemically worse.

We are not alone in this shift of political power away from rural areas. It's happening in a number of states, where population has shifted to the cities and suburbs. Our lack of collective action in response to being ignored may well result in irretrievable harm; harm in a lack of appropriate help, harm in the failure to consider how policies affect rural communities, harm in the treatment of rural children in a substandard manner, resulting in a diminished quality of life. I once sat next to a legislator on the floor of the Assembly, as he surveyed the room full of vociferous debaters and said "Look at 'em. They all think this is for real." Well, it IS real. The decisions of state leaders have very real consequences for the future of rural New York and its schools. I am always amazed at the level of ignorance of some leaders on rural education, indeed rural life.

Our job of educating is as important in the legislative realm as it is in the classroom if rural New York is to survive in this new era. Local stewardship of your district is crucial, but insufficient. Organize district advocacy teams, speak with legislators, write to leaders, make some noise on behalf of your kids and your way of life. Both are disappearing rapidly.