

GOVERNMENT LAW CENTER OF ALBANY LAW SCHOOL  
**GOVERNMENT LAW ONLINE**

---

**SCHOOL REFORM**

*1998 Warren M. Anderson Legislative Breakfast Seminar Series*

**APRIL 8, 1998**



80 New Scotland Avenue  
Albany, NY 12208

[www.als.edu](http://www.als.edu)

© Copyright 1998 Albany Law School

GOVERNMENT LAW ONLINE publications are available at [www.governmentlaw.org](http://www.governmentlaw.org)

# **SCHOOL REFORM**

*1998 Warren M. Anderson Legislative Breakfast Seminar Series*

**APRIL 8, 1998**

**Hon. Charles D. Cook**

*New York State Senate Education Committee*

**Hon. Steven Sanders**

*New York State Assembly Education Committee*

© Copyright 1998 Albany Law School

These materials are copyright by Albany Law School (ALS) on behalf of its Government Law Center or ALS licensors and may not be reproduced in whole or in part in or on any media or used for any purpose without the express, prior written permission of Albany Law School or the licensor. Neither Albany Law School, the Government Law Center or any licensor is engaged in providing legal advice by making these materials available and the materials should, therefore, not be taken as providing legal advice.

All readers or users of these materials are further advised that the statutes, regulations and case law discussed or referred to in these materials are subject to and can change at any time and that these materials may not, in any event, be applicable to a specific situation under consideration. The information provided in these materials is for informational purposes only and is not intended to be, nor should it be considered to be, a substitute for legal advice rendered by a competent licensed attorney or other qualified professional. If you have any questions regarding the application of any information provided in these materials to a particular situation, you should consult a qualified attorney or seek advice from the government entity or agency responsible for administering the law applicable to the particular situation in question.

## **WARREN M. ANDERSON**

Warren M. Anderson is a distinguished alumnus of Albany Law School and an active member of the Government Law Center Advisory Board. Having served in the New York State Senate for thirty-five years, he is perhaps best known for his leadership during his tenure as President Pro Tem and Majority Leader from 1973 to 1988.

Warren Anderson began his legal career as an Assistant County Attorney in Broome. He then joined the law firm of Hinman, Howard & Kattell where he is currently practicing law. Throughout his career he has received numerous honors and awards.

## **PROGRAM DESCRIPTION**

In furtherance of its mission to serve as a resource to all levels of government in the resolution of specific problems, the Government Law Center is pleased to present the seventh annual Warren M. Anderson Breakfast Seminar Series. Monthly breakfast programs feature experts addressing the legal aspects of a variety of policy issues pending before the Legislature. The seminars are designed to provide access to current legal information on a given topic. The Government Law Center welcomes your suggestions for future programs.

# 1998 HONORARY CO-HOSTS

The Government Law Center is grateful to the Leadership of the New York State Senate and Assembly for serving as honorary co-hosts of the 1998 Series:

**Honorable Joseph L. Bruno**  
*Senate Majority Leader*

**Honorable Sheldon Silver**  
*Speaker of the NYS Assembly*

**Honorable Martin Connor**  
*Senate Minority Leader*

**Honorable John Faso**  
*Assembly Minority Leader*

# **1998 SPONSORS**

The 1998 Warren M. Anderson Legislative Breakfast Seminar Series was made possible through the generous support of the following sponsors:

**THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.**

**THE ENERGY ASSOCIATION OF NEW YORK STATE, INC.**

**GIBNEY, ANTHONY & FLAHERTY**

**HINMAN, STRAUB, PIGORS & MANNING, P.C.**

**NYS ASSOCIATION OF ARCHITECTS, INC.**

**NEW YORK STOCK EXCHANGE**

**NIAGARA MOHAWK POWER CORPORATION**

**PHILIP MORRIS MANAGEMENT CORPORATION**

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER**

## **INTRODUCTORY REMARKS**

**PATRICIA E. SALKIN, ESQ.**

**Associate Dean & Director, Government Law Center  
Albany Law School**

I would like to welcome our friends, old and new, to the 7th Annual Warren M. Anderson Legislative Breakfast program.

The Government Law Center of Albany Law School celebrates its 20th Anniversary this year. We are pleased to provide this Series and other beneficial programs during this commemorative year.

