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# **Erie County Association of School Boards 2009-10 Legislative Position Statements**

**This document was developed by the  
ECASB Legislative Team and endorsed  
by the ECASB Delegate Assembly.**



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## **ECASB Legislative Team Mission Statement**

**The purpose of the Legislative Team of the ECASB is to educate member boards and their constituents, and to advocate association positions to policy-makers. The educational mission shall be accomplished by equipping board representatives with:**

1. Information on legislative issues
2. A forum for exchange of varying viewpoints

It is expected that legislative team members will use this information to keep their respective boards (and constituency) informed on legislative matters, and encourage discussion and action.

## **Erie County Association of School Boards**

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# ECASB Positions on Priority Issues

## REFORM of EXISTING and NEW MANDATES & REQUIREMENTS

- Funding on the State and Federal levels should be provided to support mandated education requirements. ECASB supports the prohibition of any new unfunded or under-funded State or Federal mandates and ECASB supports these mandate reforms:

### At the Federal Level:

- ◆ **Federal IDEA legislation** has placed numerous mandates upon school districts without the financial support promised. The IDEA Improvement Act of 2004 made significant improvements by removing unnecessary bureaucracy, paperwork, but legal process and expense, funding continues to be a concern. The federal economic stimulus legislation provides \$800 million in special education funding over 27 months (March 2009-June 2011), increasing the federal government's share of special education costs in New York State from 17% to an estimated 27%. Although Congress has authorized this increased funding level for a limited time, appropriations must rise permanently to the authorization levels. ECASB supports Federal funding of IDEA to the full 40% promised when the legislation was introduced in 1975.
- ◆ **Inadequate federal funding levels** for the No Child Left Behind Act create significant shortfalls at the local level while raising requirements and accountability. Funding appropriations fall far short of authorization levels. Assessments and scoring are mandated and not funded, and academic intervention services are mandated with only partial funding. ECASB supports full funding at a minimum to the levels appropriated, including funding for school safety.

### At the State Level:

ECASB opposes a property tax cap on school funding. The tax cap is an artifice. A tax cap does not control costs such as unfunded mandates, fuel, energy, health, or pensions. It simply cuts funding for these obligations. The real way to reduce property taxes is to cap the costs driving those taxes. Several measures could be addressed at the State level that would 1) ease the current fiscal crisis, 2) reduce costs and therefore minimize the effect of State Aid cuts on school districts, 3) help reduce the tax burden for local property taxpayers:

- ◆ **The New York State Wicks Law** causes increased expenditures for construction projects and must be significantly reformed. While there has been movement toward that goal, the amount is negligible, still leaving districts saddled with higher costs.
- ◆ **PENSION REFORM:** Local school district contributions to the retirement system need to be contained and school districts need to be able to plan for required payments. Districts should be allowed to create reserves to cover estimated pension cost payments as well as unplanned increases. Another option would be creation of a Teachers' and Employees' Retirement System Tier V which would require new members of the pension system to contribute a fair amount for the duration of their employment.

- ◆ **HEALTH BENEFIT REFORM:** School districts have had modest success in achieving health care cost containment. Measures that would further help maximize cost effectiveness include setting minimum premium contribution requirements for school district employees, containing employer cost spikes, and developing a cost-effective statewide health insurance pool. In addition, these recommendations would ease provisions for school districts to form cooperative employee health benefit trusts, clear obstacles to self-insured single-payer health plans, lift restrictions to changing retiree health care benefits without making similar changes for current employees, and increase incentives for health insurance buy-outs. Also, there is an urgent need for New York State to regulate the health insurance industry, where profits are soaring into the billions of dollars. Car insurance is regulated, casualty insurance is regulated ... health insurance also should be regulated. To advance to the level of systemic reform, medical costs themselves would need to be contained.
  
- ◆ **Permitting participation in regional or statewide collective bargaining** with voluntary participation by school districts would put districts on a more level playing field with teacher unions during negotiations. It would also provide more career flexibility for teachers who would be able to more easily transfer among districts covered by the same contract. It would also make it easier for school districts to consolidate services.
  
- ◆ **SPECIAL EDUCATION:** To help more fairly fund the high cost of some special education services, ECASB supports having the state accept more financial responsibility for the cost of placement of children referred to state schools for the blind and deaf and for high-cost excess cost aid, whether for local public schools, BOCES or private tuition.
  
- ◆ **Expenditures** related to pensions and other retirement costs, health insurance and other health related costs, and property and liability insurance should be excluded when determining the total expenditures for a school district's contingency budget.
  
- ◆ **ECASB, along with NYSSBA,** supports legislation that would allow a school district under a contingency budget to purchase capital equipment in those instances when the district can demonstrate that replacing it is more cost-effective than repairing the current equipment.
  
- ◆ **New York State funding for Charter Schools** continues to place a needless burden on local public school districts and must be reformed. While transition aid is an important step in the right direction, no public school should have its funds diverted to support for-profit enterprises. Local school boards need a say in charter school approval, since they must deal with the changes in enrollment and the financial impact. Charter schools must be held to the same accountabilities as public schools and must not compromise the funding of traditional public schools.

### **School Board Governance**

- The community must maintain its right and authority to elect the school board members who will govern the school district. Political appointments to school boards are inappropriate.
  
- School board members should be equipped with the training and support needed to carry out their duties diligently, effectively and efficiently. Although ECASB strongly

supports regular training and development of school board members, any mandate to do so must be supported with financial incentives. Each board of education and its individual members should make a commitment to ongoing training of its members at local, state and national training opportunities.

- ◆ While Fiscal Oversight and Responsibility Training is a commendable effort to educate and inform board of education members about fiscal processes and oversight in their school districts, it has emerged as yet another unfunded mandate. If New York State is going to require the training, New York State should fund the training.
  
- When the State Legislature passes new laws that provide universal benefits that formerly were collectively bargained by School Districts and employees, the bargaining process is undermined. With each new State imposed benefit, School Districts lose the ability to negotiate something from the bargaining unit in exchange. Bypassing collective bargaining agreements and legislating benefits for school employees undermines the bargaining strength of local school districts and raises costs. Given the costs of this “legislated time off,” especially in a time of reduced State Aid when core programs are threatened, and the abundant time off already granted to School District employees, ECASB urges that legislation granting paid leave for prostate and breast cancer screening and blood donations be rescinded, and a moratorium be placed on such “legislated benefits” in the future.

### **Curriculum & Assessment**

- School boards should be equipped to respond more adequately and meaningfully to students’ individual and unique abilities, talents, and interests through alternative courses and multiple assessments that would lead to a local high school diploma. ECASB, along with NYSSBA, supports legislation that would require the New York State Education Department, upon approval by the Board of Regents, to authorize boards of education to award such diplomas.
  
- ECASB, along with NYSSBA, supports legislation to amend the “highly qualified” provisions of the No Child Left Behind Act so that certified special educators who teach core academic subjects to students with disabilities not be required to demonstrate that they are “highly qualified” in each of the core subjects they teach. It would be unrealistic, for example, to expect teachers who become certified in special education to also become certified in all core academic subjects.

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#### **ECASB Legislative Belief Statement**

We believe that the ECASB Legislative Team must always seek to put children and their education as our first priority.

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**ECASB believes in an education system that is effective, efficient and provides equitable education opportunities for all children. Every child should have equal opportunity to meet New York State’s performance standards and reach his/her learning potential.**

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**In addition to the positions specified in this document, ECASB also supports the Position Statements adopted by the New York State School Boards Association.**



