

# Position Statements *2017*







# Introduction

The position statements that guide the New York State School Boards Association (NYSSBA) are outlined in the document that follows. These statements are introduced by member boards of education or NYSSBA's Board of Directors. Each fall during the Association's Annual Business Meeting, the voting delegates adopt official positions, which lay the foundation for the Association's advocacy agenda and priorities.

Once adopted, each position remains a formal position for five years unless it is rescinded or the action the position calls for is accomplished.

*(Please note: the table of contents reflects the year the Position Statement was adopted).*

The position statements direct the Association to advocate either for or against a wide variety of legislative and regulatory issues at both the state and federal level. In addition, some of the position statements are statements of belief and therefore do not call for action.



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# 2017 Position

## I. SCHOOL GOVERNANCE AND AUTHORITY

1. NYSSBA opposes legislation that would enable parents to convert a failing public school into a charter school by way of a **“parent trigger”** law. (2012)
2. New York State’s charter school law should not be expanded to allow for **virtual charter schools**. (2012)
3. NYSSBA supports the creation of a **regional high school** when locally determined to be educationally or fiscally appropriate by the local boards of education. (2012)
4. NYSSBA will seek legislative support for eliminating the initial public straw vote in the process for the **prospective merger or consolidation of school districts**. (2013)
5. There should be **no new unfunded and under-funded state mandates** on local school districts. (2013)
6. NYSSBA urges passage of legislation to support the **sharing of programs and services** between **BOCES** and **local school districts** with **public colleges** and **municipalities** when it makes financial and programmatic sense. (2015)
7. NYSSBA seeks and promotes legislation to **reform** current **legal notice publication** requirements. (2015)
8. NYSSBA supports legislation that officially grants all public schools the **same exemptions** from New York State Education law and/or regulation which have been granted to any **charter or public school**. (2015)
9. NYSSBA supports legislation permitting boards of education to sponsor a referendum which would create **voting wards** to foster community wide representation. (2015)
10. NYSSBA opposes raising the **charter school cap**. (2015)
11. NYSSBA supports policies to require **charter schools to enroll and retain English language learners and students with disabilities** at a comparable rate to neighboring schools. (2015)
12. NYSSBA opposes the expansion of **mayoral control** of school districts outside New York City. (2015)



# Statements

## II. STATE AND FEDERAL AID

1. New York State should cease to use **the state aid spending cap** (based on personal income) for education. (2012)
2. Funding for **competitive performance grants** should not come from state education aid. (2012)
3. School **tax stabilization** should be linked to gas exploration ("**fracking**") that occurs in New York State. (2012)
4. NYSSBA supports legislation providing additional state aid inclusive of special grants for all school districts to **increase the length of either their school day or school year** or restructure of their school instructional year to create year-round instruction. (2013, 2015)
5. NYSSBA supports legislation to **exempt state aid** for public education from the calculation of the **Gap Elimination Adjustment (GEA)**. (2013)
6. NYSSBA supports legislation to hold school districts financially harmless whenever they experience the unanticipated, significant loss of revenue due to **tax certiorari** cases or the unexpected loss of a significant portion of the value of their taxable property. (2013)
7. NYSSBA supports legislation to ensure state and/or federal **financial support** for efforts to **enhance school safety**. (2013)
8. NYSSBA supports a dedicated funding stream for **professional development** and other supports associated with implementation of the **Common Core Learning Standards**. (2014)
9. NYSSBA supports legislation to provide and sustain **funding for full-day kindergarten** for all school districts in New York State. (2014)
10. NYSSBA shall advocate for an amendment to the New York State Constitution that **prohibits** the governor from including **non-fiscal measures** in the **appropriations bills** submitted with the Executive Budget or otherwise tying non-fiscal measures to budget appropriations. (2015)
11. NYSSBA supports funding to **expand** New York State and industry approved and certified **career and technical education programs**. (2015)
12. NYSSBA supports incorporating **prekindergarten** into the operational **school aid formula(s)** used for K-12 education. (2015)
13. NYSSBA supports making **prekindergarten transportation** for children four years old and older aidable to the same extent as K-12 transportation. (2015)
14. NYSSBA opposes legislation that would provide **tuition tax credits** or **educational vouchers** that benefit private or parochial schools. (2016)



# 2017 Position

15. NYSSBA supports state legislation that would modify the **reimbursement formula** for **school lunches**. (2016)
16. NYSSBA supports changes that ensure that **Special Act School Districts** are treated equitably with all other public school districts, including a **tuition rate** that reflects public expenses. (2016)
17. NYSSBA supports legislation that **ensures aid provided to districts** is not correlated to the percentage of **students taking state or federally required tests**, recognizing parents will make decisions in the best interest of their individual children, independent of Districts' overall requirements. (2016)
18. NYSSBA will support legislation that will fully **restore funding** withheld during the 2010 -2016 **Gap Elimination Adjustments** (GEA). (2016, 2016)
19. NYSSBA calls upon the state Legislature and the Governor to reform New York State education funding in accordance with the following **tenets to ensure adequate resources** to public schools in the State of New York by providing for:
  - a. **Adequacy** that provides sufficient resources to assure the opportunity for a sound basic education for all students; and
  - b. **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 while precluding municipalities from using state aid to replace local education resources; and
  - c. **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 while local communities should not be restrained from determining the level of funding they will expend to support educational programs; and
  - d. **Predictability** based on 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; and
  - e. **Clarity** by establishing a funding formula that is easily explained and understood. (2016)
20. NYSSBA will advocate for statewide policies and legislation that would **update education funding formulas** with current year student enrollment, wealth and poverty factors, and the needs resource capacity index data for districts experiencing increased enrollments and significant student population changes. (2016)



