



NYSSBA 2022-23 Assembly One House Analysis

State Aid - The Assembly accepts the executive budget proposal to fund year two of the Foundation Aid phase-in plan and also fully-fund expense-based reimbursement aids. The Assembly budget summary further indicates that their proposal would increase overall school aid by \$120 million over the executive budget proposal.

Foundation Aid - The Assembly accepts the executive budget proposal to fund year two of the three year Foundation Aid phase-in plan. The Assembly also accepts the proposed minimum 3% Foundation Aid increase for all districts.

Aid Forgiveness - The Assembly accepts the executive proposal to allow for building aid and transportation aid forgiveness for costs that were properly expended, which would otherwise be subject to penalties for late filing of forms due to inadvertent administrative or ministerial oversight. The Assembly also accepts the executive proposal to allow for the submission of transportation contracts through electronic form.

Aid Claims Restriction and Database Freeze - The Assembly rejects the executive proposal to freeze state aid payments on a permanent basis to a maximum payment of those included in the school aid runs supporting the executive budget proposal based on the November database.

Prior Year Aid Claims - The Assembly proposes to restore the \$19 million in annual funding for the state to make payments against the current prior year aid claims list. Additionally, the Assembly would ensure any deductions due to excess aid payments would be used to help pay down the prior year aid claims list. The executive had proposed no funding, following elimination of the traditionally annual appropriation in the 2021-22 budget.

Career and Technical Education - The Assembly proposes to increase the aidable salary cap for BOCES staff from the current \$30,000 amount up to \$60,000. This would be done over a three year period, beginning with aid payable in 2022-23. The Assembly also proposes to increase Special Services Aid for non-component districts by phasing-in the inclusion of 9th graders in the aid calculation, on the same three year schedule, beginning with aid payable in 2022-23.

Building Aid for Capital Outlay Projects - The Assembly proposes to increase the limit for capital projects that would be eligible for building aid under the capital outlay exception from the current \$100,000 limit up to \$250,000.

Community Schools - The Assembly proposes to allocate \$100 million exclusively for the purpose of new and expanded community school programs. Funds would be distributed proportionately by a district's community school set-aside amount. The Assembly further

accepts the executive's intended maintenance of current Foundation Aid community school set-aside amounts.

Recover from COVID School Program (RECOVS) - The Assembly generally accepts the executive budget proposal to allocate a two-year \$100 million fund to support school district efforts to address student wellbeing and learning loss in response to the trauma brought about by the COVID-19 pandemic. However, the Assembly does propose to tweak the matching requirement by using an "all funds" match, instead of a specific federal stimulus fund match, as the executive proposes. In addition, the Assembly budget summary indicates that their proposal provides for an additional \$40 million in mental health grants.

Committee on Special Education Placements - The Assembly rejects the executive proposal to permanently eliminate the state share of costs related to Committee on Special Education (CSE) placements for districts outside of New York City, and transfer the state's responsibility for maintenance costs of state-operated schools for the blind and deaf onto school districts.

Pre-Kindergarten - The Assembly proposes to increase funding for Universal Pre-Kindergarten by \$150 million. \$25 million of the proposed increase would be targeted towards increasing support for districts with existing programs, with the remaining \$125 million set aside to support new Universal Pre-Kindergarten programs.

Special Act School Districts - The Assembly includes a number of proposals to provide financial stability to special act and other special education schools, including redesigning rate setting methodology. The Assembly proposes that increases to special act tuition rates be commensurate with total school aid increases and that special act districts are held harmless for reductions in enrollment. Additionally, the Assembly proposal would provide some flexibility with regard to retaining unexpended funds.

Expansion of Broadband Coverage - The Assembly rejects the executive's proposed ConnectALL initiative. Instead, the Assembly replaces the executive's framework with its own proposal of a \$300 million appropriation for broadband access for local governments and underserved households.

Temporary Teaching Certification - The Assembly rejects the executive proposal that would authorize an individual, under certain conditions, to teach in a public school with a temporary professional teaching permit.

Earnings Cap Waiver for Retirees - The Assembly rejects the executive proposal that would temporarily authorize public sector retirees to work for a public school without a waiver and without reduction in their retirement benefits, regardless of the amount earned.

NYC Mayoral Control - The Assembly rejects the executive budget proposal to extend mayoral control of New York City schools for an additional four years, through June 2026.

School Meals - The Assembly rejects the executive budget proposal to transfer administration of the National School Lunch Program from SED to the Department of Agriculture and Markets.

Zero-Emission School Buses - The Assembly largely accepts the executive budget proposal to require district and contracted school bus fleets to transition to zero-emission. The Assembly modifies it to add a provision that would require the Commissioner of Education, on or before July 1, 2025, to determine the feasibility of school districts to meet the requirements without enduring financial hardship or disrupting the transportation of students. The Commissioner would be empowered to delay the requirements until full implementation was possible.

Access to the Clean Water State Revolving Loan Fund - The Assembly rejects the executive budget proposal to expand the definition of “municipality” to include school districts for the purpose of accessing this fund. The fund provides access to interest-free or low-interest rate financing for wastewater and sewer infrastructure projects.

Clean Water, Clean Air, and Green Jobs Bond Act of 2022 - The Assembly amends the executive’s proposed environmental bond act by increasing the total amount from \$4 billion to \$5 billion. School districts would be able to access this funding for a wide range of projects, in the areas of flood risk reduction, open space land conservation and recreation, climate change mitigation, and water quality improvement and resiliency. The bond act would be put before voters in the November election.

Update to Building Codes - The Assembly rejects the executive budget proposal to update and overhaul the statewide building code in response to Climate Change and the Building Benchmarking Act of 2022. That proposal, among other provisions, would require all owners of buildings with more than 25,000 gross square feet to report various metrics of energy use, water use, and greenhouse gas emissions, and for NYSERDA to publicly post that information.

Applying State Ethics Rules to Local Public Officials - The Assembly rejects the executive’s proposal to apply certain state ethics rules to local officials and employees in its entirety. This proposal would have lowered the cap on acceptable gifts from \$75 to \$15 and expanded the scope of the definition of a conflict of interest to include additional family members.

School-Based Health Centers - The Assembly proposes making the carve out of school-based health centers from managed care plans permanent. The carve out is otherwise set to expire on April 1, 2023.