

LWW of Albany County

Educate

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Advocate

December 2005

Audrey Kibrick and Marggie Skinner, Co-Presidents

HOLIDAY LUNCHEON

Guest Speaker: Kermit L. Hall, President, The University at Albany

Topic: "THE SUPREME COURT"

When: December 8th, 2005 (Thursday) Noon to 2:00 PM

Cost: \$25 – Hot Buffet, Salads, Dessert & Coffee

Where: Alumni House, The University at Albany
1400 Washington Avenue, Albany

Directions: From Washington Avenue entrance, bear to RIGHT
Follow road to Alumni House on RIGHT

From Western Avenue entrance, bear to LEFT
Follow road to Alumni House on LEFT

Parking: DUTCH QUAD PARKING LOT (across from Alumni House)
There is a \$3.00 per car parking fee for Alumni House guests
(we encourage carpooling)

RSVP: By 12/3/05 (Saturday) to Gael Casey Vecchio
5 Circle Lane, Albany, NY 12203 (459-9958)

(For a biography of President Hall please see page 2)

FROM THE PRESIDENTS

Greetings:

FLASH: Our webpage, www.lwvalbany.org, has been updated, spiffed up and brought to life. We have a new look and a new webmistress. Take a look and let us know how you like it and how it can be even better. Thanks to new Albany League member, Jenny Stromer-Galley for offering to help and for getting the job done. Be sure to read the articles from Newsday about the League that can be found on the "Press" tab on the "News and Events" page. Somebody out there is impressed with the job we are doing.

The elections are over and it's almost impossible to believe that we will be using new equipment next year when we vote. Keep reading these pages to find out if we succeed in our campaign to have Albany County "OPT FOR OPSCAN." It sounds like an idea for a lawn sign or bumper sticker; if you

haven't written to the county executive or to your legislator yet, it's not too late.

We hope that everyone had a great time at Bell, Book and Candle. Thanks for coming and showing your support.

Now join us for a serious discussion of the Supreme Court and what we can expect in the next month or two as the process of filling Sandra Day O'Connor's seat unfolds. We are so fortunate to have President Hall of the University at Albany as the speaker at our December luncheon. If you can attend, it will certainly be a worthwhile experience.

After the lunch enjoy the rest of December and have a great New Year. There's lots of work left for us to tackle in 2006. We'll see you then.

Marggie & Audrey

Kermit L. Hall, Ph. D. (University of Minnesota), MSL (Yale Law School), is the President of the University at Albany, State University of New York, and a scholar of American constitutional, legal, and judicial history. He is an expert on judicial organization, having written extensively on the development of both American federal and state courts and judiciaries. His most recent book, with Kevin McGuire, is *Institutions of Democracy: The Judiciary* (Oxford University Press, 2005) that addresses on a comparative basis the development of judicial systems in the United States and elsewhere in the world. Professor Hall has also written five other books and edited twenty-two, including *The Magic Mirror: Law in American History* (Oxford, 1989), the award-winning *Oxford Companion to the Supreme Court of the United States* (2nd ed., rev., Oxford, 2005), and the *Oxford Companion to American Law* (Oxford, 2003).

League of Women Voters of Albany County Board

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E-Mail Address: lwwac@crisny.org. Web Site: www.lwvalbany.org

LWV of New York State: 35 Maiden Lane, Albany 12207, Phone: 465-4162, Fax: 465-0812, E-mail: lwwny@lwwny.org, Web Site: lwwny.org

The League of Women Voters is a nonpartisan citizen organization that promotes the informed and active participation of citizens in government, and influences public policy through education and advocacy. Any person of voting age, male or female, may become a League member.

This newsletter is published by the League of Women Voters of Albany County, 12 Coventry Road, Glenmont, New York 12077 and mailed to League Members. The frequency of publication is as follows: one mid-summer issue followed by nine monthly issues from September to May.

MONEY, MONEY – WHO HAS THE MONEY? HOW NEW YORK FUNDS ITS SCHOOLS AND WHY IT MATTERS

Betsey Swan

LWVNY Financing Education Co-Chair

Having recently made substantial financial outlays for our annual school taxes, we may be inclined to ask, “Is investment in education worth the money?” “Does the payment of equal rates of property taxes buy equal educational services throughout the state?” To this writer, the simple answers are

- Education is one of the most important investments we as a society make; and
- Payment of equal rates of property tax throughout New York does not and cannot buy equal educational services.

