Legislative Priorities
2016
Introduction

After many difficult financial years, school districts are beginning to see the light at the end of the tunnel. The economy continues to improve, and, because of that, schools have experienced state aid increases in recent years. Many programs and services lost during the Great Recession are being restored.

Countless challenges remain and new ones emerge every day. Many of New York’s students are academically below where they should be. Schools grapple with new requirements to serve English language learners. Districts are struggling to support thousands of new students due to increased enrollment and the arrival of unaccompanied minors. From reform of the learning standards, to budgetary pressures to new laws and regulations, we continue to navigate through a complex educational system.

Financially, nearly one-third of school districts are still receiving less aid than they did six years ago. The Foundation Aid formula, which has not been fully funded since 2009, puts the state more than $4 billion behind its original commitment to our schools. Despite recent budget surpluses, in 2015-16 nearly $450 million in school aid continues to be withheld from districts through the Gap Elimination Adjustment (GEA). School districts will also be facing a tax cap at or near zero percent, providing the prospect of few additional resources generated at the local level. This leaves districts dependent on sufficient state support.

The New York State School Boards Association (NYSSBA) offers recommendations for change that would help address these issues and benefit our students and communities.
NYSSBA continues to be guided by five main principles which support state aid for public schools.

**Adequacy** – to provide sufficient resources to assure the opportunity for a sound basic education for all students.

**Equity** – to distribute a foundation level of state aid for every student that is based on the actual cost of providing a sound basic education that fairly compensates for differences in community costs, needs and resources. The Legislature should preclude municipalities from using state aid to replace local education resources.

**Flexibility** – to increase the percentage of operating aid so that boards of education retain the discretion to determine what educational programs best address local needs. Local communities should not be restrained from determining the level of funding they will expend to support educational programs.

**Predictability** – to provide timely passage of the state budget and stable funding distributed through a consistent, uniformly applied formula that would not require annual manipulation by the Legislature and that would facilitate long-term planning by school districts.

**Clarity** – to establish a funding formula that is easily explained and understood.
NYSSBA’s 2016 Calls to Action

Foundation Aid

The Foundation Aid formula, enacted in 2007 following the resolution of the Campaign for Fiscal Equity lawsuit, represented a significant policy success. The formula finally recognized both the cost of educating a successful student and the ability of a local district to meet that cost. As enacted, the Foundation Aid formula embodied many of the state aid principles advanced by NYSSBA.

Despite the original plan to phase-in the formula over a four-year period, Foundation Aid was frozen after two years because of the downturn in the economy. Recent increases in Foundation Aid have been helpful, but they rely on a year-to-year, short-term distribution method. NYSSBA calls on the state to commit to the return of a functioning Foundation Aid formula beginning in the 2016-17 school year. This additional funding would allow school districts to again receive operating aid that is based on updated enrollment, district wealth and student need, while ensuring that districts that have lost enrollment during the years that Foundation Aid was frozen are held harmless.

Gap Elimination Adjustment Restoration

It is time to fully restore the GEA. The state has not experienced a budget deficit in years. Yet, in the current year, more than $400 million is still being withheld from schools through the GEA. Coupled with the property tax cap, the GEA has strained budgets and forced school boards to make difficult educational and financial cuts. This budgetary maneuver is simply no longer justifiable. The 2016 budget should finally end the GEA.

Expense-Based Aids

NYSSBA calls for the full funding of expense-based aids to school districts in 2016. Much of this funding represents reimbursement for approved costs associated with delivering programs and services to our students, such as: transportation, special education and instructional services delivered through Boards of Cooperative Educational Services (BOCES). These expense-based aids also reimburse schools for expenses related to school construction. School districts have already incurred these costs and are counting on the state to provide full and timely reimbursement for all claims including building aid that might otherwise be subject to recalculation.
Prior Year Claims

A school district filing a new prior year claim may not receive aid for as many as 15 years if the annual appropriation for prior year claims is not increased. In fact, the length of time to receive aid for a prior year claim has been increasing. Years of severely limited state funding have caused a massive backlog of these claims. More than $300 million is owed to school districts through adjusted state aid claims from prior years. Thousands of claims have been submitted by districts and approved by the State Education Department resulting from the receipt of updated cost information and other issues. NYSSBA requests full funding to eliminate the backlog of these claims and to zero out the list.

High Tax Aid

High tax aid is provided by the state to school districts whose residents pay a comparatively high percentage of their income in property taxes. This aid often helps support districts with otherwise relatively low state aid levels. NYSSBA calls on the state to maintain funding for this category in 2016.

Support for English Language Learners

Students who are English language learners (ELL) have a unique set of educational needs. These needs require schools to provide enhanced services to ensure they acquire the needed English language skills, and, in some instances, address remediation if there has been a break in formal education. State support is critical as schools strive to meet these needs. Last year we saw an increase in requirements on reporting and delivery of ELL and bilingual education services. As districts struggle logistically and financially to implement these changes, the state must serve as a reliable financial partner. School districts also need flexibility so that they can hire and retain qualified staff to meet the language needs of students. NYSSBA calls on the state to provide targeted funding to serve these students.
Unaccompanied Minors and Enrollment Spikes

Many school districts have experienced recent and dramatic increases in enrollment. Some of this shift in student population is driven by the growing enrollment of unaccompanied minors. The Office of Refugee Resettlement reports more than 8,000 youths have been placed with sponsors since 2014. More than 4,100 of those youths are located in suburban Long Island districts. These numbers only account for those students that have been placed with a sponsor. The total number is likely higher and continues to grow.

