



THE BUFFALO NEWS

SUNDAY

Seahawks, Texans advance in playoffs

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Ousting Paladino would be tough, costly

Education, legal experts cite First Amendment protections

By JAY REY

NEWS STAFF REPORTER

No matter how repugnant Carl Paladino's comments about President Obama and the first lady may have been, they are not enough to kick him off the Buffalo School Board, legal and educational experts say. He has protection for his offensive speech under the First Amendment.

The board – which will petition the state education commissioner for Paladino's removal – may be able to make the case that his com-



"The School Board ... is saying to the government, 'We don't like what he said and we want you to punish him for saying it,'"
– Attorney Paul Cambria

ments violated policy or code of conduct as a sworn member of the Buffalo Board of Education. But so far, there hasn't been much to hang that on, the experts added.

Even if state Education Commissioner MaryEllen Elia decides to remove the board member – something commissioners hesitate to do – there is likely to be a court challenge that could drag on for years.

One thing is for sure: It's highly unusual to seek removal of a board member for what he said in the political arena.

"I think we're in uncharted territory," said Jay Worona, general counsel for the New York State School Boards Association.

See **Paladino** on Page A9

Free tuition plan raises concerns on equity, scope

Proposal could hurt private colleges while failing to aid neediest students

By JAY TOKASZ

NEWS STAFF REPORTER

Gov. Andrew M. Cuomo wants to entice more New Yorkers into earning a college degree with an offer of free tuition at the state's public colleges and universities.

It's easy to understand free, especially when college costs prompt night sweats for parents of college-age students. Cuomo's plan grabbed nationwide attention.

State University of New York Chancellor Nancy Zimpher called the free tuition proposal a "showstopper" and praised Cuomo for putting higher education at the top of New York's list of public policy issues for 2017.

But higher-education policy experts and private college presidents question whether "free tuition" is the most effective way to get more students through college.

Among the concerns:

- Whether public colleges and universities can keep pace with higher demand without sacrificing quality;
- The use of limited resources to help a broad spectrum of families, many of whom can afford to pay tuition, instead of targeting more aid toward lower-income families;
- Whether the state will be able to sustain free tuition as

college costs grow, and whether other areas of higher-education funding will suffer;

• The possibility that increased competition for seats in selective state colleges and universities will squeeze out low-income students and lead to less diverse campuses.

The state is home to more than 100 private colleges and universities, in addition to a network of 89 public colleges and universities in the State University of New York and City University of New York. Cuomo's plan would drive up higher-education costs and put some private colleges out of business, to the detriment of students and taxpayers, according to some private-sector presidents.

"I think all of us in the private sector applaud the governor for trying to find a way to get more students into college and on to a degree," said Gary A. Olson, president of Daemen College in Amherst, one of 11 private nonprofit colleges and universities in Western New York. "I'm sure that all the intentions are good. But what I'm seeing and he may not be seeing is the unintended consequences."

Currently, more than half of the state's bachelor's degree earners and nearly three-

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Mark Mulville/Buffalo News

The owl, being tended to by Richard Burdeaux Jr., Laura Wade and Marianne Hites at Specialized Care for Avian & Exotic Pets in Clarence, had four pins inserted into its broken wing, above left, and grows stronger each day.

INJURED SNOWY OWL IS ON ROAD TO RECOVERY

Farmer saves bird's life by flagging down officers

By BARBARA O'BRIEN

NEWS STAFF REPORTER

The snowy owl, a visitor from the tundra, had survived for more than a week with a broken wing before it was found on a rural road in Cattaraugus County.

Emaciated and sick, it may not have lived much longer, had not a farmer flagged down

Care of the bird includes giving him extra fluids through a tube down his throat, and antibiotics. Although he was sick, he was strong.

two state Department of Conservation officers who happened to be driving through the Town of Napoli the week before Christmas. They were able to capture the owl, and then two bird rehabilitators and a veterinarian went to work. Already, the bird has shown it has strength and a will to live.

Eventually, the owl may be returned to the wild. But that will be a while yet.

