Introduction

The position statements that guide the New York State School Boards Association (NYSSBA) are outlined in the following document. 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 that 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Once adopted, each position remains a formal position for five years unless it is rescinded or the action the position calls for is accomplished.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 levels. In addition, some of the position statements are statements of principle or belief and therefore do not call for specific action.
# Table of Contents

## I. School Governance and Authority .......................... 1

2. Regional High Schools (2017)
5. Setting District Ballots — Small Cities (2017)
12. Speed Zone Cameras (2019)

15. Shared Services (2020)
17. Mayoral Control Expansion (2020)
18. District Election Flexibility (2020)
19. Immunization Database (2020)
22. Remote Attendance for Board Meetings (2021)
23. Changes to the Open Meetings Law (2021)

## II. State and Federal Aid ................................. 3

2. Full Funding of Foundation Aid (2017)
3. English Language Learner Funding (2017)
4. Tax Credit (2018)
5. Aidable Instructional Year (2018)
7. Funding for School Safety (2018)
8. Funding for Health and Mental Health (2018)
9. Pre-School Special Education Funding (2018)
10. Smart Schools Bond Act Review Board (2018)

11. State Mandated School Meal Programs (2019)
13. Pre-Kindergarten Funding (2020)
14. Mid-Year Cuts (2020)
15. Principles of Education Funding (2021)
16. Reimbursement for School Meals (2021)
17. New Revenues for Education Funding (2021)
18. State Funding for Green Initiatives (2021)
19. Foundation Aid Implementation (2021)
20. Aid Eligibility for Tuition Reimbursement (2021)

## III. Curriculum, Instruction and Assessment .......................... 5

1. After-School Programs (2017)

5. Online Learning (2020)

## IV. Special Education ................................. 6

2. Task Force on Special Education (2019)
3. Recovering Attorney’s Fees (2020)

5. CSE Parent Advocates (2020)
6. Due Process Costs (2020)
7. Test Students with Disabilities at Their Developmental Age (2021)

## V. Local Management and Budget ................................. 7

1. PILOT Agreements (2017)
5. Property Tax Cap Repeal (2017)
9. SRO Earning Limitations (2018)
10. SALT Deduction (2019)
11. BOCES District Superintendent Compensation Limit (2019)
12. School Inclusion in PILOT Agreements (2020)
13. OSC Audit Exit Conference (2020)
15. School-Level Audit Guidelines (2021)

## VI. Employee Relations ................................. 8

1. Teacher Preparation Programs (2017)
2. Teacher Certification (2017)
4. Step Increases (2017)
6. Tenure Status and Non-Instructional Employees (2018)
8. 3020-a Penalties (2019)
9. Commercial Driver License Age (2019)
10. Immunization of School Staff (2021)

## VII. NYSSBA Leadership Responsibilities ................................. 9

5. Respect for Differences (2019)
7. Sale of Vaping Products to Underage Persons (2019)
8. School Board Officer Training (2019)
9. School Board Member Training (2019)
10. Social Media Protocols (2019)
12. Tobacco Regulations (2020)
1. NYSSBA opposes legislation expanding New York State’s charter school laws. (2017)

2. NYSSBA supports the creation of regional high schools when locally determined to be educationally or fiscally appropriate by the local boards of education. (2017)

3. NYSSBA supports legislation to change the date that union free and central school districts are required to hold a special election to elect additional board members upon the adoption of a proposition to increase the number of board members from the existing 30 to 60 day period after the annual meeting at which the proposition was adopted to the next annual meeting. (2017)

4. NYSSBA supports legislation that would establish a 10-day period for the filing and review of any objections to small city school district nominating petitions before the ballot is finalized. (2017)

5. NYSSBA supports legislation that would provide finalizing the ballot for positions on the small city school district board on the day after a 10-day period for filing and reviewing of any objections to nominating petitions. (2017)

6. NYSSBA supports legislation that would require the submission of nominating petitions for small city school districts 30 days prior to the election. (2017)

7. NYSSBA supports legislation that would align legal requirements imposed upon small city school districts with those of central, union free and common school districts. (2017)

8. NYSSBA supports legislative changes to align the requirements for school district absentee ballot applications with the requirements of the State Board of Elections. (2017)

9. NYSSBA will work with SED, the NYS Legislature and the Governor to protect student privacy by allowing districts to use locally generated ID numbers for students to be used in all NYSED data collection instead of easily identifiable data such as names. (2017)

10. NYSSBA opposes any legislative and regulatory mandates that would impose new unfunded or underfunded mandates. (2018)

11. NYSSBA supports proposals to allow boards of education to determine if their buildings will be used as polling places for all elections. (2019)