Moreover, a significant number of districts have experienced increases in enrollment due to shifts in population unrelated to unaccompanied minors. Regardless of what causes an enrollment spike, funding must be provided to support these students while the foundation aid formula is restarted.

Career and Technical Education

Recent regulatory changes adopted by the Board of Regents lay the groundwork for students to attain a Regents diploma by successfully completing an approved industry-based exam in lieu of one of the Regents exams. Students who successfully complete industry-based programs demonstrate high levels of success in college and career. Creating the framework for these programs is only part of the equation. For an increase in student access and participation, resources are required. We call on the state to:

- Lift the cap on reimbursement of BOCES aid to support Career and Technical Education (CTE) teachers;
- Increase special services aid for the Big 5 and non-component districts; and
- Continue support for existing P-Tech schools and funding the expansion of similar programs.

Prekindergarten

Recent investments in full day prekindergarten (pre-K) are laudable. However, many districts interested in participating are unable to access the funding and cannot offer a full day prekindergarten program. This is either because they do not have the resources to cover upfront costs, or they realize there is not enough money for all districts that are ready to launch programs. NYSSBA calls for additional funding to support these districts to end the reliance on grants by transitioning pre-K funding to a stable and reliable funding formula. The additional funding should make transportation for four-year olds aidable to the same extent it is available for K-12 students.
Supporting Public School Districts and Local Governance

NYSSBA believes in local school governance and support for public school districts. Boards of education are representatives of their communities and should retain the authority and flexibility to make the decisions that are best for those communities. Initiatives that shift funding and authority away from local governance teams undermine the voice of the community.

Teacher and Principal Evaluation

Teacher and principal evaluation is contentious because of frequent changes and lack of stakeholder buy-in. Continued linkage of approved evaluation plans to state aid ensures that the system will continue to be treated with distrust. To establish credibility in the Annual Professional Performance Review (APPR) system, we must focus on restoring confidence and local control. We need an evaluation system that informs instruction and improves student performance. Our goal is not to disrupt the system, but, rather, to design an evaluation tool that supports student achievement and professional development.

Property Tax Exemptions

Recent changes in state law extended the alternative veterans property tax exemption to apply to school property taxes. Property tax exemptions do not reduce the level of property taxes within a community. They simply shift a larger portion of the tax burden to other taxpayers within the school district, many of whom are unable to afford such an increase, specifically seniors and disabled individuals with fixed incomes. Although this exemption is offered at local discretion, it places board members in a difficult situation. NYSSBA believes that the state should offer such benefits through state-funded mechanisms and should directly fund this program. School districts should not have to choose between honoring veterans, raising taxes on other vulnerable populations and maintaining programs.
Modernize the State Assessment Program

Prior to 2015, inadequate funding limited the production of materials for federally required standardized tests, which limited the test items that were released and forced a higher than necessary number of standalone field tests. NYSSBA calls on the state to continue the full funding of the state assessment program and ensure that funding associated with the program is used to reduce the number of tests given and their duration, while also improving the transparency necessary to build credibility in the testing system.

District Flexibility

Charter schools are given enormous flexibility when it comes to staffing decisions, construction rules and educational decision-making. This provides them with a significant advantage over public schools. Charter schools are routinely compared to district-run schools, yet this comparison is akin to apples to oranges. Comparing charter schools to public schools provides no useful data. By providing local school districts with new employment flexibilities for struggling schools pursuant to the receivership law, the governor and the Legislature recognize that districts sometimes need leeway with regard to employment decisions, seniority-based terminations, school labor and construction mandates.

Regional High Schools and Shared Services

Many school districts, especially small districts and those in remote settings, struggle to offer students the diversity of programming they deserve. Allowing school districts to combine resources with each other or through their BOCES means students across the state could have access to richer academic programs. The state has encouraged mergers in recent years and has made some changes to make them more feasible. However, local voters have rejected most of these mergers, so it is time for the state to create an alternative that offers a refined reorganization option for districts. NYSSBA calls on the state to remove barriers to collaboration in the delivery of educational services.
School Safety

Schools should represent a safe haven for our students so they can grow and learn. Unfortunately, in recent years we have seen the security of school buildings and grounds threatened or compromised. Parents and students should be assured that their school is both safe and secure.

In order to accomplish this, NYSSBA urges the enactment of two legislative proposals related to school safety:

1. Individuals who make threats of mass violence against a school by any means, should be changed with a felony.

2. District leaders should be empowered to decide who can enter school buildings and when they can enter while students are present. This is impossible to control on election days, thus schools should have the ability to appeal their designation as polling locations.

Establishment of Retirement Obligation Reserve Funds

NYSSBA calls for legislation authorizing school districts and BOCES to establish and fund reserves for future obligations associated with payments to the Teachers’ Retirement System and other post-employment benefit obligations. As rates slowly decline, using a portion of the savings to fund these reserves will help school districts and BOCES moderate the negative future impact of cost shifts. This, in turn, can help keep academic programs strong and local property taxes stable in years when rates and costs increase.

The New York State School Boards Association believes that proposals affecting public education should:

- provide access to programs that prepare students to be college and career ready;
- achieve equity and adequacy in funding;
- promote efficiency and cost-effectiveness;
- advance high expectations for all students;
- embrace innovative approaches and assessments; and
- foster community engagement and regional cooperation.