The Government Law Center was established at Albany Law School in 1978 to facilitate multi-disciplinary study of government and the problems facing government, to introduce law students to methods of policy analysis and to public service, and to serve as a resource to government at all levels in the resolution of specific problems. It is this last role which brings us here today.

This breakfast program was designed to provide policy makers and law makers with current information on the state of the law and its practical applications in New York and across the country. Each month the Government Law Center presents a discussion focusing on legal and policy aspects of an issue which is awaiting legislative action here in New York.

The Series is named in honor of former Senate Majority Leader Warren M. Anderson who is not only a distinguished alumnus of the New York State Legislature but also an alumnus of Albany Law School and a member of the Government Law Center Advisory Board. Senator Anderson is particularly pleased that the four legislative leaders agreed to serve as honorary co-hosts of the 1998 Breakfast Series. Albany Law School is proud and honored to have this bipartisan support.

We are pleased to make the contents of this year's Anderson Series available to a wider audience through this publication. Within it, five major issues before the New York State Legislature—Court Restructuring, the Sexual Assault Reform Act, School Reform, Brownfields, and Computers & Technology in the Year 2000—are examined. It is our intention that the information will serve as an effective resource to law makers and policy makers throughout the State, as the debates on these consequential topics continue in the months ahead.

# **SCHOOL REFORM**

**April 8, 1998**

## **PANELIST**

**HONORABLE CHARLES D. COOK**

**Chair**

**NYS Senate Education Committee**

I have always been intrigued by the use of the word reform because ever since I have been in Albany it seems like everybody who introduces a new bill says it is reform. If you look at the roots of the word reform, it means literally “melting something down into a glob and putting it up into a new shape” which, of course, is not what we really do.

When I was appointed chairman of the education committee, I made the observation that the education system is an ocean liner—not a motor boat—and that the changes made have to go in large arks, not 90 degree turns. It is just simply too large.

There is a contradiction. Anyone who understands the needs that will face the adult population during the next half century, understands that we have to fundamentally reshape education. The question before us is, “How rapidly can we turn this lumbering ocean liner onto a new course?” I think the Board of Regents has been courageous and visionary in charting that course. They have recognized clearly the need for new standards of performance by all students. The problem lies in how to make this happen.

The first issue is within the educational constituency itself—the parents, teachers and students. How many parents educated in the modes of the last century actually recognize that we need to change the course? The one thing that politicians do that sometimes educators do not, is go out and talk to the public. I frequently hear parents, some teachers and even students say that not everybody can go to college. We still need people to work with their hands. This is the rationale for trying to maintain the traditional division between vocational programs that teach skills rather than educating workers. While we can indeed train young people to do the jobs that are immediately

available in the workplace, the nature of those jobs is going to change dramatically during each decade. Vocational education, therefore, has to be teaching people to adjust to new work demands several times during their life. This task necessitates a much more complex level of mental exercise than we have traditionally attributed to vocational education. Every student, not just those who are planning to go to college, will need a rigorous academic background.

The second issue is the schools themselves. Generals plan wars, but the foot soldiers have to win the battles. The administration and the faculty need to understand the philosophy as well as the mechanics of the system. Teacher training is vital to that process. Teachers who believe their only job is to help students pass the regents examination have missed the point. The examinations only measure the degree to which students have absorbed the necessary information.

Teacher effectiveness is also an issue that needs to be gauged. Teacher certification must not be a lifetime shield behind which a teacher hides either an unwillingness or an inability to pursue professional and personal growth. School systems need to have a much more structured method of continuing education for teachers. I do not think that the current "Superintendent's Days," where seminars are presented, are very effective. There needs to be at least one week per year in which every teacher in the school system is engaged in an intellectually-challenging program conducted by an accredited college of teacher education. It is important that the teachers of every grade level participate jointly in these classes so that they gain an understanding of not only how to teach the students at their own grade level or in their own discipline, but also the requirements of students in every grade level and other course disciplines.

