



2022 NYSSBA End of Session Advocacy Summary

The following is a summary of notable legislation supported or opposed by NYSSBA that was acted upon by the legislature this year. The status of the bills is current as of June 6th. A summary of the enacted state budget can be found [here](#).

*An asterisk denotes that if signed the bill would enact a NYSSBA position statement.

NYSSBA supported bills that have been signed by the Governor:

***Chapter 1 of the Laws of 2022 - S.7623-A (Gaughran) / A.8591 (Thiele):** This law extended the ability of political subdivisions, including school districts, to hold meetings remotely for the duration of the COVID-19 state disaster emergency.

Chapter 172 of the Laws of 2022 - S.7619 (Mayer) / A.9025 (Bronson): This law allowed voters in 2022 to vote in school votes and elections via absentee ballot, if voting in person would present a risk of contracting or spreading an illness (i.e., COVID-19).

Chapter 201 of the Laws of 2022 - S.8276-A (Mayer) / A.9600 (Benedetto): This law, similar to legislation in 2020 and 2021, eliminated the requirement that school districts conduct annual professional performance reviews (APPR) for the current year (2021-22), and updates tenure statute to comply with such elimination.

Chapter 206 of the Laws of 2022 - S.89-B (Kaminsky) / A.6716-A (Wallace): This bill establishes the crimes of “making a threat of mass harm,” and “aggravated threat of mass harm.” A person would be guilty of these crimes when intentionally intimidating others by threatening to inflict harm, or by creating public alarm which causes the evacuation or lockdown of a school or other public place.

NYSSBA supported bills that have passed both houses and are awaiting final action by the Governor:

***S.123-A (Kaplan) / A.5913-A (Lavine):** This bill would establish a statewide campaign for the acceptance, inclusion, tolerance, and understanding of diversity. The bill directs the state’s Division of Human Rights to develop materials in consultation with stakeholders, including school districts.

***S.953-A (Gaughran) / A.944-A (Magnarelli):** This bill requires businesses that have payment-in-lieu-of-taxes (PILOT) agreements to notify local governments, including school districts, with notice of intention to file for a change in their assessment. Under the bill, that notification must occur no earlier than 45 days before they file for the change.

***S.3256 (Comrie) / A.10056 (Solages):** This bill would require Industrial Development Agencies (IDAs) to notify school districts and other taxing jurisdictions upon acceptance of a payment-in-lieu-of-taxes (PILOT) application. This change would allow school districts more time to plan their finances, as well as require IDAs to directly communicate with school districts.

S.4104-A (Breslin) / A.7006-B (Fahy): This bill would require the manufacturers of digital equipment to provide purchasers and independent repairers access to documents, parts, and tools on how to repair their equipment. With greater and market-based access to repair services, school districts across the state could reduce costs, receive prompter service, and get a longer useful life from equipment that they purchase.

***S.4471-A (Mannion) / A.7295-A (Thiele):** This bill would require that Industrial Development Agencies (IDAs) provide school districts and others with formal notification of the termination or expiration of a payment-in-lieu-of-taxes (PILOT) agreement. IDAs would be required to provide notification within two years of a PILOT agreements' expiration or immediately upon its early termination.

S.5946-B (Reichlin-Melnick) / A.3491-B (Galef): This bill would provide for more accurate assessments of condos for property taxation purposes, by allowing the sum of the valuation of individual condos to surpass the assessment of the building in which they are located in.

***S.7453-A (Krueger) / A.8327-A (Englebright):** This bill would establish the Electric Landscaping Equipment Rebate Program, making school districts and other entities eligible for up to \$15,000 annually in order to incentivize the use of electric lawn care equipment.

***S.8447 (Rivera) / A.9288 (Gottfried):** This bill would allow the sponsor of a School-Based Health Center (SBHC) the option to remain carved-out of the Medicaid Managed Care Program. This would give school districts the flexibility to decide whether to remain under their current arrangements with local partners to facilitate their SBHCs, or instead choose to bill claims through the Managed Care Program.