12. NYSSBA supports legislation authorizing municipalities to install speed zone cameras in school zones. (2019)

13. NYSSBA supports requiring notification to districts by the courts of restraining orders prohibiting contact with or between students enrolled in the district and the parents, or those in parental relation to the students. (2019)

14. NYSSBA supports reducing the flexibility provided to charter schools for hiring teachers without a valid New York State teaching certificate. (2019)

15. NYSSBA supports legislation at the state and/or federal level that would allow and enhance the sharing of services amongst school districts and other municipalities. (2020)

16. NYSSBA opposes proposals to raise the number of charter schools authorized in the state. (2020)

17. NYSSBA opposes proposals to expand mayoral control to school districts beyond New York City. (2020)

18. NYSSBA supports legislation that would enable the Commissioner of Education to declare alternate election arrangements in cases where a disaster substantially interrupts a scheduled school board/budget vote. (2020)

19. NYSSBA supports legislation to authorize bidirectional communication between New York school districts and the New York State Immunization Information System (NYSIIS), to allow for the efficient query and transfer of student immunization data. (2020)

20. NYSSBA supports revision of the Child Safety Zone statute [Education Law §3635-b] and implementing regulations of the State Education Department to establish a more flexible and meaningful set of criteria for the determination of a Child Safety Zone for which a school district may provide student transportation as an ordinary contingent expense. (2021)

21. NYSSBA supports legislation to amend the education law to permit voters to obtain absentee ballots for school district elections and budget votes when such elections and budget votes are scheduled on a day which coincides with a religious holiday for such voters and to continue to permit districts to utilize the already existing option to alter the date of the election and budget vote if the uniform budget date falls on a religious holiday. (2021)

22. NYSSBA supports updates to the Open Meetings Law to allow for School Board Trustees to attend meetings remotely via video conferencing without disclosing their location and without permitting public in-person access to an individual trustee’s remote location. (2021)

23. NYSSBA supports legislation to amend the Open Meetings Law (the “OML”) to (a) provide enhanced opportunities for the conducting of business at a meeting of a public body through the use of remote meeting technology; (b) authorize committees of a public body to meet through the use of videoconferencing without a fixed location for the meeting, and (c) eliminate the requirement that a public body subject to the OML identify the location(s) from which a member of the public body will be attending the meeting remotely and eliminate the requirement that members of the public be accorded the right to attend such meetings at those remote locations. (2021)
II. STATE AND FEDERAL AID

1. NYSSBA supports funding to expand New York State and industry approved and certified career and technical education programs. (2017)

2. NYSSBA supports fully funding the Foundation Aid Formula. (2017)

3. NYSSBA supports increased and timely state funding for provision of appropriate mandated instruction for English as a New Language (ENL) students, including unaccompanied minors. (2017)

4. NYSSBA supports legislation at the state level 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. (2018)

5. NYSSBA supports legislative proposals that would allow districts to adopt an earlier start to the instructional year with those dates being eligible for state aid and also allow for extending the school year beyond the last Regents exams. (2018)

6. NYSSBA supports preserving Medicaid funding to school districts, while also seeking to streamline associated reporting requirements and provide reimbursement for all required administrative costs. (2018)

7. NYSSBA supports additional state and federal funding which would be dedicated for school safety programs, staff and equipment and include prevention programs directed toward social emotional development and mental health programs. (2018)

8. NYSSBA supports proposals establishing additional dedicated funding for student health and mental health services. (2018)

9. NYSSBA opposes shifting financial responsibility for pre-school special education from counties to school districts. (2018)

10. NYSSBA supports legislation that would require the Smart Schools Review Board (“SSRB”) to meet monthly and promptly acknowledge, review and act on all school district submissions. (2018)

11. NYSSBA supports proposals to require the state to fund all state-mandated school meal programs and practices. (2019)

12. NYSSBA supports federal and state legislative and regulatory action in addressing the educational and fiscal needs attendant to the increase of unaccompanied minors into New York State. (2019)

13. NYSSBA supports proposals to incorporate pre-kindergarten funding into the school aid formulas used for K-12 education. (2020)

14. NYSSBA opposes mid-year state aid cuts and advocates for additional funding from both the state and federal governments to compensate school districts for COVID-19 related expenses for the 2020-21 school year to allow for educational continuity and fiscal stability for school districts. (2020)

15. 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. (2021)

16. NYSSBA supports proposals that would increase state and federal reimbursements for school meals to allow districts to provide nutritious meals and snacks to all students without causing an undue financial burden to school districts’ budgets. (2021)

17. NYSSBA supports proposals that would generate new state revenues with the dedicated purpose of funding education. (2021)