# Statements

## III. CURRICULUM, INSTRUCTION AND ASSESSMENT

1. New York should **fully fund** the writing and scoring of all mandatory **state tests for grades 3-8**. (2012)
2. The State Education Department's past practice of providing **testing modifications for students with disabilities** whose individualized education programs (IEP) are not consistent with materials being tested should be restored, at least until the federal No Child Left Behind Act has been reauthorized with modified testing requirements for these students. (2012)
3. **Local school districts** should be able to determine whether seat-time in a course should be required for **course credit and/or graduation requirements**. (2012)
4. Obstacles to digital learning opportunities should be removed to allow for expansion of **digital learning** as part of a public school education. (2012)
5. NYSSBA supports the State Education Department in efforts to hold university **schools of education** accountable for the quality of teachers they produce as graduates. (2012)
6. Mandated **standalone field testing** practices in New York State should be eliminated. (2012)
7. New York State should establish a framework to create a robust and comprehensive standard to proactively ensure the **safe handling** of student and staff **information collected and transported by data collecting systems**. (2012)
8. NYSSBA supports legislation and/or regulatory efforts to create **a combined Regents high school diploma and associate's degree**. (2013)
9. NYSSBA supports New York State Education Department standards through a **P-16 systemic approach to education**. (2013)
10. NYSSBA will work with the State Education Department, institutions of higher learning with teacher preparation programs and other appropriate organizations to promote **improvements in teacher preparation programs** including, an early practicum for students in teacher preparation programs, and **yearlong teaching internships**. (2013)
11. NYSSBA supports the use of **Regional Information Centers (RICs)** as student data storage centers, so long as the RICs are designated by law or regulations to be educational agencies within the meaning of Section 2-c of the Education Law or execute contracts with local school districts and BOCES pursuant to the requirements of Section 2-d of the Education Law. (2014)



# 2017 Position

12. NYSSBA supports changes in **certification** examinations for **teachers** in New York State to align with the **Common Core Learning Standards**. (2014)
13. NYSSBA will advocate for **state and federal legislative and regulatory action** in addressing the **educational and fiscal issues** attendant to the influx of **unaccompanied minors** into New York State. (2014)
14. NYSSBA shall advocate for an overhaul of the current, inadequate **testing system** to more accurately measure achievement in skills, knowledge and abilities, and it shall do this by:
  - a. Working collaboratively with the New York State Board of Regents and the New York State Department of Education, superintendents, administrators and teachers to create tests that are **developmentally appropriate**, of **reasonable length and frequency**, and which avoid the unintended consequences of narrowing the curriculum, teaching to the test, reducing love of learning, and undermining school climate;
  - b. Insisting that **educators** throughout the State be **included** in all aspects of the **creation** of standardized tests; and
  - c. Demanding that district personnel be **permitted to examine test results**, answer keys, and their students' responses so that educators can better assess what each child is learning in relation to what is being taught and so that such tests can **truly inform instruction**. (2015)
15. NYSSBA actively supports legislation which would require the **design & validation of an APPR** process that truly **informs instruction** and thereby promotes **student learning**. (2015)
16. NYSSBA supports programs and policies to expand access to Advanced Placement, International Baccalaureate or other **enrichment programs** through **BOCES and online delivery**. (2015)
17. NYSSBA supports **state proposals affecting public education** that:
  - 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;
  - Foster **community engagement** and regional cooperation. (2016)



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18. NYSSBA urges the NYS Board of Regents to reconsider the higher **passing scores and high school graduation requirements** under consideration for future graduating classes, starting in the year 2022. (2016)
19. NYSSBA supports the appropriate **use of technology** to enhance academic programs. (2016)
20. NYSSBA calls upon the New York State Department of Education to revise the current pathways toward achieving a **high school diploma** for New York students including the reinstatement of the Local High School Diploma, the use of performance-based assessments and multiple pathways to graduation, the modification of requirements for students completing a BOCES, career, or technical education program, and the reinstatement of the Regents Competency Tests. (2016)

## IV. SPECIAL EDUCATION

1. NYSSBA shall seek legislation that assigns responsibility for the payment of **tuition and fees** associated with students attending the state **schools for the blind and deaf** to the State of New York. (2015)
2. NYSSBA supports proposals that would allow **students with disabilities** to be **tested at their developmental age**. (2016)

