



2006 “BAD APPLE” AWARD WINNERS

Governor George Pataki

Senate Majority Leader Joseph Bruno (R-Saratoga)

Assemblyman Jeff Brown (R-North Syracuse)

Assemblyman Michael Fitzpatrick (R-Smithtown)

Assemblyman Bill Reilich (R-Rochester)

The 2006 New York state legislative session came to a close in June as it did a year earlier—without addressing the graduation crisis that exists in New York state, adopting a statewide resolution to the Campaign for Fiscal Equity (CFE) lawsuit and making a commitment to fully fund our schools. As a result, New York State continues to have a broken school aid system that denies millions of children their constitutional right to a “meaningful high school education.”

Recognizing the need to fully fund our schools and fix the broken school aid formula, voters stated their desire to see education funding reform as the top priority of state leaders in 2006, according to a January 2006 Siena Research poll. Despite the graduation crisis in New York state and a two year old court order to fix New York state’s school funding system, state leaders failed to do so.

The “Bad Apple Awards” are based on education votes that took place during the 2005 and 2006 legislative session, sponsorship of pro-education legislation and stated opposition to or support of pro education legislation.

State Assemblymembers Jeff Brown, Michael Fitzpatrick & Bill Reilich: A review of the record in the Assembly shows a remarkable consistency. On five of the seven bills that were voted on, 10 members or less voted against the bills. Out of eight opportunities to support increased school funding and other reforms to improve our schools only three members failed to support such reforms on more than four of eight opportunities. These three members, Jeff Brown, Michael Fitzpatrick & Bill Reilich are therefore the Assembly recipients of the **2006 Bad Apple Award**.

A further evaluation of these legislators’ records in the 2003-04 Session shows anti-education records in the prior session that is consistent with their records in the current session. In fact over the four year time period, no other legislator voted against or failed to sponsor more than four of the pieces of legislation, yet Assemblymen Fitzpatrick and Reilich opposed seven of these bills.

Assemblyman Brown opposed eight of eleven education bills—more than any of the one hundred and fifty members of the State Assembly.

While the most critical issue about which members of the Assembly were evaluated was statewide school funding reforms designed to ensure a quality education for every child, the evaluation also looks at key school budget votes and bills to reduce discrimination in schools.

There were two opportunities in the Assembly to support fundamental reform of school funding to make school funding fairer and to ensure that children in every part of the state receive the quality education that the New York State Constitution guarantees.

- **Assembly Bill 100.** This bill would have replaced the current state school aid formula, which is widely recognized as overly complex, subject to political manipulations and unfair to high needs school districts, with a simple, transparent and fair school aid formula. The bill would have increased school accountability and ensured that all districts in all parts of the state received enough school aid to meet the constitutional standard of providing a “meaningful high school education.” By providing a significant increase in state school aid, the bill would have greatly eased the burden on local property taxpayers. The bill included funding to expand pre-kindergarten, reduce class sizes and provide other essential educational services. **Sponsored by 55 members of the State Assembly.**
- **Assembly Bill 10256.** This bill provided for school funding reform that like A.100 would have replaced the current unfair and highly-manipulated school aid formula with a simple, transparent and fair funding formula. This bill would have supplied substantial increases in aid to districts statewide, especially high needs districts. This bill was designed to provide the funding necessary for all school districts to be equipped to provide a “meaningful high school education” to every student. This bill provided a significant increase in state school aid and would have greatly eased the burden on local property taxpayers. The bill included funding to expand pre-kindergarten, reduce class sizes and provide other essential educational services. **Passed by vote of 137 to 4. Brown. Fitzpatrick and Reilich all voted no.**

A third opportunity for school funding reform was presented in the 2005 Assembly Education Budget Bill (Resolution C322).

- **2005 Assembly Education Budget Bill (Resolution C322):** This budget resolution would have simplified the school aid formula, but would not have been as comprehensive as A.100 or A.10256. The budget resolution included funding to expand pre-kindergarten, reduce class sizes and provide other essential educational services. The budget resolution would have provided a start towards allowing every school district to be equipped to provide a “meaningful high school education” to every student. By providing a significant increase in state school aid, the bill would have greatly eased the burden on local property taxpayers. **Passed by a vote of 106 to 37. Brown. Fitzpatrick and Reilich all voted no.**

There were two opportunities to increase state aid to schools throughout the state without fundamental funding reform by voting on the final Education Budgets that passed both houses.

