

Burlington School Board Testimony in Fact Finding

June 30, 2016

The Burlington School Board presented its position on contract negotiations with the Burlington Education Association (BEA) to the fact finder in a hearing held June 30, 2016. The BEA also presented its position. The fact finder's report is due July 30, 2016. Below are the highlights of the Board's testimony given to the fact finder. This brief is laid out similarly to the testimony given, where the Vice Chair Seguíno responded to specific questions asked.

1. What is the role of the school board?

The board is the ultimate governing body of the district.

- It hires and evaluates the superintendent.
- It sets the governing policies and annual goals for the district for implementation by the superintendent and his or her administration.
- It develops and approves the annual budget for submission and approval by voters.

2. What are the overarching financial goals of BSD as set by the Board?

The Board's primary financial goals are accountability, sustainability, and transparency. By accountability, we mean that we are working to reestablish the trust of the community in the Board's financial decisions (one aspect of which is to no longer run deficits). By sustainability, we mean that we are committed to ensuring a high quality education for all of our students and fair compensation for teachers, in the context of the ability of the community to shoulder the burden of funding those costs.

3. Has it been necessary for the current board to make substantial course corrections with regard to the finances of the district? Explain the financial challenges the Board has faced and is still dealing with.

We have lost several million dollars in federal funding in recent years, as well as over \$1m annually in PILOT funds. In addition to these challenges, the city and district have just completed a joint capital plan that uncovered \$55m in deferred maintenance and another \$10m in new repairs or renovations needed to create a physically inclusive environment in compliance with the ADA.

In 2014, the voters rejected the board's proposed budget after many years of budget increases and what we now know were rolling deficits.

For example, from 2003 to 2013, we ran up over \$5 million in annual deficits, while the budget increased at a rate of 8% per year in nominal terms at the same time the rate of

inflation averaged 2.3%. That means that the budget was increasing at an annual rate in real or inflation-adjusted terms of over 6% a year. The main driver in the increased size of the budget was our largest budget item, salary & benefits costs, which were generously supported by the taxpayers. But this generosity has peaked and left us in a weak financial position that needs to be stabilized and strengthened.

These financial challenges were in part a result of the substantial lack of financial controls on spending at the district sub-level, and a lack of transparency affecting voter confidence. Until 2014, the district's budget had been merged with city government's, contrary to state law, and no audits on our budget had been conducted prior to 2014, further compounding the lack of transparency and ability of the board to manage finances.

Whether true or not, the public believes that prior boards spent without regard to running surpluses or deficits. This board is very conscious of its fiduciary responsibility to live within its means.

4. Has part of the challenges facing the Board been the negotiation of a sustainable contract for the 2016-17 school year with the union that represents the district's teachers?

Yes, we are unable to responsibly plan for educational enhancements and programs to improve the quality of educational services until this contract is settled; and because compensation to teachers is the biggest demand on our budget, it is impossible to do any serious planning until that has been resolved.

At the present time, there are substantial differences between the position of the board and the position of the teachers' union on salaries as well as a number of other aspects of compensation.

5. Should these differences be interpreted to imply any lack of respect for the district's teachers and the work they do?

No, not at all. We have the greatest respect for our teachers and the work they do. Indeed, it is a shared view of the board that teachers are the heart of our community. The board is convinced we can provide fair compensation for our teachers but we have to be on a more sustainable path that meets the needs of our children and the community's ability to shoulder these costs.

6. What is the Board's goal with regard to this round of teacher negotiations?

Our primary goal is affordability on a sustained basis while still paying regionally competitive compensation while delivering a robust educational curriculum to meet the unique needs of our student body.

7. Does the current collective bargaining agreement contain a requirement that the district pay its teachers at “the middle of the middle” of Chittenden County teacher compensation and if so, what does the board understand this commitment to mean?

Yes, it does contain that language. The board understands that language to mean that, on a total compensation basis—considering all of the components of compensation and benefits, in other words—Burlington teachers will be in the middle of the compensation and benefits paid in the 9 Chittenden county school districts.