In the following article I shall describe briefly how the State currently funds education, explain why our current system of financing education makes it difficult to buy equal educational services throughout the state, and summarize recent research about the cost to both the individual and society of failure to provide an adequate education. For more detailed information and a more nuanced look at education funding, take a look at the Financing Education Bibliographic and Summary materials on the State League’s website (www.lwvny.org) and the Columbia University Teachers College materials on the cost of failure to provide an adequate education (www.tc.columbia.edu/news/article.htm?id=5350, with links to the symposium papers and summaries). Of the League materials, the article, *Money, Money – Who Has the Money?* is especially helpful.

I. HOW WE CURRENTLY FINANCE EDUCATION IN NEW YORK STATE.

New York has traditionally depended on a mix of federal, state, and local funds to finance its schools. The funding mix has varied over time, often as a result of the fiscal health of the various funding units.

Federal aid accounts for approximately 6% of total aid.

The State share of education funding has varied over time from a high of 48.1% for the 1968-69 school year to a low of 31.5% for the 1944-45 school year. In fiscal year 2002 /03, 16% of state revenue was used to fund the STAR program, 73% came from the General Fund, composed primarily of sales and income tax, and approximately 11% came from a Special Fund supported by the lottery.

Property taxes account for approximately 90% of local revenues. Local Boards of Education in all but the Big 5 school districts (New York, Yonkers, Buffalo, Rochester, Syracuse),

levy property taxes on residential and commercial property, subject to voter approval.

The finances of the Big 5 school districts, which in 2002-03 educated approximately 42% of the state’s students, are part of the cities’ municipal budgets, so residents do not approve local school tax rates. Each of the Big 5 districts has a constitutional limit on its total municipal budget. The Regents have recommended that the education budgets of the Big 5 districts be made independent of their municipal budgets. Alternatively, the Regents have suggested maintenance of educational effort provision in the municipal budgets.

New York City imposes a modified local income tax on residents, a business and financial tax, and a tax on commercial rents. Yonkers imposes an income tax on non-resident commuters.

The New York State rate of sales tax is currently 4.25%. Localities are able to levy a sales tax of up to 4%. Eight counties share their sales tax with schools and are legally able to share other taxes. In 2002-03 150 districts received a total of \$225 million in revenues from non-property tax revenues.

Small city school districts can impose a utility tax of up to 3%, and approximately ¼ of these districts do.

Districts whose tax bases are affected by Industrial Development Agencies, business development corporations that are exempt from real property, sales, and mortgage taxes, are entitled to a pro-rata portion of PILOTS (Payments in Lieu of Taxes) paid by these organizations.

II. HOW IS AID CURRENTLY DISTRIBUTED?

New York State has four methods of distributing state aid for education:

- Flat grant per pupil. This aid goes to each district within the state on a per capita basis and is not wealth-equalized. This is used for textbook aid, gifted and talented aid, and flat grant operatingaid.
- Wealth-equalized fixed amount of state aid per pupil. Aid is distributed as an allowance amount per pupil equalized in relation to district fiscal capacity. Poorer districts receive more of this type of aid. Formula Operating Aid is distributed in this fashion.
- Effort or expense-based aid. This aid equals the State Share, a wealth equalized percentage reimbursement for expenses previously approved by the state. It includes Transportation Aid, Building and BOCES Aids, and a portion of Formula Operating Aid.
- Tax relief in the form of the STAR program, which is used to reduce local property taxes.

III. IS THE CURRENT SYSTEM OF FINANCING EDUCATION EQUITABLE?

- A. Do New York State Districts Spend Comparable Amounts To Educate Their Children?
In general, there is a tremendous disparity in the amount NYS districts spend to educate their children. For the 2002-03 fiscal year, the district spending at the tenth percentile spent on average \$6,313 in operating expenses (all funds, excluding transportation aid, building aid, and limited additional expenses) to educate each student, while the district spending at the ninetieth percentile an average of \$11,769, a difference of 86%. Although the percentage disparity between the first and ninth decile districts in terms of spending has decreased over the past twenty years, it has held relatively constant over the past six years at between 84 and 88%.
- B. Is The Disparity In Spending Related To The Overall Wealth Of The District?
Wealthier districts, as measured by the value of taxable property per student within the district and income per student within the district, generally spend more money educating each child. For the 2002-03 school year, the districts with per student spending in the lowest decile (\$6,004) had average actual real estate valuation per student of \$158,319 and average income per student of \$67,113. The districts in the ninth decile (\$10,833) had actual valuation per student of \$604,151 and income per student of \$299,657. Thus, poorer districts must tax their real estate at a higher rate if they are to raise funds comparable to those raised by wealthier districts.

