



## **NYSUT OPPOSES THE EDUCATION, LABOR, FAMILY ASSISTANCE BUDGET BILL (S.2006-B/A.3006-B) AND URGES THE LEGISLATURE TO AMEND AND RENEGOTIATE**

The Legislature must reject the current ELFA bill, renegotiate and increase the school aid proposal.

- **REJECT CURRENT TEACHER AND PRINCIPAL EVALUATION LANGUAGE IN ELFA, AND RENEGOTIATE**

**ELFA language could DRAMATICALLY increases the use of state standardized testing**, increases tests developed or approved by SED or outside vendors in the evaluation system, and increases use of state growth models in evaluations. There is NO support for removing local control from school districts in assessment, and no support for moving away from true locally developed assessments.

**The bill expressly prohibits true measures of student achievement that are not test-based, and prohibits true indicators of student learning**, such as evidence of student development and performance derived from lesson plans, other artifacts of teacher practice, and student portfolios, use of an instrument for parent or student feedback, use of professional goal-setting as evidence of teacher or principal effectiveness, or any district or regionally-developed assessment that has not been approved by the department.

**ELFA would allow an increase in the use of state-approved growth models in evaluations, a practice the American Statistical Association denounces.** This will place significant more emphasis on testing of our students, causing increased stress.

**ELFA would mandate the use of so-called ‘independent’ evaluators, and could result in someone with limited or no knowledge of a teacher, or public education, the ability to determine the fate of an educator or school.** The school building’s principal or superintendent is the appropriate evaluator, not an outsider. Worse yet, this could be extremely costly to districts if they chose to use an out of district evaluator, and result in the reduction of programs and services for students.

**ELFA severely reduces and eliminates collective bargaining.** Student performance measures and observations are developed locally, through collective bargaining, to ensure the appropriate measure of student growth and teacher performance at the district or building level. Measurement of student growth and teacher performance must continue to be developed locally, through collective bargaining.

**ELFA would, once again, tie school aid to APPR plan approval - a draconian hostage-taking which penalizes students. A new APPR plan would have to be in place by November 15, 2015, or a school would lose school aid.** We cannot allow aid to be lost because a new APPR plan isn’t in place. Language was previously enacted to ensure the approved APPR plan would remain in effect until a new plan is approved, and must remain.

These proposals could possibly lead to half of a teacher or principal’s score based on ONE common core aligned standardized exam, creates more test stress and anxiety on students in standardized testing conditions, and results in total loss of local administrator and educator input in testing and evaluation.

- **REJECT LOSS OF TENURE, DUE PROCESS RIGHTS AND LOSS OF COLLECTIVE BARGAINING, AND RENEGOTIATE**

**ELFA mandates four-year tenure for new teachers, with the requirement that a teacher attain an effective evaluation rating for at least three of the four years, and if a teacher achieves ineffective in their fourth year they cannot attain tenure.** It is nearly impossible for a new teacher to attain three effective ratings in four years under this unreliable and variable APPR system. The developing category was intended to allow new teachers the opportunity to grow as a professional, and the requirement for three effective ratings will amount to continuous probationary status.

36 states have three-year or less (1 or 2 year) tenure laws, including some of the nation’s most conservative states like Mississippi, Texas, and Alabama.

**ELFA mandates that two ineffective ratings be prima facie evidence of incompetence, rebutted only by clear and convincing evidence.** The current 3020-a proposal allows for the quick removal for poor performance, on average 90 days. Changing this process would severely harm an educator’s right to defend themselves against ratings tied to the arbitrary and unreliable APPR system. All defenses must be available to an educator, especially when their removal is based on a troubling APPR system tied to inappropriate standardized tests.

**ELFA mandates a school board bring a due process 3020-a hearing for three ineffective ratings, with fraud or mistake the only defense available.** If the APPR system was reliable and trusted, this issue would be moot. However, our APPR system and its rating process have NO statistical reliability according to the American Statistical Association, as one third of the teachers on the growth model move from one category to another from year to year. Educators must have the right to all defenses and school boards must have the discretion to bring charges where appropriate, as opposed to a mandate for removal.

- **REJECT CURRENT RECEIVERSHIP LANGUAGE IN ELFA, AND RENEGOTIATE**

**ELFA allows state takeover in schools, and allows for up to 50% of a school’s teaching staff to be eliminated or transferred, despite the fact that struggling school districts are owed more than \$3 billion, half of the nearly \$6 billion owed to schools under the GEA and foundation aid.**

**ELFA allows for the complete elimination of employment, bargaining rights, seniority and other critical protections.**

The governor’s current proposal on receivership would give 27 schools that have been struggling for more than 10 years, only one year to “dramatically” turnaround and only two years to allow other 151 struggling schools to “dramatically” turnaround.

**These struggling schools have suffered from years of chronic underfunding. They are in high-needs districts that serve a large number of students living in poverty, and that have high concentrations of English Language Learners and students with disabilities.**

**Funding for struggling schools is critical and these schools must be immediately supported with a significant investment.**

The Education Department’s decision to continue to change the cut scores, standards and scoring scales over the past six years has altered the bar for how student proficiency is achieved, coupled with new common core aligned exams which were prematurely implemented.

**Fifty percent of New York’s students qualify for free or reduced-priced lunch.** Over one million students live in poverty and instead of chronically underfunding our poorest students, failing to provide services, and blaming educators for perceived ‘failure,’ New York state must support and expand services to these students, educators and schools.

**ELFA receivership proposal would mandate the elimination of half the teaching staff in schools, if the schools do not improve within the timeframe of one year.** This practice is extremely problematic in all schools, especially in rural, suburban and small cities school districts. In large urban areas, educators could be transferred to another building, but fired in all other types of districts.

- **ELFA/STATE OPS FAILS TO FUND SCHOOL AID AT ADEQUATE LEVELS, RENEGOTIATE**

While the appropriate \$1.4 billion school aid increase is more than what the governor had proposed in his budget, this figure falls short of the needed \$2.2 billion increased to adequately fund a 21<sup>st</sup> century educational program for all students and meet constitutional.

Worse yet, the state has a \$5.6 billion settlement windfall, and a surplus. Further, 53% of our schools are currently receiving less school aid than in 2008-09. New York must fully fund our schools.

- **ELFA/STATE OPS FAILS TO PROVIDE ADEQUATE PROFESSIONAL DEVELOPMENT FOR EDUCATORS, RENEGOTIATE**

New York state needs to adequately support its educators in regards to professional development, especially in high-needs school districts. Teacher Centers are the only statewide network that ensures equity of access for all students and teachers and these centers have been severely underfunded too. Current funding is \$14.26 million - down from \$40 million in 2008-09. The state must dramatically increase funding for professional development of all teachers in order to close the education gap and increase student learning, especially in these struggling schools.

**The proposals will strongly discourage educators to work with high-needs populations, children living in poverty, or children with disabilities.**

**NYSUT strongly urges the Legislature to reject these proposals,  
and RENEGOTIATE ELFA and School Aid**