- **2006 Final Education Budget:** While not addressing the need for fundamental school funding reform to make the school aid formula simple, fair and transparent, this budget bill did increase state aid for schools by \$1.362 billion. Increases in state aid are closely correlated with reduced demand on local property taxpayers. The legislation also provided a funding increase to expand pre-kindergarten, though it fell far short of providing universal access to pre-kindergarten. **Passed by a vote of 140 to 2. Fitzpatrick voted no.**
- **2005 Final Education Budget:** While not addressing the need for fundamental school funding reform to make the school aid formula simple, fair and transparent, this budget bill did increase state aid for schools by \$848 million. Increases in state aid are closely correlated with reduced demand on local property taxpayers. **Passed by a vote of 136 to 10. Brown, Fitzpatrick and Reilich all voted no.**

There were two opportunities to enhance accountability standards for schools throughout the state.

- **2005 Comptrollers School District Accountability Plan A.6082-B/S.5050-A):** This bill would establish fiscal accountability for school districts by requiring districts to adopt several reform measures aimed at improving oversight of district financial records. **Passed by a vote of 136 to 3.**
- **2005 School District Accountability (A.6761-B/S.890-B):** This bill would allow the Office of the State Comptroller to expand its financial oversight of school district, Board of Cooperative Educational Services (BOCES) and charter school in the state. **Passed by a vote of 139 to 2.**

There was one other bill that was voted on that would have had a significant impact on classroom education.

- **Reducing Discrimination (A.4963):** The Dignity for All Students Act would help provide a safe school environment by prohibiting discrimination and harassment against all students, administrators, and staff in public schools on basis of actual or perceived race, national origin, ethnic group, religion, mental or physical disability, sexual orientation, gender, or sex in any activity occurring on school grounds and any activity conducted by the school. **Passed by a vote of 138 to 6. Brown and Reilich voted no.**

Senate Majority Leader Joseph Bruno: Senate Majority Leader Joseph Bruno continued to be a major barrier to fundamental reform. Under Senator Bruno's strong handed leadership, the Senate Majority failed to introduce any legislation to provide fundamental school funding reform and to ensure that all school districts have the necessary resources to provide all students with the opportunity for a quality education. Under Senator Bruno's leadership, the Senate Majority Conference remained the primary proponents of maintaining the existing school aid formula which is widely recognized as being very confusing and complex, unfair and highly subject to political manipulations. The Senate Majority failed to propose any plans to close the funding gap between rich and poor districts in New York State. The Senate Majority failed to propose any legislation to comply with any of the three CFE court orders to supply students in all school districts with a "meaningful high school education." The Senate Majority failed to propose any plan to provide a statewide resolution to CFE. In fact, Senator Bruno described the CFE decision as "lunacy."

Further, on March 31st, the Senate Majority Leader lead the Senate to defeat a budget amendment that would have dramatically reformed New York's school aid system and would have provided a CFE solution that would have benefited students in school districts throughout the state. This plan that was rejected through Senator Bruno's leadership would have also increased school district accountability. In its 2005 and 2006 budgets, the Senate Majority proposed freezing class size reduction and universal pre-kindergarten programs at existing levels.

By failing to support fundamental school funding reform and failing to provide an adequate level of state resources for schools, the Senate Majority under Senator Bruno's leadership perpetuated the existing school funding system that is over dependant on local property taxes.

The Governor: Despite being under an order from New York's highest court in the CFE case, Governor Pataki failed to propose a plan that would have funded schools at the level necessary to provide the constitutionally-mandated "meaningful high school education." Subsequent orders by two lower courts specifying increases in funding for New York City's schools of \$4.7 to \$5.6 billion per year were ignored by Governor Pataki. Despite a broad based consensus that any solution to CFE must address the needs of students statewide, Governor Pataki failed to provide any leadership towards creating a statewide solution to the school funding crisis. Instead of seeking a statewide solution to CFE to improve educational outcomes for students, Governor Pataki appealed the CFE case past the end of his term in office.

Governor Pataki's proposed education budget increases were woefully inadequate. He proposed only inflationary increases of \$526 million in 2005 and \$634 million in 2006. Governor Pataki did not propose to fundamentally reform the state school funding system relying instead on maintaining the existing funding formula that is confusing, unfair and highly subject to political manipulations. By proposing small aid increases and failing to provide a statewide solution to CFE Governor Pataki ensured the continued over reliance on property taxes to fund education.

To see a complete list of education votes cast by all members of the Assembly visit www.ageny.org.