Position Statements
2015
Introduction

Detailed in the pages that follow are the adopted position statements of the New York State School Boards Association (NYSSBA). These statements are introduced by member boards of education or the NYSSBA Board of Directors. Each fall during the Association’s Annual Business Meeting the voting delegates adopt these official positions, which lay the foundation for the Association’s advocacy agenda and priority actions.

Once adopted by the Association, each position remains a formal position for five years unless it is rescinded or the action the position calls for is enacted. (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.
### I. School Governance and Authority

1. Parent Trigger (2012)
3. Regional High Schools (2012)
4. BOCES Board Vacancies (2013)
5. Straw Vote in Prospective Merger or Consolidation Process (2013)
6. Unfunded and Underfunded State Mandates (2013)

### II. State and Federal Aid

1. Tuition Tax Credits or Educational Vouchers (2011)
2. Principles of Education Funding (2011)
5. Tax Stabilization and Fracking (2012)
6. State Aid for Increasing the School Day and/or Year (2010, 2013)
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8. Tax Certiorari (2013)
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11. Funding for Full-Day Kindergarten (2014)
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### III. Pension Reform

2. Establishment of New Retirement Tiers (2011)

### IV. Curriculum, Instruction and Assessment

1. Locally Developed Educator Evaluations (2010)
2. Funding for Professional Development and Evaluation (2010)
6. Funding for Mandatory 3-8 Testing (2012)
8. Local Determination of Course Credit (2012)
10. Accountability for Schools of Education (2012)
15. Improving Teacher Preparation Programs Including Internships (2013)
16. Regional Information Centers (RICs) (2014)
17. Align Teacher Certification with Common Core Learning Standards (2014)
## V. Special Education

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## VI. Local Management and Budget

1. State Share of District Superintendent’s Salary (2011)
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7. F-1 Visas (2013)
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## VII. Employee Relations

1. Probationary Period for Teachers (2010)
3. Flexibility in the Civil Service Law (2011)
4. Health Insurance Contributions (2011)
6. Teacher Certification (2012)
7. Step Increases (2012)
8. Tenure Status and Non-Instructional Employees (2013)

## VIII. School Safety

1. Threats of Mass Violence Against Schools (2013)

## IX. NYSSBA Leadership Responsibilities

1. Referendum on a State Constitutional Convention (2012)
2. NYSSBA Code of Conduct (2013)
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. The requirement for holding a special election to fill a vacancy on a Board of Cooperative Educational Services (BOCES) board should be eliminated (Educ. Law §1950 (2-a) (f)). (2013)

5. 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)

6. There should be no new unfunded and under-funded state mandates on local school districts. (2013)
II. STATE AND FEDERAL AID

1. NYSSBA opposes state and/or federal legislation that would provide tuition tax credits or educational vouchers for private or parochial schools. (2011)

2. The state Legislature and the governor should reform the state education funding system in a manner that provides for:
   a. **Adequacy** – to provide sufficient resources to assure the opportunity for a sound basic education for all students.
   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. The Legislature should preclude municipalities from using state aid to replace local education resources.
   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. Local communities should not be restrained from determining the level of funding they will expend to support educational programs.
   d. **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.
   e. **Clarity** – to establish a funding formula that is easily explained and understood. (2011)

3. New York State should cease to use the state aid spending cap (based on personal income) for education. (2012)

4. Funding for competitive performance grants should not come from state education aid. (2012)

5. School tax stabilization should be linked to gas exploration (“fracking”) that occurs in New York State. (2012)
6. 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. (2010, 2013)


8. 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)

9. NYSSBA supports legislation to ensure state and/or federal financial support for efforts to enhance school safety. (2013)

10. NYSSBA supports a dedicated funding stream for professional development and other supports associated with implementation of the Common Core Learning Standards. (2014)

11. The New York State School Boards Association supports legislation to provide and sustain funding for full-day kindergarten for all school districts in New York State. (2014)

12. NYSSBA supports additional and sustained funding earmarked for prekindergarten programs provided that such additional funding is equitably distributed throughout the state. (2014)
III. PENSION REFORM

1. NYSSBA will seek legislation to reform the current state retirement systems based on the following Principles of 21st Century Retirement Benefits:

   a. **Portability.** Given the current mobility of the workforce, employees must have ownership of their retirement plans and the ability to elect a retirement option that allows benefits to accrue across multiple employment opportunities both within and outside of the state retirement system.

   b. **Predictability.** Employees and employers should have the ability to predict the cost of retirement benefits, resulting in a greater ability to make appropriate planning decisions.

   c. **Affordability.** As stewards of public funds and public education, school districts must balance the need to sustain viable retirement benefits with the ability of a community to provide continued support of the educational program.

   d. **Flexibility.** The needs of the current generation of employees demand greater employee choice in the selection of an appropriate retirement plan.

   e. **Acceptable Risk.** Both the current (defined benefit) retirement system and defined contribution retirement plans carry risks. The current system provides an insufficient death benefit and an inability to transfer accumulated assets at death. The success of defined contribution plans rests more heavily on market success, offering the possibility of greater or lesser return for employees. Retirement benefits should present an acceptable level of risk to both employees and the employer. (2011)

2. The state Employees’ Retirement System and Teachers’ Retirement System should have **new pension tiers** that would provide the predictability and affordability that would limit school district contributions. (2011)
IV. CURRICULUM, INSTRUCTION AND ASSESSMENT