S.8701 (Ryan) / A.9878 (Conrad): This bill would provide that, for districts in which a resident has won the lottery, any of their winnings in excess of 25% of a district's adjusted gross income would be excluded from the district's adjusted gross income for the year.

***S.8717 (Gaughran) / A.9880 (Thiele):** This bill would extend the ability of school districts to engage in cooperative purchasing (also referred to as "piggy-backing"), so long as the original contract was bid on and let in accordance with New York State statute. The bill extends the current sunset, which is July 31, 2023, to June 30, 2026.

***S.8803 (Mayer) / A.9988 (McDonald):** This bill would be the first step to initiate a voter referendum on amending the state constitution to allow for capital project financing equity for small city school districts. Currently, small city districts are limited under the state constitution to a 5% debt limit for such projects. Other fiscally independent school districts are subject to a 10% statutory limit. As a constitutional amendment, this bill would need to be approved again by the legislature in either 2023 or 2024, and then approved by voters in a general election.

S.8979-A (Kennedy) / A.10219 (Conrad): This bill would tie the duration of commercial learner's permits to the duration of validity in federal law for commercial learner's permits. Currently, New York commercial learner's permits are only valid for 180 days. This bill would raise that to match the federal duration of one year. This change would potentially increase the pool of school bus drivers.

S.9132 (Mannion) / A.10191 (Benedetto): This bill would clarify that the tuition methodology for 853 schools, special act public school districts, and 4410 programs will authorize them to retain funds allocated to them in the 2022-23 state budget prior to the implementation of the reconciliation process of the methodology, including cost screens.

S.9134 (Mannion) / A.10192 (Benedetto): This bill would allow for the application of a growth factor in the interim tuition and/or fee-for-service reimbursement rates approved during the 2022-23 school year and annually thereafter for 853 schools, special act public school districts, July and August programs, and 4410 programs and services. This will allow special act public school districts and others to realize the full 11% growth factor committed to by the State.

NYSSBA supported local bills that have passed both houses and are awaiting final action by the Governor:

S.4025 (Palumbo) / A.4217 (Thiele): This bill would provide that state lands in the Eastport-South Manor Central School District are subject to taxation for school purposes.

S.5602-B (Gounardes) / A.10438 (Glick): This bill would extend the authority of New York City's speed zone school camera system for an additional three years, until 2025. Minor adjustments would also be made to expand the system's hours of operation.

S.7531 (May) / A.8295 (Salka): This bill would permit the Canastota Central School District to establish an insurance reserve fund.

S.8706 (Akshar) / A.9795 (Friend): This bill would permit the Candor Central School District to establish an insurance reserve fund.

S.8757 (Helming) / A.10106 (Lunsford): This bill would authorize the town of Webster to dedicate certain land for use by the Webster Central School District.

NYSSBA opposed bills that have passed both houses and are awaiting final action by the Governor:

S.1046-E (Myrie) / A.6678-E (Walker): This legislation would establish rights of action for denying or abridging of the right of any member of a protected class to vote, provide assistance to language-minority groups, require certain political subdivisions to receive preclearance for potential violations, and create civil liability for voter intimidation. While NYSSBA did not object to the intent of the bill, we highlighted numerous questions, ambiguities, and potential conflicts that the application of the bill creates for school districts with regard to the relationship between state education law (which governs school elections/votes) and state election law (which governs most other elections/votes in the state).

NYSSBA supported bills that passed one house:

S.342 (Persaud) / A.4556 (Hyndman): This bill would have established a teacher recruitment and retention program to attract and retain underrepresented certified teachers in schools which have an underrepresentation of such teachers. This bill passed the Senate.

S.547 (Mayer) / A.2370 (Woerner): This bill would have allowed costs for studies related to reorganization planning to be reimbursable. This bill passed the Senate.

S.670 (Sanders) / A.8289 (Fahy): This bill would have allowed municipalities to make deposits in credit unions at local option, as opposed to only commercial banks. This bill passed the Senate.