Flexibility in scheduling is vital if schools are to take the optimum advantage of their opportunities. Block scheduling is already done in many places but there still are too many logistical incursions into the process. For example, there is the requirement that BOCES programs be given on a daily basis and that students spend half of every day in the home school. It becomes a major problem in time management because the children are on the bus for many hours a day rather than being in the classroom. I am told by some administrators that the students have to be in the home school every day so that they can participate in organized sports. Would it be so revolutionary to suggest that sports schedules be revised to accommodate the academic program rather than the other way around?

Yesterday, I was talking with a woman who was upset because we are only

going to be adding \$1 billion in spending this year to the State budget for education. We can subscribe to the idea that education may well be the most important function in government, but there has to be a limit. Iowa spent a great deal of time dealing with health care policy some time ago, and they were asked the same question—"How can you talk about money when you're dealing with a person's health?" I am sure most people in this room have a similar attitude about education. Clearly, fiscal policy does enter the picture. Adding 9% of state spending for education in a year when the inflation rate is only 2% is, in a sense, a feather in my cap and in Steve's cap as education chairmen, but neither the body politic nor the revenue structure will tolerate that kind of an increase on a repeated basis. Although we may recognize a need to invest in education, there is a limit to how much of their economic wealth the public is willing to devote to that purpose.

That is why the STAR Program is a very important component of the educational spending picture today. By relieving the economic pressures on home owners, we also relieve some of the pent up pressure against education spending. Thus, the challenge immediately before us is to ensure that the additional financial outlay being made for education will truly go to improve results for our children, not merely to make more lucrative the enterprise in which we are involved. We must have a higher level of cooperation and coordination among all those involved. The psychology that you can never spend enough for a good thing simply does not hold water over the long run and we may well face in the next decade a public reaction that will demand cutting costs regardless of the effect, just as we have seen with the HMOs in the area of health care. The need to have affordable health insurance has resulted in HMOs. As a result, people have found in effect that there was a rationing of something that they considered through their life to be a real right. We may face that kind of psychology in the education area. This is not an argument against education spending. I only caution that it is the flip side of the reform coin that educators will ignore at their own peril.

On a more optimistic note, one of my great regrets of leaving the Senate is that I am not going to be able to participate in these exciting times ahead. Whether or not we are able to conquer the mechanics of the truly individualized system of education, we are clearly headed into an era where students will be encouraged to progress to heights that we do not even now envision at the high school level. I foresee a merging of the high school into the community college, a seamless system of education in which we are going to provide greater opportunity for that next step in education. There will be a continuing trend to re-educate the nontraditional student for new opportunities in the

workplace. I see the school increasingly becoming a partner with other community agencies to address the special needs of children and family. I see a reorientation of the attitude back to the traditional view of the school as a community center. I see school buildings becoming places that will not be locked tight a majority of the time, where libraries and resource centers will be open for community use, where recreational facilities will be open for programs sponsored by community organizations, where summer recreation programs will be coupled with opportunities for education and remediation enrichment, where senior meals would be prepared in the school cafeteria, and where school buses will be routinely utilized to meet the broad transportation needs of the community. I think this focus on community involvement will spur public attitudes so that school spending is not seen as competition, but as an adjunct to other activities and where the generational suspicions that often overshadow education discussions will be dissipated. When the whole community has ownership of the school, there will be more willingness to understand and accept the challenges of refashioning the education system. It will be more oriented toward students, encouraging them to pursue their own aspirations and challenging them to achieve performance standards that would be required in the world in which they will live their adult life.

We were specifically asked to make a comment relative to charter schools. I think we have to be very careful to guard against “snake oil solutions.” Setting up charter schools catering to narrowly-defined groups of students and taking resources away from the general school population is, in my opinion, very counter productive. There are those who object to my characterization of charter schools as private schools funded with public money. But, if there is a school chartered by a state agency without participation or oversight of a local school board, run by teachers who don’t need state certification, utilizing a curriculum that is independent of state mandates, how is that not a private school? Even if it is required to admit some quota of all applicants, those who apply are attracted by the particular program of that school. If that school takes 10% of the students out of the regular public school, then the public school must continue to function on 90% of its former resources because it is required to send the money that would support the 10% that are in the private school to the charter school. There is no realistic possibility of saving money with that school when you are taking two or three students out of each classroom, particularly when they are apt to be the most high performing students in the school.

