



June 9, 2009

Mr. Edward J. Furchak, Jr.
Board President
Sullivan BOCES
6 Wierk Avenue
Liberty, New York 12754-2908

Dear Mr. Furchak:

Section 2201(2) of the Education Law requires that whenever a vacancy occurs in the Office of District Superintendent of Schools in any supervisory district, the Commissioner of Education shall conduct a survey of that supervisory district and those contiguous supervisory districts to determine if redistricting is advisable in order to better serve the educational interests of the region. Such a vacancy occurred in the Office of District Superintendent of Schools of the Sole Supervisory District of Sullivan County.

The District Superintendent serves a unique dual governmental and educational function through which State and local purposes are carried out together. As vacancies have occurred in the Office of District Superintendent, the Commissioner of Education has exercised his statutory responsibility to survey the area and to order redistricting as he determines necessary to achieve optimum regional educational services and effective State purposes.

Many factors are considered in reaching a determination relative to the redistricting of supervisory districts. The organizational structure of the supervisory district should ensure that the following criteria are met:

- The number of component districts and geographic size is such that the District Superintendent can execute his/her statutory and administrative responsibilities as a State officer, in accordance with Section 2215 of the Education Law, in a competent and cost-effective manner.
- A District Superintendent can effectively carry out responsibilities as the chief executive officer of the Board of Cooperative Educational Services, in accordance with Section 1950 of the Education Law.
- The pupil enrollment base is sufficient to support a variety of quality instructional and support services at appropriately located educational centers to extend and to enhance the programs of component school districts.
- The financial base is sufficient to support BOCES administrative, instructional and related support services costs at an affordable level for component school districts.

In deciding on the most appropriate administrative organization for the region, geographic and demographic factors and the location of existing BOCES centers within an area are also considered. Also, since a Board of Cooperative Educational Services operates within each supervisory district to provide shared services to component school districts, the ability of a BOCES to respond effectively and efficiently to area educational needs is a primary consideration when viewing redistricting alternatives.

Related Activities

Before I made a determination, the following activities informed the decision-making process:

- An initial survey of the field was conducted to determine whether reorganization was advisable in order to better serve the educational interests within the region, as required under Section 2201 of Education Law.
- The Department commissioned, received and reviewed a study conducted by The Rockefeller Institute of Government of The State University of New York. (The study was released on January 15, 2009, four months after the resignation of the District Superintendent of Schools of the Sole Supervisory District of Sullivan County, as required by statute.) The study recommended that the Sole Supervisory District of Sullivan County be merged with the Sole Supervisory District of Sullivan and Ulster Counties.
- Regent Joseph E. Bowman, Jr. conducted a public meeting on February 12, 2009 at the Liberty High School to present the findings of the study and to hear public comment on a proposed reorganization plan for the Sole Supervisory District of Sullivan County and the Sole Supervisory District of Orange and Ulster Counties.

Decision

As Commissioner, I have determined that a merger between the Sole Supervisory District of Sullivan County and the Sole Supervisory District of Orange and Ulster Counties is not the best course of action at this time. I will therefore direct the Sullivan Supervisory District Board to recruit and appoint a qualified District Superintendent in the manner required by statute. In addition, I direct the board and the Interim District Superintendent or new District Superintendent to report to the Commissioner and the public annually beginning September 1, 2009 and four years thereafter on four areas of program quality and capacity.

Rationale

This decision rests on careful review of the entire record provided by the survey, study, and public hearing, and was further assisted by review of the many letters from citizens in the region and neighboring district superintendents. I have listened to local views and found merit in this counsel. There are also complexities in the situation that will require innovation. I have considered both the many positive elements about the current arrangement, and the

challenges posed by small enrollment and other factors. Developments over the next few years will require the most careful board and District Superintendent leadership.