IV. WHAT IS THE SHORT AND LONG-TERM COST TO SOCIETY OF FAILURE TO PROVIDE AN ADEQUATE EDUCATION TO ALL ITS CHILDREN?

A recent two-day symposium at Columbia University's Teachers College attempted to quantify the social cost of failing to provide children with an adequate education.

Among the startling findings were:

- A high school dropout earns about \$260,000 less over a lifetime and pays about \$60,000 less in taxes than a high school graduate;
 - The US loses \$50 Billion in state and federal taxes annually from its high school dropouts;
 - The US loses \$192 Billion (1.6%) of GDP) in combined income and other tax revenue loses with each cohort of 18 year olds who never completes high school. Increasing the educational attainment by one year would recoup nearly half those losses;
- The US could save at least \$7.9 Billion annually in the cost of governmental welfare and food and housing support programs by improving educational attainment;
 - Increasing the high school completion rate for all men aged 20-60 by 1% would cut the annual cost of crime by up to \$1.4 Billion
 - The demographics of the county are such that there will be a shortfall of a 7 million college educated workers by 2012.

V. WHAT CAN BE DONE TO REMEDY THIS PROBLEM?

Research indicates that there are things that can increase educational attainment. Among other things, participation in model preschool programs has been shown to reduce dropout rates, boost academic achievement, and lower the risk of teen parenting, drug use and criminal violence. The economic benefit of such programs has been shown to be as much as \$7 for each dollar invested, or a return of 700%. The Schools for New York's Future Act, which would alter the way the state funds education and attempt to implement the Campaign for Fiscal Equity order throughout the state, would give poorer districts a more level playing field for those districts without reducing state aid for wealthier districts.

TO DISCUSS THESE ISSUES FURTHER, COME TO THE FINANCING EDUCATION STUDY GROUP AT 7:00 P.M DECEMBER 7, 2005. CALL BETSEY SWAN, 426-3711 FOR DIRECTIONS

Voter Service: Election 2005

Once again our League members supported Voter Service with many volunteer hours this election season! It is just amazingly easy to find many willing members to support those activities. Thanks to you all!

Local elections in the city of Albany mean that we have to hit the ground running in the summer to prepare for those all important primaries. This year we started meeting in mid summer with our co-sponsoring organizations – ARISE, the Council of Albany Neighborhood Associations, and the Capital Area Council of Churches – to bring about candidate events geared to the Albany Common Council races. In late August we held two forums – one for the four Common Council President candidates, and one giant forum to which all the Common Council candidates in contested districts were invited. Both events were top drawer and received great reviews from those involved, thanks to our terrific volunteers. We also moderated the Delaware Avenue Neighborhood Association's forum for common council candidates, for which they were most appreciative (they sent me chocolate!).

For the general election, we managed to pull together two forums – one for the Albany City School Board (partnering with the PTA) and one for the Bethlehem Town Board. With last minute candidate, venue and date changes, and with the lead time necessary to get things into the bulletin, it's very difficult to get information out to our members and to the general public about when these forums will come about, and so we rely on email and the newspapers for last minute notifications – a good reason to make sure the League has your current email address!

5,000 copies of the "Voters Guide", Part 1 and Part 2, were distributed to libraries, at forums, and to our members. Many thanks to our wonderful Bea Herman for underwriting that effort!

And we received absolutely terrific press coverage this year! The League was mentioned often in connection with potential candidate forums, coming candidate forums, past candidate forums, and frustrated efforts to bring about candidate forums! I found correspondence from reporters on a regular basis in my email. They know we're here, and they recognize our efforts. I'll wind this up by re-printing parts of an editorial that appeared in the Saratogian about the Saratoga League's efforts; the press seems to think highly of us.

"The traditional Meet the Candidates nights sponsored by the League of Women Voters are ... maybe the only way for ordinary citizens to see and hear all of the local candidates at once. Yet the head of the largest local GOP committee in Saratoga County, unhappy with the League's format for its Meet the Candidates night for southern Saratoga County, is not only boycotting the event but holding a competing one on the same night. That's a disservice to the votersSaratoga County GOP chairman Jasper Nolan should be letting all of the local party chairmen and all of the candidates know that he expects participation in the League's events.