Magnet schools in many of our cities have been most successful. Alternative schools have been established in many places to provide an education to students who

did not perform well in the traditional classroom. Innovative programs have been started in numerous places built upon the strengths and aptitudes of specific students. All of these have been done within the structure of the regular public school system without taking resources away from the other students. They have been taught by teachers who, for the most part, have more, not less, education. They are conducted in buildings that already meet the health and safety standards required for public buildings. While they may offer instruction in specifically designed modalities, they all have and conform to the instructional mandates set forth by the Board of Regents.

Recalling my earlier remarks about funding, I think it would be foolhardy for us to launch into a publicly-funded two school system: one public system and one charter system, both which have to be paid for by the local tax payers as well as the State taxpayers. The benefits of the charter school system that are perceived by so many can actually be accomplished within the public system and that is where I believe we ought to focus.

## **PANELIST**

### **HONORABLE STEVEN SANDERS**

#### **Chair**

#### **NYS Assembly Education Committee**

It is a pleasure for me to be here this morning. I want to make special note of several of my colleagues who have managed to get up this early in the morning—Members of the Assembly Sam Colman, Sam Hoyt and Naomi Matusow, and Senator John Dunne.

This is a wonderful Series, aptly named after Senator Anderson. I have had an opportunity to attend several of the Anderson Seminars, and they are always interesting and edifying. It is a credit both to the Government Law Center and to the participants in the program.

As usual, I find myself in substantial agreement with what my good friend Senator Cook has to say about education. He finished his remarks talking about the charter schools. I want to begin my remarks talking for a moment about charter schools. I find it interesting that, at least once a year, there is a new idea in vogue to reform education. This year it is charter schools. The Governor made a proposal in his original budget for the adoption of charter schools. I am often asked if we are going to adopt charter schools in the Assembly. The real question should be, “What is a charter school?” Before we can have an intelligent discourse about whether or not charter schools would be an improvement and would add to the potential of academic success for some or all of our students, we are going to have to define the concept. Some legislators assume a charter school will have high standards and highly-qualified teachers even if those teachers are not New York State-certified. They believe that charter schools will operate without the regulations or at least some of the regulations that pertain to most public schools and will be free of regulations to some extent. It will be free also to chart an independent course that will lead to high academic achievement, all within the curriculum requirements of New York State.

While we assume that we will have instructors and teachers of the highest caliber—perhaps a Harvard professor on sabbatical who is not a certified teacher in New York State, but with much to offer or Bill Gates conducting a course in economics or business development—in reality, the bill that the Governor has offered provides no

criteria whatsoever for teachers and instructors. Who would sponsor charter schools? We assume that charter schools would be sponsored by a high-minded, academic institution somewhere in the State—perhaps the SUNY or CUNY systems—but the Legislation does not address who would be the sponsoring entities, how we would oversee charter schools, and how we would determine whether or not they were successful. There are many unanswered questions. We need to first define the many important elements of a charter school including, teacher criteria, experience, who will be the chartering entity, and to what measure of success the school will be held.

I noted with particular interest Senator Cook's description of the education system as a lumbering ocean liner. I just saw the movie *Titanic* and hope that was not the analogy because I do not think we are going down. Senator Cook is right that, like any large system, bureaucracy or enterprise, it is not easy to make the dramatic and tangible changes that people always seek. Between the State and local contributions, we spend around \$28 billion on education in New York, with approximately \$12 billion coming from the State. Our education system is an enormous enterprise with millions of consumers—including over 3 million students and several hundred thousand teachers—and thousands and thousands of buildings.

We do not need to search deeply or consult with great thinkers to figure out what we need to do to make our education system better. It is not that difficult. We know, and have possibly always known, what we need to do in public education. We know what works through studies and by instinct. Often, we just do not do it. We know that early education works—that it is important to provide education at the age of 4 or even at the age of 3, meaning pre-K and even before. Studies show that it works. It is not a new idea. The Legislature is working on an initiative to provide universal pre-K in the State which is part of an Assembly initiative from last year. New York will be the first state in the country to provide the opportunity for every 4 year old to participate in a pre-K program if their parents consent and if the school district chooses to participate, with the State providing most of the money for this program.