The record sets forth many positive features with respect to the current organization and I summarize them here. Sullivan BOCES "does an effective job in providing quality educational services to the community..." For example, the 19 CTE courses provided in Sullivan BOCES seem reasonable in comparison to the state average of 20. Sullivan CTE programs reach 26 percent of the eligible students and almost 92 percent of those students complete the program. The record also shows that Sullivan BOCES "appears to be meeting the special education needs of the students in its component districts." The BOCES has an administrative budget that is 7 percent of the total budget, which does not compare unfavorably with the state average of 6.5 percent given the small enrollment. The BOCES uses \$2.7 million in cross-contracted services, which shows a determination to use the resources of neighboring BOCES to extend capacity.

Some of the challenges include the enrollment base of just over 10,000 students, below the SED guideline for an ideal BOCES enrollment of 40,000. This small enrollment base limits the program offerings to students. The other BOCES considered in the merger study, Orange-Ulster, was found to have a much deeper administrative and planning capacity. Although lean administration is desirable the relatively greater capacity in other BOCES can and does lead directly to the creation of additional program opportunities that are hard to provide with a smaller staff.

The record suggests that the facilities limit program options, and recent attempts to implement a new capital plan have not won public support. Enrollment is not only low but declining in the region served by Sullivan BOCES.

However, there are other factors that make a merger between the two BOCES problematic. The distances, roads, and terrain make travel between the two BOCES difficult, costly, and long for both students and educators. The two organizations have different contracts with employees. Consequently, while merger would potentially reduce costs in certain positions, leveling up the two sets of contracts would potentially eliminate those savings. The record does not establish with a high level of probability that costs would be reduced. However, while cost savings are an issue, program outcomes for the students are a factor of primary concern. There may be other ways to improve program offerings and at the same time achieve additional cost containment through combined services, as the Regents have outlined in their State Aid proposal, and as many local leaders have demonstrated across New York.

I have also reflected on the views of the local communities. Leaders who support merger and those who oppose have provided their advice. There is not a consensus in either direction, but opinion appears to favor retaining the independence of the two BOCES. An enduring solution that works for the students requires broad local support which I do not find in this situation.

After considering all relevant factors and determining reorganization is not advisable at this time, I turn now to preparing for future actions.

Actions to Support Local Innovation

All interested parties have reason to be concerned about the consequences if enrollments should continue to decline. It is necessary to create a process to engage and support the Sullivan Board and District Superintendent and the component districts in monitoring developments and to innovate where necessary. Therefore starting with a baseline report on September 1, 2009, and for the four following years, I direct the Sullivan Board and the District Superintendent to report on the following:

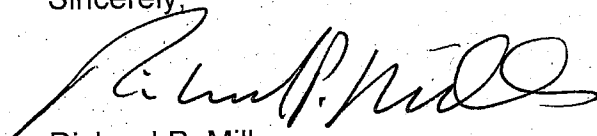
- Student outcomes. Graduation rates, state assessment results, enrollment and postsecondary and employment outcomes for all students served by the BOCES, including references to similar measures for all students in the region.
- Program quality. Program offerings, including certified CTE programs, special education programs, and other supports for component districts; including professional development, shared services and others. Indicators of program quality from the perspective of constituent districts and in comparison with offerings of other BOCES.
- Facilities. The condition and adequacy of the facilities as a platform for providing the services the students need. The quality of the facilities planning and maintenance programs.
- Cost efficiencies. The use of cross contracting and shared services to optimize the funds available for student programming and other services to directly or indirectly improve student outcomes.

I further ask three experienced District Superintendents to advise the Commissioner, the Sullivan BOCES board, and the District Superintendent in reviewing these reports annually. They are District Superintendents Anthony Micha, Martin Ruglis and James Langlois.

The purpose of these reports is to encourage local innovation in addressing any limitations imposed by enrollments, geography, and resources and to enable local leaders as well as the Commissioner, to anticipate issues that may require future reorganization of the Sole Supervisory District.

I thank all of the many educators and citizens who provided information related to this matter.

Sincerely,



Richard P. Mills

c: Mr. Carl P. Onken, Mr. Anthony Micha, Dr. John Pennoyer
Regent Joseph Bowman, Regent Harry Phillips