



Testimony to the NYS Commission on Real Property Tax Relief

**Presented by
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Chairman Suozzi, Commission members and staff. My name is Maria DeWald, and I am speaking on behalf of the New York State Congress of Parents and Teachers, an organization of 356,000 volunteer members dedicated to child and educational advocacy. Given today's economic challenges, this is a critical time to recognize the priorities that maintain our commitment to public education. By investing in our children's future, we invest in our own.

We have delivered testimony to the Commission in the past and have consistently promoted the view that the future of our schools should be shaped by the local communities that know their students and resources best. We believe that investment in the future must be shaped by a focus on instruction which assures the opportunity for every child to become a productive citizen in our society. In contrast, imposing artificial limits that mandate what taxpayers can contribute, would derail rather than support that focus.

You have asked that today's testimony focus on special education and mandates. We also plan to provide input on the needs of the Big Four city school districts at a later date and have added a comment on service sharing. Since we believe that an honest discussion of programs and their costs is necessary and appropriate, we thank you for this opportunity to offer our observations and recommendations.

We welcome the Chairman's recent comments on the value of service sharing through the Board of Cooperative Educational Services (BOCES). We have seen the value of such sharing among school districts for many years. There are still, however, more opportunities to share services in this manner. Unlike school district consolidations, which experience has shown us tend to be expensive and resisted by individual communities, the functional consolidation of services through the BOCES has been welcomed by school communities and has saved millions of dollars. At the present time, however, the service sharing permitted through the BOCES is limited to services that are primarily educational in nature. Greater savings would be possible if non instructional services, such as finance, maintenance and construction were permitted. Even greater savings would be possible if service sharing were expanded to include sharing between school districts and municipalities.

Special Education: You have heard testimony about the growth of special education costs, number of pupils classified and the differences between State and Federal program requirements. You have also heard testimony which we support, urging you to modify the manner in which State financial support for special education is provided and to apply pressure on the federal government to fund special education programs at the full 40% that was envisioned as part of the original PL 94-142 federal legislation. There has been criticism that New York identifies more students and provides more services than the federal requirement. We would temper such criticism by observing that our state takes its responsibility seriously and does an outstanding job in both identifying needs and providing solutions to meet those needs, regardless of the level of federal support.

With this in mind, we offer a serious caution and a simple recommendation. We caution you not to address special education in a manner that might pit one group of children or their parents against another. It is a fact that special education services place more requirements and greater costs on schools than other programs and the cost of this can be crippling to some districts. Such costs are likely to increase as schools are required to address the needs of greater numbers of medically fragile students.

Nevertheless, students served by special ed programs are no less deserving of opportunities than students in programs for the gifted, those served by vocational programs or those placed in traditional college entry courses. If our goal is to truly provide opportunity for every child, we need to acknowledge the needs of all learners and not compromise one for the other.

Our recommendation in this area is that you seek ways to reduce costs which are more directly related to student classification or placement issues than to investment in educational service. A prime example of this is the considerable expense on the part of both school districts and parents that challenge a pupil classification, placement or both. While we strongly support the right of parents to appeal the decisions that dictate their child's educational program, the current system that purports to guarantee due process for both schools and parents is dysfunctional, outrageously expensive and benefits the legal system, not the educational system.

Mandates: We are concerned that mandates have taken on a pejorative meaning in the discussion of tax relief, much in the same way that we view terms like earmarks or pork barrel spending – areas of unnecessary spending that, if definable, could, and should, be targeted for elimination. It is instructional mandates, however, that assure the right of a special needs students to a sound basic education, of a low income family to a free lunch without negative stigma, or access for all students to library, physical education and health services. Each of these mandates helps to improve the educational opportunity for some group of students. Whether a mandate be State or Federal, however, if an issue is deemed important enough to BE a mandate, the requirement should be accompanied by adequate, sustainable funding.

The mandates we urge you to consider for elimination or change are those that make the educational process cumbersome or unnecessarily expensive, while minimally affecting educational quality. Consider two potential examples, one cumbersome, one expensive:

Cumbersome: The Governor's tax cap bill adopted by the NYS Senate in August contains a so called "under ride" provision. Consider what the process to adopt an under ride would require and what it might cost. Under current law, a school board must prepare a budget, hold public hearings, send descriptive information to community residents prior to a vote on a spending plan to be held on the third Tuesday in May. Under the plan proposed by the Governor and approved by the Senate, however, school boards would need to prepare a budget with a tax levy that increases by no more than 4% and provide information about that budget to residents... unless an under ride petition requests a lesser tax cap. In that case there would need to be a vote on the under ride amount to be held on the first Tuesday in May. If the under ride vote is approved, then the vote on the third Tuesday in May would be subject to the lesser cap. This would make the budget and tax information the Board had just sent out, outdated. The Board would have less than two weeks to not only develop a new budget and explain it to their community but also to explain how approval might require a 50%, 55% or 60% majority, depending on estimates of tax and state aid support. At a time when transparency and community trust are of paramount importance to school district integrity, some practical thought that anticipates unintended consequences must be a key part of the discussion, regardless of where the final legislation goes.

Expensive: Considerable input has been provided to your commission on mandated costs of employee benefits. It has been pointed out to us that the increasing costs of retiree health insurance may not be sustainable. We believe that a new tier of the State employee and Teacher Retirement system should be explored and should consider inclusion of the cost of providing post retirement health benefits for new employees. While the savings may not be substantial short term, the long term benefits to cost containment could be enormous.

Do we want to see relief from high property taxes? Sure. Who doesn't? Are schools spending their tax dollars wisely? Cost/ outcomes studies and recent comptroller audits demonstrate they are. If effective spending is the issue, why not make that the focus of your investigation? We would welcome that sort of examination of our school, our towns, our fire departments and our counties.

Your inquiries regarding cost and value are the right way to go. We urge you to expand this focus and demand accountability of schools along with other areas of government. Such an approach is certain to lead to a more productive future than a simplistic tax cap solution, unaccompanied by the tools necessary to survive within those caps.