We also know that early intervention works. This, too, is not a new idea. The earlier we are able to diagnose youngsters with learning disabilities or challenges, and the earlier that we provide services, the less need there will be later on for remediation or special education placement. We do not have to reinvent it. It exists. We have to build on it and fund it adequately.

We also know that small class sizes work. Again, it is not a new or revolutionary idea. It is a common sense idea. When we reduce the size of classes, the relationship

between the teacher and the student become closer. More time on task and more personal attention by the teacher results in academic success, particularly in the early years. New York State again is leading the way. We have started a program that will go into effect in September of 1999 that will reduce class size in the early childhood education years (K through 3) to no greater than 20.

We know what we need to do. We just have not done it up until the last couple of years. Last year, Senator Cook and I presided over what probably was the second largest increase in state aid to education—an approximate \$650 million increase. This year, we are going to meet that figure and probably exceed it by \$200-300 million more. It is, however, not just about spending more money. We know that we need to target dollars better on early childhood education programs that work, and we are doing that. Funding the system adequately is, nevertheless, important because for many years we did not do that. In the early 90s we were cutting education and basically operating it at a zero funding growth. Now we are trying to catch up with what we neglected to finance adequately, and that includes the school facilities. We have allowed our school buildings to fall into terrible disrepair. We know that quality learning and education can not take place in environments which are not conducive to it. Funding, along with the political will and capital, is required to do something about it. Furthermore, we have to do it with equity to make sure that not only are districts funded adequately, but that they are also funded equitably in relation to each other. That is still a challenge.

Senator Cook mentioned something which I think is very important. It is professional development. The pedagogy and the methodology of teaching is something which is speeding ahead. We have to make sure that our youngsters are prepared for the 21st century challenges, jobs and skills which will be necessary. We need to have a professional staff of teachers and administrators that are equipped to instruct and to lead. When I went to high school and college, we did not work on computers. Some of you may remember those old days. This was the last generation of youngsters in schools that did not need to have computer skills. Senator Cook and I visit a lot of schools each year. We see youngsters in 3rd and 4th grade classes, and sometimes these 8- and 9-year old kids have better skills than the teachers. That is not a criticism of teachers. It is simply a realization that for people who are born into the computer age, who have the technology all around them, it becomes a way of life. These children have been exposed to it hopefully at home, certainly in all the arcades, and in all the computer driven toys. They almost intuitively understand computers better than the generation before them. It is almost amusing to see how youngsters operate a

computer almost by second nature while our generation is struggling because they were not a part of our environment. We have to make sure that the technology is in the schools and that we are able to provide instruction on that technology as well.

Accountability, high standards and parental involvement are the final elements we need. The Regents have done a very good job in the last several years in coming forth with positions and changes in regulations to require better accountability. It began several years ago when we revamped the whole New York City public education system, especially the whole governing system. We have put into that system—the largest in the State—a method of accountability that continues from the chancellor of the system, to the local superintendents, to the teachers. With respect to schools and accountability, we need to make sure that there is as much school-based management as possible. Regulation 111, a voluntary rule dealing with the establishment of school councils, becomes real in every school where there is participation of parents as well as teachers and administrators on those councils.

Finally, I would like to mention the importance of parental involvement. You can often tell a high-functioning school right away by whether the teachers know the kids by first name, the principal knows the teachers and many of the children by first name, and that there are parents involved in the schools. Parents need to know what is going on in their schools. It is important that they be involved in a tangible way, not just raising money in bake sales, but in helping to formulate decisions about their youngsters and schools and the direction of education in those schools.

In summary, there are six critical areas. You can call them reforms or simply “things that we have always known need to be done.” They are:

- early education
- smaller class sizes
- adequate and equitable funding including our facilities
- professional development
- accountability with high standards
- parent involvement in a tangible way

I believe that there really are no new “quick fix” solutions to our education problems. We have been providing education for thousands of years and we know intuitively what works. When people search for answers such as charter schools or school vouchers, it is out of utter frustration for not doing the things that we know work. When we fail to do those things—fund education adequately, reduce class sizes, provide the kind of early intervention education and so on—the system fails us. I contend that if

we continue to address these basic issues that we know deep in our hearts and minds work, we are going to have academic success in this State. We can settle for nothing less.

Thank you very much.