***S.778-A (Thomas) / A.6989 (Darling):** This bill would have prohibited the suppression of research and misrepresentation of electronic cigarettes, as well as restrict certain advertisement and promotion of those products to youth. This bill passed the Senate.

S.1039 (Krueger) / A.7580 (Galef): This bill would have barred school buildings from being used as early polling sites. This bill passed the Senate.

S.1100-A (Liu) / A.4689-A (Sayegh): This bill would have required the Commissioner of Education to develop guidelines for "Grow Your Own" initiatives, in which districts work with other educational partners to attract current students, paraprofessionals, and community members, in order to foster a more diverse teaching workforce. This bill passed the Senate.

S.1626 (Skoufis) / A.5067 (Paulin): This bill would have allowed districts to use any accessible building that they own or lease to conduct elections. Under current law, elections can only be held in schoolhouses. This bill passed the Senate.

S.1984 (Jackson) / A.2399 (Hyndman): This bill would have directed the Commissioner of Education to convene statewide and regional conventions to bring together underrepresented educators annually to discuss experiences and best practices, as well as to provide for networking, mentorship opportunities, and support. This bill passed the Senate.

S.2555-A (Brisport) / A.6771-A (Solages): This bill would have created a statewide task force on educator diversity to study the presence of educator diversity. This bill passed the Senate.

***S.2687 (Brooks) / A.945 (Jean-Pierre):** This bill would have authorized school districts to enter into a lease outside of their boundaries in certain instances. This would address occasions where schools have a large influx of students, but may not be able to afford an entirely new facility to accommodate them. Additionally, this would allow schools to use facilities of public and non-public schools which have closed in other districts. This bill passed the Senate.

S.3974 (Kennedy) / A.7482 (Woerner): This bill would have allowed schools to put a regional preference into their bid requests, thereby allowing them to value local over non-local produce in their purchasing. This bill passed the Senate.

S.4339-B (Skoufis) / A.4575-B (Paulin): This bill would have created additional transparency requirements for non-profits and public authorities created on behalf of, or by, local governments, including Industrial Development Agencies (IDAs). This bill passed the Senate.

S.4347-B (Brouk) / A.545-B (Rosenthal L): This bill would have provided for a specific licensure program for the position of "school psychologist." This bill passed the Senate.

S.5433 (Parker) / A.9286 (Cruz): This bill would have established a teacher recruitment and retention program to attract and retain bilingual teachers in areas of the state with the greatest need, especially schools under registration review. The bill would have also provided for grants and eligibility requirements for fund distribution. This bill passed the Senate.

***S.6307 (Harckham) / A.3446 (Griffin):** This bill would have extended the period for which energy performance contracts must guarantee the recovery of contract costs from recovery savings. The current length is 18 years; this bill would have lengthened that to 25 years. This bill passed the Senate.

S.552-A (Mayer): This bill would have allowed school districts to apply directly to the NYS Higher Education Services Corporation (HESC) for Tuition Assistance Program (TAP) awards to help offset the cost of providing college level courses to high school students dually enrolled in college and high school programs. This bill passed the Senate.

S.1275-A (Krueger): This bill would have created a public and searchable database of subsidies and economic development benefits throughout the state. This bill passed the Senate.

S.1964-A (Brooks): This bill would have permitted BOCES in Suffolk and Nassau counties to establish workers' compensation reserve funds. This bill passed the Senate.

S.4243-A (Gaughran): This bill would have, upon local voter approval, allowed certain school districts on Long Island to establish dedicated reserve funds which can be drawn against in case of unanticipated and significant loss of revenues due to a tax certiorari settlement or judgment. This bill was introduced to address the Long Island Power Authority's intention to challenge assessments on properties it owns across Long Island. This bill passed the Senate.

S.4438-A (Skoufis): This bill would have allowed retired firefighters to be employed as fire science instructors by CTE programs without facing a reduction in their retirement benefits. This bill passed the Senate.

NYSSBA supported local bills that passed one house:

S.9053 (Kaminsky) / A.10233 (Griffin): This bill would have established the Island Park Long Island Power Authority tax assessment challenge reserve fund. This bill passed the Senate.