## V. LOCAL MANAGEMENT AND BUDGET

1. School districts should be able to adjust **contingency budgets under the property tax cap for growth in local tax base**. (2012)
2. NYSSBA shall seek legislation enabling school districts and BOCES to create dedicated **reserve funds** to help offset the costs of all employee pensions (including teachers), and **other post-employment benefits (OPEB)** obligations. (2013, 2016)
3. NYSSBA supports legislation to exempt **school safety enhancing equipment and School Resource Officers from tax levy cap** calculations. (2013)
4. Public school districts should have the same access to tuition-paying international (**F-1 visa**) students as private schools have, and to enable these students to remain in the district for their entire secondary school experience. (2013)
5. NYSSBA supports allowing financially distressed school districts to exceed the **property tax cap** with a simple majority vote. (2014)



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6. NYSSBA shall advocate changes in the **Affordable Care Act** to modify conditions under which **penalties** may be imposed on employers for health insurance premiums that exceed a benchmark established by the law. *(2015)*
7. NYSSBA supports legislation to require **new laws and regulations** to take effect no earlier than **July 1st** of the following calendar year, and at least 90 days from the date that the New York State Education Department has fulfilled its own requirements, such as written guidance to school districts before school districts must implement new educational laws and/or regulations. *(2015)*
8. NYSSBA supports the state assuming responsibility for **subsidizing a veterans' tax exemption**. *(2015)*
9. NYSSBA seeks legislation to amend limitations on **BOCES district superintendent** compensation. *(2016)*
10. NYSSBA includes as a legislative priority issue, reforms to Article 18-A of the General Municipal Law to obligate **Industrial Development Agencies** across New York State:
  - To **provide notice** of any proposed tax exemption to each affected taxing jurisdiction, including each affected school district,
  - To **respond to requests** for information from such affected taxing jurisdiction regarding the financial implications of proposed tax exemptions, and
  - To **provide a meaningful opportunity** for school districts to be heard prior to voting upon or approving any such tax exemption. *(2016)*





# Statements

## VI. EMPLOYEE RELATIONS

1. The governor and state Legislature should **reform the system of teacher discipline in a manner that:**
  - a. Establishes a state hearing panel to hear and decide 3020-a cases;
  - b. Authorizes school districts to terminate a tenured teacher without a 3020-a hearing if:
    - i. They have been convicted of child abuse in an educational setting, or
    - ii. Their teaching certificate has been revoked by the State Education Department, or
    - iii. They have failed to obtain permanent certification in the requisite time period.
  - c. Clarifies that teachers must cooperate in the school district investigation of 3020-a charges against them;
  - d. Eliminates paid suspension for teachers awaiting 3020-a proceedings, or caps the length of time they are paid; and
  - e. Requires teachers facing 3020-a hearings to disclose the nature of their defense prior to the hearing. (2012)
2. The state process for revoking **teacher certification** should be strengthened in order to **diminish** the need for local school district **teacher disciplinary hearings**. (2012)
3. School districts should not be required to pay **increments on expired employee contract salary schedules** as currently stipulated under the **Triborough Amendment to the Taylor Law**. (2012)
4. NYSSBA opposes any legislative or regulatory effort to grant **tenure status to non-instructional school employees**. (2013)
5. NYSSBA opposes the implementation of state **funded and designed educator bonus programs**. (2014)

## VII. SCHOOL SAFETY

1. NYSSBA shall seek legislation to amend Penal Law Article 240 entitled Falsely Reporting an Incident to **criminalize falsely threatening use of a gun or making threats of gun violence** on public school property. (2013)
2. NYSSBA supports proposing legislation to enhance school safety by limiting the power of local boards of elections to designate public school buildings as **polling places** absent the consent of the school district. (2014)



# 2017 Position Statements

## VIII. NYSSBA LEADERSHIP RESPONSIBILITIES

1. NYSSBA will advocate for and support holding a **statewide referendum** on or before 2017 to convene a New York State **constitutional convention**. (2012)
2. NYSSBA strives to uphold a **code of conduct** consistent with its dedication to children, learning, community, members of NYSSBA, and representatives of school districts and BOCES in order to promote public confidence in schools and advance the attainment of district goals. This code of conduct is on the NYSSBA website at [www.nyssba.org](http://www.nyssba.org). (2013)
3. NYSSBA shall take a **leadership role** in encouraging school boards to develop successful strategies for integrating **respect for cultural differences** into the educational experience. In carrying out this mission, NYSSBA shall:
  - a. Encourage school boards to ensure that the importance of **acceptance of others** who are unique and different because of **racial, ethnic, gender, sexual orientation, disability and religiously related reasons** is part of the curriculum.
  - b. Encourage school boards to invite discussion among students, parents, staff and the community regarding how hatred and bigotry based on race, ethnicity, gender, sexual orientation, disability and religion endanger the **pluralistic and diversity principles** for which this nation stands.
  - c. Encourage school boards to involve students, parents, staff and the community in developing and supporting education which invites **understanding and acceptance of others'** differences and which aims to eradicate hatred and bigotry. (2014)



**NYSSBA's Governmental Relations team** is the voice for its nearly 670 member school boards.

Our full time staff actively represents our members before State and Federal policy makers.

Our staff works tirelessly to advance legislative and regulatory changes that position our state's educational system to best serve our students.

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