...the Meet the Candidates nights get all of the candidates together before the public. The volunteer League of Women Voters goes to a lot of trouble to organize and run these events for the sole purpose of promoting 'informed and responsible participation of citizens in government,' as its literature explains..... The candidates and party leaders must take seriously their responsibility for helping to create an informed electorate. "

The Saratogian, 10/23/2005

*Maggie Moehring
Voter Service Chair*

Public-Access Television

The future of 'Public-Access Television' may be in jeopardy if the uncertainty of the FCC (Federal Communications Commission) follows the path of the funding demise of franchise cable television stations throughout the country. A recent article (November 8) in the New York Times explains both sides of the issue. "PEG"(Public, Education and Government) access channels tend to be uneven in quality. Currently, in the Albany area there are but two truly public access channels, to my knowledge - 18 in Bethlehem and 16 in Schenectady. The College of St. Rose has a public access TV channel partially funded from the Time-Warner contract with the City of Albany, but when it is used by other than an academic organization, there is a charge for the studio and engineering, ergo not truly a "public access."

The Video Choice Act introduced into the House by Marsha Blackburn (R) from Tennessee, has been referred to the House Energy and Commerce Committee. The Senate version introduced by Gordon Smith (R) of Oregon has been referred to the Senate Commerce and Transportation Committee. The proposed legislation allows for consumers "not government bureaucrats" to choose the best services at the best prices. Note the term 'best prices' - ergo comes the rub and who is the real consumer?

Municipalities such as Albany and Schenectady must individually negotiate with Time Warner Cable for an established 5% franchise fee.

If, for example, Albany wanted to establish a totally new Public Access Station a number of problems arise:

1) Who is going to take the leadership in these negotiations? Currently that responsibility lies with an ad-hoc committee appointed by the Mayor which has done little or nothing during the last year. And, timing is an issue of concern as the current contract with TW expires next year.

2) Where will this new TV channel head-end be located and how much will it cost to do the engineering and build the system? The Albany Public Library has indicated interest, as has the Albany High school; however they have no money to purchase the equipment or pay the new staff required to operate this station.

3) What purpose would PATV - Albany serve to whom, and who makes that decision? Is it made by the interested public or is it political?

4) Bethlehem TV - 18 is a very nice studio but has antiquated equipment that currently uses taped (analog) shows and not digital, the format that most receivers are using. That is why, in part, my show of ten years "Conversations Regarding Health Care" has ceased to service a multi-city or county area. Time, talent and technology need to be in sync in order to service the public/political needs of the community and the time for successful negotiations to provide the funds necessary is running short.

5) The franchise fee is based upon a percentage of Time Warner income from leased services. This is indeed becoming more and more complicated as that market is no longer truly defined as to the inclusion of services provided by Time Warner.

6) At stake is about one million dollars in annual revenue. How or for what purposes has previous revenue been used? And what will it take to make the changes that I view as best for the community?

The League of Women Voters of Albany County has supported a public access TV station for Albany City residents since 2003 and has testified before the Common Council and the ad hoc committee appointed by the Mayor. In collaboration with other endorsers we have produced a brochure which describes public access and what it could do for the City.

I have no answers, but would welcome support in the resolution of the problems outlined above.

Raymond S. Blanchard
Member at Large - LWV

Romancing the Lever Voting Machine?

The day before Election Day 2005 I was asked by a reporter if I was nostalgic about the retirement of lever voting machines after this election. I said, "No, not at all, for the following reasons: 1) they are inaccessible for many voters, 2) write-in capability is almost impossible, 3) the ballot presentation is difficult to read, 4) replacement parts and technicians who know how to fix the machines are in short supply, 5) 100% accurate counting of machine results is difficult to achieve." The latter was borne home to me when I went to the polls on election night for League poll reporting. Looking at the machine face when it was opened to reveal the count for each candidate once again impressed on me how easy it is to misread the numbers in the little windows. The numbers are read aloud and election inspectors write them on their report forms. Numbers are repeated but a second reading by another inspector to verify the first readout is not standard procedure. Unless a machine recount is ordered, these numbers stand as the final results. Although they have been described as 100% accurate and reliable, they are subject to the same problems as any mechanical device operated by human beings.