The board is convinced it is necessary to depart from this commitment in the next Collective Bargaining Agreement (CBA) and beyond, however.

The commitment to “middle of the middle” was made by the prior board. That was an unusual step for the prior board to take during the last negotiations, and is not common for districts to do so. This decision does not stand the test of time. It is not an economically sustainable approach and has also proven to not be economically responsible.

There are several reasons why it is an untenable component of any CBA the Board could agree to. It is not a sustainable commitment or concept because: 1) ultimately, it commits a designated portion of BSD’s revenue without regard to ability to pay, 2) makes us dependent on decisions in other districts and excessively delegates the responsibility that we as Board members have been elected to exercise, and 3) does not allow the Board to fairly analyze and make informed choices as to highest needs for allocation of funds to BSD’s component parts. This language in the prior CBA essentially pre-determines the allocation of the most significant portion of the BSD annual revenues and as such is anti-democratic and undermines local control.

While we want to be regionally competitive, we cannot be locked into an agreement that forces us to ignore and account for other key contextual factors, including the ability of our community to pay, legislative mandates, and other needs of the district.

We as board members represent the whole district. We have to balance needs of children with teachers' economic aspirations as well as the ability of the community to fund the contract. The full board is committed to a fair settlement for teachers. **But we simply cannot have this type of language in the contract. It is that important to us.**

8. Does the board seek public input in the development of its budget?

Yes, the board first develops annual goals with the superintendent. The superintendent seeks parent, teacher, and community input into these goals in a number of venues (last year, over 14) and on this basis, develops a draft budget for the finance committee to review. We seek public comment to the finance committee, with the superintendent making adjustments to the budget in response to that input from the community and the committee. A budget is then proposed to the full board, again with numerous opportunities for public input into the budget. We then vote on the proposed budget, and with final adjustment, it goes to a vote in Burlington on Town Meeting Day.

Before there is a final vote on Town Meeting Day, there is an opportunity for review by the mayor and City Council. They do not have control over the budget but they do have the opportunity for input as per the city charter, and that broadens public participation.

9. What are the factors that influence the annual budget level and allocation, and to what extent is there a delicate balancing of competing legitimate interests?

The Board has four forces shaping the final budget. First and foremost are student needs and our responsibility to ensure a high quality education that meets the needs of all of our students. This goal is subject to three constraints – 1) teacher compensation (our largest budget item), 2) legislative mandates, and 3) the ability of the community to bear the burden of these costs.

10. Is it important to the Board that compensation paid to teachers be kept in appropriate balance with compensation being earned by the city's taxpayers and voters?

Yes, the ability of the community to pay must be weighted heavily. Our failure to do so undermines support for public education. We therefore have to think not just about this year when building a budget, but also the long run. If we continue to offer salary increases that exceed the cost of inflation and wage growth of regular citizens, we will lose public support. So, our lens has to take into consideration this larger landscape.

11. Do you believe the Board is making an excessive financial commitment to the needs of its New American students?

The share we spend on New Americans is not out of proportion to other areas we spend on.

Our most fundamental obligation is the provision of high quality education to all of our students. As a country based on immigrants, it reflects our best American spirit of providing assistance to all students, including New Americans, as well as to all disadvantaged groups, including US born and those with disabilities. To suggest we should not be addressing this

broad spectrum of needs is a misrepresentation of or blindness to what public education in America is and should be about.

It is also the best interests of our city to meet the needs of all of our students. That is because those who do not do well in school are the least likely to leave the community. If we do not address their needs in school now, we as a community will pay the costs in the future of failing to educate them well.

Our expenditures on ELL students and more generally, high need students, including those with disabilities and US born groups who are disadvantaged, reflects the board's mission statement announced in 2011:

“In the Burlington School District in the next five years we seek to significantly reduce race/ethnicity, class, ability, sex/gender, and sexual orientation as predictors of academic performance, discipline, and co-curricular participation.”