1. NYSSBA shall seek and support legislation and regulations to define and develop best practices and procedures that will allow for a **locally developed process to evaluate and improve teacher and administrative performance.** (2010)

2. NYSSBA shall seek and promote **legislation, regulations and adequate funding to provide training, professional development opportunities, and appropriate evaluative tools to develop high-quality teachers.** (2010)

3. NYSSBA in conjunction with the New York State Board of Regents and New York State Education Department shall work collaboratively to **modify the scheduling and frequency of state-administered standardized assessments.** (2010)

4. NYSSBA supports the use of **video conferencing, online learning and other digital technologies** to achieve greater efficiency in school district organization. These efforts should include, but not be limited to: a) the use of SED reorganization feasibility study grants for use by school districts wishing to compare “cyber-consolidation” to physical consolidation; and b) the use of reorganization aid to help offset the costs of the technology infrastructure necessary for districts to consolidate educational services in this manner. (2011)

5. State proposals affecting public education should:
   a. Provide **access** to programs that prepare students to be college and career ready;
   b. Achieve **equity** and adequacy in funding;
   c. Promote **efficiency** and cost-effectiveness;
   d. Advance **high expectations** for all students;
   e. Embrace **innovative approaches** and assessments; and
   f. Foster **community engagement** and regional cooperation. (2011)

6. New York should **fully fund** the writing and scoring of all mandatory **state tests for grades 3-8.** (2012)

7. 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)
8. **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)

9. Obstacles to digital learning opportunities should be removed to allow for expansion of digital learning as part of a public school education. (2012)

10. 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)

11. Mandated **standalone field testing** practices in New York State should be eliminated. (2012)

12. 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)

13. NYSSBA supports legislation and/or regulatory efforts to create a combined Regents high school diploma and associate’s degree. (2013)

14. NYSSBA supports New York State Education Department standards through a P-16 systemic approach to education. (2013)

15. 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)

16. 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)

17. NYSSBA supports changes in **certification** examinations for teachers in New York State to align with the Common Core Learning Standards. (2014)

18. 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)
V. SPECIAL EDUCATION

1. NYSSBA shall seek legislation to limit state special education mandates to those required by the federal government. (2011)

2. NYSSBA supports efforts, and recommends legislation and/or regulations, to ensure that the New York State Education Department (SED) enables school districts to locate out-of-state placements for the appropriate placement of students with a disability when no SED-approved residential school may be determined as appropriate from the list of SED-approved schools. (2011)

VI. LOCAL MANAGEMENT AND BUDGET

1. NYSSBA supports the continued appropriation of the state share of the district superintendent’s salary. (2011)

2. The BOCES district superintendent’s salary cap should be repealed (Educ. Law § 1950 (4)(a)). (2011)

3. Any school district that has successfully completed three consecutive audits with no significant findings should be able, at the discretion of the board of education, to choose to change their internal audit schedule to a two-year cycle. If a two-year cycle is approved by the board of education, in year one, a risk assessment is performed followed by testing, as directed by the audit committee and/or board of education, in year two. (2011)

4. School districts should be able to adjust contingency budgets under the property tax cap for growth in local tax base. (2012)

5. 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 retiree health care costs including other post-employment benefits (OPEB) obligations. (2011, 2013)

6. NYSSBA supports legislation to exempt school safety enhancing equipment and School Resource Officers from tax levy cap calculations. (2013)

7. 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)

8. NYSSBA supports allowing financially distressed school districts to exceed the property tax cap with a simple majority vote. (2014)
VII. EMPLOYEE RELATIONS

1. NYSSBA supports tenure reform to lengthen the probationary period for newly hired teachers and administrators to five years and, for those granted tenure following the probationary period, to limit the duration of tenure protections to periods of not more than five years. (2010)

2. NYSSBA shall seek legislation that would limit teacher seniority in determining the process of teacher layoffs. (2011)

3. The state Civil Service Law should be amended so that it is more responsive to the current needs of school districts and BOCES, including, but not limited to: increasing disciplinary options; updating tests and specification books; creating more flexibility in hiring lists; providing lists in electronic form; and increasing probationary periods. (2011)

4. NYSSBA shall seek legislation requiring current school employees to contribute at least 15 percent of the cost of individual health care coverage and at least 25 percent of the cost of family health care coverage. (2011)
5. The governor and state Legislature should reform the system of teacher discipline in a manner that speeds the disciplinary hearing process, reduces unreasonable and excessive costs to school districts, reduces many of the inherent procedural delays, and promotes fairness and reasonable due process protections. Such changes shall:
   a. Establish a state hearing panel to hear and decide 3020-a cases
   b. Authorize 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. Clarify that teachers must cooperate in the school district investigation of 3020-a charges against them
   d. Eliminate paid suspension for teachers awaiting 3020-a proceedings, or caps the length of time they are paid
   e. Require teachers facing 3020-a hearings to disclose the nature of their defense prior to the hearing.
      (2010, 2012)

6. The state process for revoking teacher certification should be strengthened in order to diminish the need for local school district teacher disciplinary hearings. (2012)

7. 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)

8. NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees. (2013)

9. NYSSBA opposes the implementation of state funded and designed educator bonus programs. (2014)
VIII. 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)

IX. 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. (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 700 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.

Contact NYSSBA’s Governmental Relations Team at 800.342.3360 or 518.783.0200.