

**NYS Commission on Property Tax Relief
Oct. 30, 2008 Hearing in Buffalo, NY**

**Testimony of James P. Mazgajewski
Superintendent, Cheektowaga-Sloan School District**

- 1. Introduction:** Good Afternoon. It is an honor to speak before you today. It is not often a representative from a small individual school district has the opportunity to present information to an important statewide committee. I represent the three square mile district of Cheektowaga-Sloan, a first ring suburban community on the City of Buffalo border. The district maintains 4 schools that the community has been supportive of even though the district has the highest tax rate in the area. The community has come to understand that lower property values, no room for expansion and minimal commercial property and the demands from No Child Left Behind and New York State Standards have required more funds. The district also has a pre-school program that has been in existence in one form or another for over 30 years. Pre-school works. We have seen among those students that remain with us (more than 50% of our pre-school students are gone by ninth grade) fewer discipline issues and less referral to special education than in the non pre-school population.

- 2. Volume of Laws and Regulations:** As I prepare for today's presentation in my office I am looking at 10 full volumes of McKinney's New York State Education Law, 10 volumes of other laws that impact education such as the General Municipal Law, Public Officers Law, Civil Service Law, Retirement and Social Security Law, 47 Volumes of Commissioner of Education Decisions, 2

Volumes of Commissioner's Regulations, the School District Policy Manual, School District Administrative Manual, School Law 32nd Edition published every two years (this year with nearly 200 new laws, regulations and cases), a variety of emergency and safety plans, the 5-year long range facility plan, references and sections of the American with Disabilities Act, the Elementary and Secondary Education Act, Minimum Wage law, Uniform System of Accounts, Workers Compensation Law, variety of negotiated contracts, internal audit report, external audit report and Comptroller's audit report. I think you get the picture. Each one of these impacts how schools do business and adds to the burden of completing administrative tasks in schools and often increases costs, particularly in time and attorney fees.

3. **Special Education: Rising Costs:** Special education became an expensive proposition immediately after the Federal government created public law 94-142 and failed to fund it at the promised 40% of costs. The amount has never reached 20%. New York State, as it often has, not only adopted the Federal Law but also enhanced it by adding approximately 30 more pages of law and regulations. The table of special education is tilted towards the rights of parents and students. This is as necessary because, contrary to popular belief, boards of education are not "spendthrifts" and would often resist the considerable expense of educating special needs students with an array of supportive programs. A recent example from our small school district. A student's family moved into our district and came to register two children about two weeks prior to the opening of school. One child was severely handicapped, according to the parent and their attorney. The school district the family moved from went to an impartial hearing to avoid providing the services to the extent necessary. They lost as we confirmed with the head of special education for the State Education Department. The child was in a local hospital because of his academic, social, physical and emotional management needs. In searching for a placement it was discovered that there were no possibilities within New York State. After having flown in individuals from a school in Kansas City and Philadelphia, the parents and Committee on Special Education chose the school in Philadelphia. The student attended the school till he turned 21 years of age at just over \$127,000 per year district cost and an additional \$89,000 per year from Erie County. The district also incurred cost for

transporting the student's family for visitation. The cost to the district was approximately \$.50 on the tax rate. While this type of student is atypical, it illustrates a need for flexibility in any tax cap applied to school districts. Our district is also home to a full day special education program, which has a community residence on its property. When students are placed in the residence they are considered pupils of our district while they are enrolled. Also since the school is a full day school, parents who lived in another district when their child was placed in the school will sometimes move into our district to be closer to the school their child attends. In both cases, the cost shifts to our district at just over \$24,000 per year per student.

4. Teacher Discipline Procedure: Recently the district completed a 3020A process against a tenured teacher. After several years of providing an opportunity for success, the individual was suspended with pay as called for in the law. The process spanned two full years and one month. After 12 days of hearings scattered over nearly a year and a half and 10,000 pages of testimony, it took another 6 months to reach a decision. The cost to the district was \$107,000 in attorneys' Fees, and 2 full years and one month of salary and benefits, totaling \$203,000. This does not include the cost of long-term substitute teachers and a mentor assigned to the disciplined teacher.

5. BOCES and Shared Services: Our local BOCES, Erie 1, has a long-standing tradition of maintaining low administrative cost while providing valuable and cost-effective programs. Always advancing ideas for sharing, Erie 1 provided a co-service agreement that allowed

us to share our business official with another local school district. While successful for two years, a change in administration in the partner district and the new auditing and accounting procedures required by law, the program needed to end. Erie 1 has also been ahead of the curve with creating the successful Erie 1 Benefit Trust Health Insurance program. The Cheektowaga-Sloan School District was able to join the trust as our sole carrier for all staff. The district expects savings of approximately \$250,000 per year, or nearly \$1 dollar on the tax rate, with better benefits for employees.

- 6. Recommendations:** End the yearly addition of mandates created by state government and the State Education Department. Each new mandate should be reviewed for an understanding of need, a check for duplication and a clear evaluation of results. If all mandates were required to be funded by the requiring agency perhaps we would see a more reserved approach to mandates.

It is my understanding that the New York State Council of School Superintendents is in the process of having a committee of superintendents with expertise in special education develop recommendations for review. Therefore I would defer any specific recommendations to that committee.

The laws governing the 3020A process should be updated to streamline the process. A decision should be made within 6 months of a suspension.

The role of BOCES should be expanded to allow further cooperative ventures by school districts in a BOCES region. Quality of service, efficiency and cost effectiveness should continue to be addressed.

Careful analysis should be undertaken, however, so as not to simply transfer cost from one taxing jurisdiction to another.

Two other recommendations come to mind in order to affect real savings in tax dollars, in my estimation. One, I believe that negotiations should be handled regionally and not by individual districts. It is almost impossible to tell employees of your district that they must accept less than employees in another district who are doing exactly the same job for more money or benefits. A regional approach would eliminate the local competition and base salaries on regional ability. This would allow disadvantaged districts to attract talented staff. It would also allow a regional approach to “back office” operations since contracts would be the same and not the incredible array that is currently in existence.

Secondly, more must be done to aid families in need not only financially but socially, as well. Services should be delivered comprehensively by agencies and school districts to minimize impediments to learning. Our Family Solutions Center has helped several families in need with short-term counseling and has seen improvement in the students’ situation. Thank you for this opportunity to speak with you today and I would be happy to answer questions that you may have.