Our diversity efforts to ensure a healthy school climate and close the achievement gap not only reflect board policy. We are also under legal obligation to do so.

For example, two years ago the BSD was investigated by the federal government in relation to the adequacy of educational services for New Americans. More recently, we have been under scrutiny at Burlington Technical Center (BTC) in regards to the district's hiring practices to ensure they are consistent with the needed affirmative hiring practices to ensure employment opportunities for non-white teachers.

Failure to support equity and inclusion in the district is and has been costly. Numerous complaints and grievances have been filed in recent years, and in one particular case, the settlement obligated the district to hire staff to provide equity/diversity services.

12. Similarly, does the Board believe that the district is allocating too many resources to the needs of an increasingly diverse population of Americans of color?

No, our obligation is to ensure a high quality education for all students and to ensure a healthy school climate that promotes learning. Moreover, diversity and equity investments do not just benefit students of color – they benefit all students who will go out into an increasingly diverse world stage. We would be doing our students a disservice if we continued to deliver a traditional educational curriculum that embodies yesterday's thinking and pedagogy. The investment of resources to revamp educational delivery is intended to reform our educational system in Burlington, not just bring parity for one non-white group or another.

Moreover, our investments thus far have not been sufficient to close achievement gaps and group differences in dropout and graduation rates.

For example, while 84% of non-free and reduced lunch (FRL) students score proficient or better on the SBAC (which recently replaced the NECAP exams) reading exams in 2014-15, only 30.6% of FRL students scored similarly (see Table 1).

Regarding our students on individual education plans (IEPs), 13% achieved proficiency or better on SBACs, compared to 63% of non-IEP students that year. In terms of New Americans relative to the remainder, 8.3% compared to 63.2% scored proficient or better.

Our four-year graduation rate for non-FRL students is 93% compared to 70% for FRLs, and for those on IEPs, 50%.

Table 1. Achievement Gap Indicators by Group

CATEGORY	SUB-GROUPS	SBAC READING SCORES: % PROFICIENT OR BETTER	4-YEAR GRADUATION RATES (SY11-12 cohort)
Socioeconomic status	Non-FRL	84.0%	93%
	FRL	30.6%	70%
Language background	ELL	8.3%	78.7%
	Non-ELL	63.2%	82.6%
Ability	IEP	13%	50%
	Non-IEP	63%	86.1%

Note: FRL is free and reduced lunch, ELL is English Language Learner, and IEP is individualized education plan. The 4-year graduate rates are for the cohort of students starting 9th grade in SY11-12.

Source: BSD Equity and Inclusion Report 2014-15.

13. Similarly, is the district spending too much on the upkeep of neighborhood schools and the high school?

First, neighborhood schools clearly remain a high priority of our citizens. Second, we just received a capital needs assessment and 10-year plan, which shows we will need \$55 million just to catch up on deferred maintenance. That deferred maintenance resulted from the Board instead choosing to fund salaries unsustainably. While we do not begrudge spending on teacher salaries, it has come at a high cost in terms of not meeting other needs. We can no longer afford to do that.

14. Do you believe that BSD is burdened with too many administrators?

No, in reality, there are not enough to manage the district as sufficiently as it should be managed. The district's staff is overstretched such that they are at times not able to respond in a timely manner to complaints, be they from teachers about harassment by other teachers, or complaints filed by students. Failure to address these concerns in a timely manner has a negative effect on school climate, teacher morale, and most importantly, student learning.

Moreover, we have cut several administrative positions in the last four years (for example, the Assistant Superintendent of Operations, Director of Diversity Education, and the HR director positions). In this most recent budget, more than \$400K or roughly 30% of cuts were to central administration.

15. Does the Board object to paying its teachers regionally competitive competitive compensation and healthy care benefits?

Quite the contrary, we believe that this can be achieved and in our fact-finding testimony, outlined a board proposal that would allow us to do just that.