Snowy owls are not usually seen in Western New York, but this guy is in for an extend-

See **Owl** on Page A9

FROM COAST TO COAST, A KILLER OPIOID EPIDEMIC



Opioid addiction is America's 50-state epidemic. It's the worst drug crisis in U.S. history, health experts say, killing more than 33,000 people in 2015. And there's no sign it's letting up. *Story on Page A4*

GOP rushing to OK Trump nominees

Candidates' vetting not yet complete

By JENNIFER STEINHAEUER AND ERIC LICHTBLAU

NEW YORK TIMES

WASHINGTON – As Senate Republicans embark on a flurry of confirmation hearings this week, several of President-elect Donald Trump's appointees have yet to complete the background checks and ethics clearances customarily required before the Senate begins to consider Cabinet-level nominees.

Republicans, who are expected to hold up to five hearings on Wednesday alone, say they simply want to ensure the new president has a team in place as soon as possible. "I believe all the president-elect's Cabinet appointments will be confirmed," Sen. Mitch McCo-

nnell of Kentucky, the majority leader, said.

But Democrats are calling for the process to be slowed and for the hearings to be spread out. That, they say, would allow more time to vet the nominees. "Our first overarching focus is getting tax returns and ethics forms," said Sen. Amy Klobuchar, D-Minn.

In a letter to Sens. Charles E. Schumer, D-N.Y., and Elizabeth Warren, D-Mass., the head of the Office of Government Ethics, Walter M. Shaub Jr., said Friday that "the announced hearing schedule for several nominees who have not completed the ethics review process is of great concern to me."

"During this presidential transition, not all of the nominees presently scheduled for hearings have completed the ethics review process," Shaub

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WEATHER

Cloudy, windy and cold. High 15, low 10. Details on Page C8.



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CONTINUED FROM THE COVER

SUNY campuses may not be able to handle influx

TUITION • from A1

quarters of its master's degree earners graduate from private colleges and universities.

Small private colleges in particular, which tend to rely on tuition for the bulk of their revenue, already face tremendous financial pressures due to a decline in the population of traditional college-aged students across most of New York and in other parts of the Northeast.

Olson said the governor's plan as it is now would create havoc in the state's higher education landscape, potentially steering tens of thousands of students from private colleges and universities onto SUNY campuses that won't have the capacity to handle the influx.

"They would be completely overwhelmed," he said. The state would then have to spend even more money on additional faculty and staff and facilities, Olson added.

Cuomo's tuition plan

Cuomo's proposal ultimately would have the state pay tuition at public colleges and universities in New York for resident students in families that earn \$125,000 or less per year.

State officials anticipate using existing federal and state financial aid programs to pay for most of the cost, while adding \$163 million in state tax dollars for Excelsior Scholarships that will cover what the traditional aid programs do not. In announcing his plan, Cuomo said that college education is a necessity, not a luxury, in today's economy, and he cited state Labor Department data that show that within the next seven years, 3.5 million new jobs across New York will require at least an associate degree. The governor also said he wanted to help students succeed "without the anchor of student debt weighing them down."

Cuomo's free tuition plan won't exactly be free – either for taxpayers or for students.

Some graduates of the SUNY system already have complained on social media about struggling through college, working to pay for it, while future SUNY students could get free tuition, paid by tax dollars. But today's students bear much more of the cost of higher education than 10 or 20 years ago. Public college tuition used to be low enough that many students could work a summer job and part time during the semester to pay their way. Not anymore, said Kim Dancy, policy analyst for the New America Foundation.

"In recent years, we've seen a huge increase in what public institutions are charging students in a way that minimum wage salaries haven't kept up with," said Dancy.

Besides, an individual's college education translates into societal benefits, so taxpayer contribution to that education is an investment in the broader community, said Katherine S. Conway-Turner, president of SUNY Buffalo State.

"It's a public good," she said. "It's good for our communities when people have degrees. It's good for kids. It's good for families. It has cascading collateral benefits."

Dancy has studied the idea of free college since Sen. Bernie Sanders, I-Vermont, made it a centerpiece of his campaign for the Democratic presidential nomination. Sanders joined Cuomo at LaGuardia Community College in Queens for the governor's announcement and urged state legislators to support the free tuition plan.

Alternative ideas

Instead of free tuition, the governor's proposal could be tweaked to expand the state's Tuition Assistance Program, or TAP, a financial aid grant program that follows an income-eligible student to the institution of their



Harry Scull Jr./Buffalo News

"I'm sure that all the intentions are good. But what I'm seeing and he may not be seeing is the unintended consequences."

Gary A. Olson, president of Daemen College



Sharon Cantillon/Buffalo News

"One thing we know unequivocally is that, if you are fully enrolled, there's a much better chance you will stay on target or finish early."

