

February 9, 2009

Honorable Malcolm A. Smith
New York State Senate
909 Legislative Office Building
Albany, NY 12247

Dear Senator Smith:

As you know, Governor Patterson has proposed significant school aid reductions to help lower the anticipated deficit facing New York State. Identified in those cuts is a \$700 million reduction from 2008-09 school aid levels and a \$2.5 billion reduction from the levels promised under current law. As these recommendations stand now, school districts across New York State would be devastated with thousands of employees laid off. Understanding the dilemma that you are facing given the Governor's recommendations and the economy, we are asking for your serious consideration of the following proposals as you go into budget deliberations:

1. **Any federal stabilization funds go first to eliminating the one year Deficit Reduction Assessment Act (DRA) reductions to education aid K-12.** This \$1.1 billion reduction to school aid will result in an average district reduction of 5.9 percent in general fund expenditures alone and before any consideration of general increases such as salaries, benefits, etc. This reduction alone would be devastating to all school districts.
2. **Any additional money available from federal stabilization funds go to reducing the \$1.3 billion aid reduction from the currently agreed upon and promised foundation aid scheduled for each of the next two years.** School districts moved forward with programming and employment of personnel based on the promised increases in state aid to schools. Restoration of this funding would allow school districts to continue their efforts to improve student achievement and avoid the collateral damage to our schools and communities that will result from staff layoffs.
3. **Refuse to allow the transfer of pre-k special education costs from the counties to individual school districts.** This action is simply a shell game to reduce costs at one public level and place it on the backs of school districts and their taxpayers. In Orange County alone this transfer is estimated to cost school districts \$3,000,000.
4. **Pass legislation to roll back NYS special education mandates to the federal required levels, especially those that were unfunded or minimally funded** (ex: special education summer school).

5. **Allow school districts a 25 percent flexibility (without waiver) in establishing special education class sizes (i.e. an 8-1-1 to a 10-1-1 class size). Class size should also be determined by average daily attendance instead of enrollment.** These two simple adjustments would save millions across the state in education costs for districts and have virtually no negative effects for the students in those programs.
6. **Revise New York State Education Law article 89, section 4404 (special ed. impartial hearings) to shift the burden of proof back to the party that brings the law suit and not automatically to the school districts.** *Furthermore, current regulations require school districts to bear the cost of impartial hearings. Since parents have the right to refuse the less costly resolution sessions and mediation step, and since both parties are entitled and frequently choose to appeal hearing decisions to the state for review, the entire process has become extraordinarily costly and time-consuming.*
7. **Create a law that prohibits any unfunded mandate (cancer screening for 10 month employees, data warehousing, costs associated with mandatory testing, numerous inspections, AEDs, etc).**

Sincerely,