As we move closer to the introduction of new voting machines in New York (September, 2006), we need to evaluate what system will provide the best solution to counting every vote. Although no voting system is without some potential for flaws, the primary drawback of DREs is that when the system malfunctions there is no possibility of recapturing the intent of the voters. It is lost forever! Contrary to this, with a paper ballot/optical scan system, the paper ballot is marked by the voter. The ballot is scanned and the votes are tabulated. If there is a power outage or a scanner failure, voting can continue. The paper ballot is securely retained and can be hand counted at the end of the day, or machine counted when the scanner is operational. *No votes are lost!*

A significant report on electronic voting was released by the U.S. Government Accountability Office (GAO) on October 21, 2005, as requested by a bipartisan group of twelve Congress members. It noted that extensive security and reliability flaws exist at all levels in the electronic voting process (includes optical scan equipment). Documentation of these flaws is available in the 125 page report, at www.gao.gov/cgi-bin/getrpt?GAO-05-956. The GAO report indicated that national initiatives to improve voting system security and reliability of electronic voting systems (such as updated standards from the Election Assistance Commission; federal accreditation of independent testing laboratories; and certification of voting systems to national standards) are underway, but "a majority of these efforts either

lack specific plans for implementation in time to affect the 2006 general election or are not expected to be completed until after the 2006 election.” As a result, GAO found that it is unclear when these initiatives will be available to assist state and local election officials.

According to GAO, “Until these efforts are completed, there is a risk that many state and local jurisdictions will rely on voting systems that were not developed, acquired, tested, operated, or managed in accordance with rigorous security and reliability standards – potentially affecting the reliability of future elections and voter confidence in the accuracy of the vote count.”

With the release of this independent bi-partisan report, all voters should be concerned that our election system is at risk. Precinct-based paper ballot optical scan systems, with the aid of ballot marking devices for persons with disabilities, will provide a backup paper ballot so that all votes can be counted regardless of interruptions in the voting process. Let your county legislator and your county elections commissioners know you care that we have a reliable method to count votes next year!

Draft voting system standards have been written by the New York State Board of Elections to implement the requirements of the law. They are posted on the website of the NYSBOE at www.elections.state.ny.us. A forty-five day comment period will begin after the NYS Department of State posts the draft guidelines in the *The Register*. Three hearings around the state (not determined as of this date) will be held for public comment. After review of the comments, new regulations, with or without revision, will determine the content of an RFP for the voting machines. We will be working to ensure that optical scan voting systems are in the mix for selection by local county elections commissioners.

Aimee Allaud
LWVAC Bulletin Editor
NYSLWV Elections/Govt. Specialist

UPDATE ON OP SCAN IN ALBANY COUNTY

Ray Blanchard and I met with Albany county legislators Tim Nichols, Ray Joyce and John Frederick recently to talk about how to move op scan onto the county legislature radar screen. They will be doing some work in-house with their members and then we will jointly do some advocacy. So, keep those pro op scan letters to your legislators coming. If Tim, Ray or John are your legislators, please contact them to let them know you support their work.

Membership 2005–2006

Join & Make a Difference

Name _____

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- Individual membership \$45/year
- Household membership \$60/year
- Student membership \$15/year
- Contribution in support of my local league
- Please send me more information

Mail to : League of Women Voters of Albany County
P.O. Box 611 Slingerlands, NY 12159

Or contact: Linda McKenna Tel: 463–1805

Letters.....

we get letters (we hope!)

Express yourself! We are starting a new column for the bulletin. Let me know your ideas and opinions...keep it short and to the point, and primarily on League issues. Mail your letter to Aimee Allaud, Editor, LWVAC bulletin, 85 Melrose Avenue, Albany, NY, 12203, or 85aimee@nycap.rr.com. Bulletin deadlines are the board meeting each month, generally the first Tuesday of each month.

WANTED!!

Job Opening –The LWVAC bulletin production team needs someone to take charge of mailing the monthly bulletin (10 times annually). The job requires a car, but can be done at home. The *bulletin distribution position* is the final link in our communications with our members. We are grateful for Peg Tucker’s diligence in this position for the past several years, but she will be vacating that position in March. If you think you might be the right person for the job, please call Marggie, 489–5311, or Aimee, 482–2617.

UPCOMING EVENTS CALENDAR

Global Issues Study Group

(discussion)

Monday, Dec. 5, 10:30 a.m.

Home of Nikki Singh

LWVAC Board Mtg.

Tues., December 6, 5:30 p.m.

Mary Berry's home

Holiday Luncheon with Guest Speaker, President Kermit Hall,

University at Albany

Alumni House

Thursday, Dec. 8, 12 Noon

January Meeting

Financing Education Study
presentation

Date/Time/Place to be announced

NYS Legislature convenes with
Governor's

"State of the State" address

State Capitol

Wed., Jan. 4, 1:00 p.m.

(live broadcast on WAMC)

The League of Women Voters of Albany County
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Slingerlands, NY 12159

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