SUNY Chancellor Nancy Zimpher

Majority of state's four-year college graduates are in debt for student loans

More than half of all students in New York graduated from four-year institutions in 2015 with student loans, and the average debt was \$29,320. A sampling of average debt loads of graduates from four-year public colleges and universities in New York:

City University of New York Brooklyn College	\$15,235
Fashion Institute of Technology	\$25,162
Stony Brook University	\$23,592
University at Albany	\$25,727
Binghamton University	\$25,844
University at Buffalo	\$26,165
SUNY Fredonia	\$30,553
SUNY Buffalo State	\$25,861
SUNY College at Brockport	\$30,192
SUNY College at Geneseo	\$21,787

Source: The Institute for College Access & Success, Project on Student Debt

choosing, public or private, Olson and other private college leaders said.

Cynthia Zane, president of Hilbert College in Hamburg, called the governor's proposal "a new philosophical approach to funding higher education."

"Wouldn't everyone like to go to college for free? No question. It sounds wonderful," she said.

But Zane said the proposal had the potential to upset one of the state's most effective public-private partnerships and significantly weaken the private sector, where students on average graduate at much higher rates and have lower loan default rates than the average for SUNY and City University of New York campuses.

The plan also could have devastating economic effects across the state. Small private colleges fuel local economies by two to three times the size of their budgets, according to estimates by the Commission on Independent Colleges and Universities. Hilbert, with enrollment of about 1,000 students, an annual budget of around \$16 million and employing the full-time equivalent of 200 people, has an economic impact of \$43 million annually. At Daemen, the impact is estimated at \$130 million.

"A lot of the private colleges, they're in small towns where they are the largest employer," said Zane. "I have no idea to what extent the governor and

his office have studied those issues."

Low-income impact

Higher-education policy experts said the governor's plan isn't as progressive as it sounds.

"The students who need it the most will benefit the least," said Julie Ajinka, vice president of applied research at the Institute for Higher Education Policy in Washington, D.C.

That's because low-income students won't receive any additional benefit from the plan. They already qualify for enough federal Pell and state TAP money to cover SUNY tuition, which is \$6,470 this year.

The biggest winners will be students in families that earn between \$75,000 and \$125,000. They currently receive little or nothing from Pell and TAP.

Ajinkya said Cuomo's plan – while "definitely politically popular" because it includes a broader spectrum of students – fails to take into account college costs beyond tuition, such as books, fees and living expenses, which are growing just as fast or faster than tuition. Students from families with lower incomes are less prepared to absorb those costs than higher-income students. And it's often an inability to pay that forces them to drop out.

"When they're left to foot the remainder of that bill, there's a bigger

gulf for them," she said.

In effect, Cuomo is proposing an expansion of the state's TAP program to higher middle-income families, added Matthew M. Chingos, an education policy researcher at the Urban Institute in Washington, D.C. "The Cuomo plan does precisely zero for kids from low-income families," said Chingos.

Many of those middle-class families feel squeezed by college costs, too, and in New York, a \$125,000 income threshold means very different things depending on whether a student resides near New York City or in upstate New York, he said.

A flood of new students into the SUNY system could lead to other inequities, particularly at the most selective campuses, such as Binghamton University and the University at Buffalo. Students from more-affluent families have years of educational advantages that help them meet higher admissions standards.

"It's almost certain that you would have more competition for those seats that could potentially drive out low-income students," said Chingos.

UB already enrolls a higher percentage of students from affluent families, compared with other SUNY institutions. About 62 percent of the 16,511 in-state undergraduate students at UB would qualify for free tuition, based on an adjusted gross income of \$125,000

or less. Statewide, 80 percent of households make \$125,000 or less. And 90 percent of SUNY Buffalo State students come from households below the proposed free tuition income threshold.

Advantages

Still, free tuition offers a powerful marketing advantage: A simple, clear message that could convince many low-income families who thought they couldn't afford college to apply and enroll their sons and daughters.

"This raises the expectation that, 'My kid can do this too,'" said Zimpher. "To me, it's a huge motivation."

It's already happened in Tennessee, where community colleges saw a 25 percent increase in enrollment in 2015, after the state promised to make earning a two-year degree tuition free. Tennessee's program also makes up the difference in tuition not covered by federal aid, benefitting more middle-income families.