18. NYSSBA calls upon the state Legislature and the Governor to provide funding for assistance to school districts to allow them to make and implement decisions in the best interest of the global environment, including and especially in the areas of facilities improvements, transportation, and upkeep. (2021)

19. NYSSBA supports state legislation that would evaluate the efficacy of, and require use of accurate, recent data in future implementation of Foundation Aid. (2021)

20. NYSSBA supports state aid eligibility for school districts that are obligated to pay tuition reimbursement for unilateral private placements. (2021)
III. CURRICULUM, INSTRUCTION AND ASSESSMENT

1. NYSSBA supports proposals that would expand after-school programs. (2017)
2. NYSSBA supports proposals that would make kindergarten attendance mandatory. (2018)
3. NYSSBA opposes legislative curriculum mandates. (2019)
4. 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 Education Department, 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. (2020)
5. NYSSBA supports proposals to provide resources to local school districts to expand opportunities and capacity for online learning, provided that they increase student opportunities and do not decrease current levels of instruction. (2020)
6. NYSSBA supports legislation that makes it clear that public school districts are not responsible for assessing the substantial equivalency of education delivered in nonpublic schools. (2020)
7. 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. (2021)

IV. SPECIAL EDUCATION

1. NYSSBA supports testing accommodations for students with disabilities. (2017)
2. NYSSBA shall create a task force to study current requirements, costs, trends and other aspects of the special education system and make recommendations for the future of special education delivery. (2019)
3. NYSSBA supports legislation that makes it easier for districts to recover attorney’s fees in legal cases related to special education where the district is the prevailing party. (2020)
4. NYSSBA supports legislation that would shift the burden of proof in special education due process complaints away from the district and back to the party seeking relief. (2020)
5. NYSSBA supports legislation that would provide funding for suggested (not mandated) state training and certification to provide parent advocates with knowledge and resources to support their advocacy work for parents and students in their attendance at Committee on Special Education meetings and hearings. (2020)
6. NYSSBA supports legislation that promotes the reduction in costs associated with an impartial hearing, independent evaluation requests and attorney fees associated with due process claims. (2020)
7. NYSSBA supports proposals that would allow students with disabilities to be tested at their developmental age. (2021)
**V. LOCAL MANAGEMENT AND BUDGET**

2. NYSSBA supports meaningful reforms to the Tax Cap Levy Formula. (2017)
3. NYSSBA supports legislation to ensure that no school district can have a negative property tax cap. (2017)
4. NYSSBA supports legislation that would set the allowable growth factor of the real property tax cap at a minimum of 2 percent. (2017)
5. NYSSBA opposes the property tax cap and calls for its repeal. (2017)
6. NYSSBA supports raising the allowable undesignated fund balance for school districts. (2017)
7. NYSSBA supports legislation that allows the date of the annual reorganizational meeting to be on or before the Monday following the 20th of July. (2018)
8. NYSSBA supports legislation to exempt expenditures related to school safety from the tax cap. (2018)
9. NYSSBA supports legislation that would substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or safety officers. (2018)
10. NYSSBA supports the full restoration of state and local tax (SALT) deductibility. (2019)
11. NYSSBA supports legislation to eliminate the limit on BOCES District Superintendent compensation. (2019)
12. NYSSBA seeks legislative and/or policy changes that would mandate local Industrial Development Agencies to include affected school districts in the development and/or extension of any Payment-in-Lieu-of-Taxes (PILOT) agreement(s). This inclusion must be initiated at the earliest possible stages of any PILOT consideration. (2020)
13. NYSSBA seeks legislative support to allow for more than one Board Member to simultaneously attend a New York State Office of State Comptroller (OSC) audit exit conference. (2020)
14. NYSSBA will work with the Office of the State Comptroller and other necessary policymakers to ensure that Comptroller audits are based on statutory guidelines or provisions of state law, rather than subjective standards and preferences. (2021)
15. NYSSBA supports legislation that abolishes State School Level Expenditure Reporting. (2021)