S.9054 (Kaminsky) / A.10206 (Griffin): This bill would have authorized the Oceanside School District to establish a Long Island Power Authority (LIPA) power plant tax assessment challenge reserve fund to reserve against, lessen, or prevent increases in the school district's tax levy and/or tax rate resulting from decreases in revenue or taxes or a significant shift in tax liability due to a tax certiorari settlement or judgment. This bill passed the Senate.

S.9357 (Gaughran): This bill would have allowed the North Shore Central School District to establish a Long Island Power Authority (LIPA) tax assessment challenged reserve fund. This bill passed the Senate.

S.9358 (Gaughran): This bill would have authorized the Northport-East Northport School District to establish a Long Island Power Authority (LIPA) power plant tax assessment challenge reserve fund to reserve against, lessen, or prevent increases in the school district's tax levy and/or tax rate resulting from decreases in revenue or taxes or a significant shift in tax liability due to a tax certiorari settlement or judgment. This bill passed the Senate.

A.6210-B (Lavine): This bill would have established the power plant tax assessment reserve fund to lessen or prevent increases in the North Shore Central School District's real property tax levy and/or tax rate resulting from decreases in revenue or taxes or a significant shift in tax liability due to a tax certiorari settlement or judgment. This bill passed the Assembly.

NYSSBA opposed bills that passed one house:

S.615-A (Ramos): This bill would have prohibited employers from requiring or requesting an employee's or applicant's username or login information, as a condition of hiring, employment status, or for use in disciplinary actions. This bill passed the Senate.

A.1861-C (Dinowitz): This bill is similar to S.615-A (Ramos), except it would have specifically included certain entities, including school districts, while exempting law enforcement. This bill passed the Assembly.

A.6501 (Solages) - This bill would have prohibited a court, in considering whether to grant class certification in a putative class action, from denying certification based solely on the fact that the action involves government operations. This bill passed the Assembly.

Other notable legislation that passed both houses:

Chapter 203 of the Laws of 2022 - S.66-A (Hoylman) / A.648-A (L. Rosenthal): This law creates a one-year window for the revival of otherwise time-barred civil claims arising out of sexual offenses committed against people who were 18 or older at the time of the conduct.

S.121-B (Kaplan) / A.472-C (Rozic): This bill would require the Commissioner of Education to conduct a survey and submit a report to the governor and legislature regarding school district compliance with the requirement to provide an instruction on the Holocaust.

S.922-C (May) / A.5735-C (Joyner): This bill would prohibit construction of new schools within 500 feet of a controlled-access highway. The prohibition would take effect in five years and the Commissioner of Education would be permitted to make exceptions in very limited cases.

S.6289-C (Gaughran) / A.1874-C (Jean-Pierre): This bill would require private food service companies to disclose ingredient lists and nutritional information for meals they provide to school districts. School districts would be required to publish such information on their websites.

S.7132-B (Reichlin-Melnick) / A.10018 (Zebrowski): This bill would require district-wide school safety teams to consider the installation of a "panic alarm system" as part of the review of district-wide school safety plans.

S.7548-A (Harckham) / A.8540-A (Burdick): This bill would require school districts to develop a procedure to provide same-day notification to parents or guardians of students with disabilities who have a physical or mechanical restraint applied, or who are placed in a time out room.

S.7866-A (Harckham) / A.8610-A (Abinanti): This bill would permit school districts to provide educational services in the 2022-23 and 2023-24 school years to students who turned 21 years of age in the 2021-22 school year and were enrolled in the district and receiving special education services pursuant to an IEP. Such student(s) could, at district discretion, continue to receive services until the student completes the services detailed in their IEP or until the student turns 23, whichever is sooner.

S.8529 (Gounardes) / A.9513 (Fall): This bill would extend for an additional year, through the end of 2023, the allowance for public employees of four hours of time off to receive a COVID-19 vaccination. The law allows for four hours per injection, unless a collective bargaining agreement allows for more time.