Targeting low-income students with financial aid hasn't worked effectively anyway, because the current aid system is too confusing and underfunded for families to have much confidence in it, according to Sara Goldrick-Rab, professor of higher education and sociology at Temple University and author of "Paying the Price: College Costs, Financial Aid, and the Betrayal of the American Dream." Goldrick-Rab wrote an opinion piece in the Washington Post praising Cuomo's proposal.

The plan "brings together people from all social classes in a common program and policy," she said in the essay. "Low-income people lack the political power of the middle class, and cross-class alliances that include the too often 'missing middle' can shore up political support."

Full-time requirement

The Cuomo plan would require students to enroll full time to receive free tuition – a stipulation that could present a problem, especially for community college students, who often attend part time because they have jobs.

"It seems like it's going to limit your ability to have a job to pay for your living expenses," said Dancy. "Students are still likely going to have to borrow to pay for their living expenses."

On the flip side, free tuition may be just what some students need to switch from part-time to full-time and complete their degree work faster, thus incurring less debt.

"One thing we know unequivocally is that, if you are fully enrolled, there's a much better chance you will stay on target or finish early," Zimpher said.

How to pay

Cuomo's plan so far hasn't provided details on how the state will pay for the added cost of the Excelsior Scholarships. Prior to the announcement, as SUNY was crafting its budget proposal, the Governor's Office cautioned SUNY officials to temper their request because disappointing state income tax revenue projections were likely to lead to a budget deficit.

So to make sure their campuses would have enough revenue, SUNY officials asked the state to renew a "rational tuition" policy that had allowed for yearly tuition hikes between 2011 and 2015. The policy, which led to a 30 percent increase in tuition over the five years, expired in the spring and the Legislature declined to extend it. SUNY officials want to bring it back, with a wrinkle – tiered tuition rate increases, in which individual campuses could elect to request an annual hike of \$100, \$200, or \$300, or no increase.

Zimpher said SUNY will continue to press for the rational tuition policy, while also advocating for Cuomo's proposal.

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Governor gets it right about average student debt load

New Yorkers carry \$30,000 in loans

BY DAN CLARK
NEWS ALBANY BUREAU

Gov. Andrew M. Cuomo said high levels of student loan debt motivated his proposal for free tuition at any public university or community college in New York State for students from families earning less than \$125,000 a year.

"It is incredibly expensive, and the debt is so high it's like starting a race with an anchor tied to your leg," Cuomo said of paying for college. "Average college debt – \$30,000 per student."

The Governor's Office projected

210,000 students would seek the benefit. If so, the program would cost the state \$163 million annually by 2019.

So is Cuomo right about the average student debt load in New York State?

Average debt load

The Federal Reserve Bank of New York collected 2015 data on student loan debt in the state.

The Fed reports 17.9 percent of consumers in New York State have a student loan, and their average college debt is \$32,200. That's higher than the national average of \$29,700, the Fed said.

The debt steadily increased for a decade. According to a September report from the state Comptroller's Office, the average student debt load



in New York State increased by more than 47 percent between 2005 and 2015. The national average grew by 56 percent.

Total student debt statewide more than doubled during that time period.

The Institute for College Access & Success, an independent, nonprofit organization, pegged the average debt of the state's college graduates in 2015 at \$29,320.

That ranked 18th highest among the states. Fifty-nine percent of the students graduated with debt, the organization said.

The average debt among graduates

of State University of New York campuses was generally lower than their private college counterparts. The average debt for University at Buffalo graduates was \$26,165, followed by those at Binghamton University, \$25,844; SUNY Albany, \$25,727; and Stony Brook University, \$23,542.

The average debt for graduates fluctuated among private colleges in New York State. Among the higher averages were incurred by graduates of Ithaca College, \$39,771; Rochester Institute of Technology, \$38,198; St. Bonaventure University, \$38,073; Fordham University, \$37,607; and Syracuse University, \$36,500, according to the institute.

The average debt was lower – but still significant – for graduates at other private universities: Colgate University, \$20,859; Cornell

University, \$24,394; Clarkson University, \$29,000; New York University, \$30,480; St. John's University, \$33,179.

Our ruling



Cuomo said the average college debt for those who borrowed for college in New York state is "\$30,000 per student."

Cuomo gets it right, according to the Institute for College Access & Success, which analyzed debt for 2015 graduates in New York State. And his claim is about what the Federal Reserve Bank of New York calculates for all New York State consumers with college debt.

We rate his claim as True.

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