**VI. EMPLOYEE RELATIONS**

1. NYSSBA supports efforts to have the state require all teacher preparation programs demonstrate the quality of the preparation of the teachers they produce as graduates. (2017)
2. NYSSBA supports a rigorous process for granting teacher certification. (2017)
3. NYSSBA supports reforming the system of educator discipline to cap the length of time educators awaiting 3020-a-proceedings are paid. (2017)
4. NYSSBA supports legislation to amend the Triborough Amendment of the Taylor Law to eliminate the obligation of school districts to pay “step” increments after the expiration of collective bargaining agreements. (2017)
5. NYSSBA supports reforming the system of educator discipline to authorize school districts to terminate tenured teachers without a 3020-a hearing if:
   - They have been convicted of child abuse in an education setting, or
   - Their teaching certificate has been revoked by the State Education Department, or
   - They have failed to obtain permanent certification in the requisite time period. (2017)
6. NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees. (2018)
7. NYSSBA shall seek legislation to streamline the tenured teacher hearing process set forth in Education Law §3020-a in a way that preserves due process while addressing spiraling costs and the extraordinary length of time to conduct hearings. (2018)
8. NYSSBA supports legislation that would require the independent hearing officer in a 3020-a hearing to accept the penalty sought by the district if there is a finding of guilt. (2019)
9. NYSSBA opposes lowering the age of eligibility for a commercial driver license, required to be a school bus driver, from 21 to 18. (2019)
10. NYSSBA supports an addition to the current New York State Public Health Law, that all immunizations required of students under the provisions of New York State Public Health Law 2164 be required of all school staff, where medically appropriate for adults. (2021)
11. NYSSBA seeks legislative and/or policy changes to streamline the teacher certification process for teachers from out of state and those with previous teaching experience. (2021)
VII. NYSSBA LEADERSHIP RESPONSIBILITIES

1. NYSSBA supports appropriate changes to state law, regulations and state policies that encourage and incentivize New York State school districts to address the health issue of sleep deprivation in teenagers by implementing later school start times that are developmentally-appropriate for middle school and high school students. (2017)

2. NYSSBA supports all efforts to improve school safety by limiting or reducing unauthorized access to guns in schools. (2018)

3. NYSSBA supports an amendment to Penal Law Article 240 entitled Falsely Reporting an Incident to criminalize falsely threatening use of a gun or making threats of mass violence on public school property. (2018)

4. NYSSBA shall take a leadership role in raising awareness and understanding of the importance of all school districts’ leaders in understanding and taking action to address disproportionality in the education workforce and in student outcomes as it relates to diverse backgrounds. In carrying out this mission, NYSSBA shall:
   • Develop training focused on cultural competency and diligently promote, encourage and facilitate access to all school boards;
   • Encourage school boards to invite discussions with students, parents, staff and the board to develop district action plans that address staffing, student outcomes and the school climate in a manner that improves cultural competency, diversity and inclusivity; and
   • Take an active role in collaborating with other groups, including but not limited to the New York State Board of Regents, NYSCOSS, SAANYS, NYSUT and other members of the Educational Conference Board to encourage them to jointly promote such training and conversations about their members and constituencies. (2018)

5. NYSSBA shall take a leadership role in encouraging school boards to develop successful strategies for integrating respect for differences into the educational experience. In carrying out this mission, NYSSBA shall encourage school boards to:
   a. Ensure that the importance of acceptance of others who are unique and different because of racial, ethnic, gender, sexual orientation, gender identity, disability status or religious differences is part of the curriculum.
   b. Invite discussion among students, parents, staff and the community about how hatred and bigotry based on race, ethnicity, gender, sexual orientation, gender identity, disability status and religion endanger the pluralistic and diversity principles for which this nation stands.
   c. Involve students, parents, staff and the community in developing and supporting educational practices which invite understanding and acceptance of others’ differences and which aim to eradicate hatred and bigotry. (2019)

6. NYSSBA shall support legislative action in the regulation of vapor products including consumption, manufacturing, distribution and advertisement. (2019)

7. NYSSBA supports legislation that would increase the penalties against any business that sells vaping products to any person who is underage or against an adult purchasing vaping products for any person who is underage. (2019)

8. NYSSBA shall produce, and widely recommend the adoption of a sample board policy stating that members who have been newly elected to serve as officers will participate in at least one accredited officer training. (2019)

9. NYSSBA shall produce, and widely recommend the adoption of a sample board policy stating that all Board of Education members will, each year, participate in at least one new training which has been approved by that Board. (2019)

10. NYSSBA shall recommend appropriate parameters for social media and electronic communications between students and school district employees. (2019)

11. NYSSBA shall advocate for action that recommends school districts to provide a professional development program related to the ethical practices and protocols employees should follow when using social media and electronic communications. (2019)

12. NYSSBA supports proposals to regulate and restrict the use of tobacco products among youth. (2020)

13. NYSSBA supports increased state and federal funding to provide educational equity by addressing the digital divide created by limited access to technology and broadband. (2020)

14. NYSSBA shall produce and widely recommend the adoption of a board policy, or language to be added to the existing policy related to child abuse, stating that the adopting district will encourage and facilitate all school personnel, including those who are mandated reporters and those who are not, to participate, once every three years, in a course or workshop that presents information related to signs of child abuse and the responsibilities of reporting it. (2020)
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.

Contact NYSSBA’s Governmental Relations team via email at Advocacy@nyssba.org or by phone at 800.342.3360 or 518.783.0200.