



NYSSBA 2019-20 Final Budget Analysis

State Aid

The final budget includes an increase in education funding of more than a billion dollars over 2018-19. Specifically, the budget includes an additional \$961 million in traditional formula-based school aid, an increase of 3.6%. This increase is comprised of \$618 million in new Foundation Aid and more than \$342 million in additional expense-based and other categorical aids. Total formula-based school aid is now projected to be more than \$27.3 billion in 2019-20.

NYSSBA Response

NYSSBA advocated for an increase of \$2.2 billion in education funding in order to address the rising student need districts are facing statewide. While this allocation is significantly lower than what was requested, the final budget increases formula-based school aid by more than \$200 million above the Executive's proposal. The increase should be considered in combination with some of the NYSSBA priorities and cost savings that were incorporated in the final budget.

Foundation Aid

The final budget includes a \$618 million increase in Foundation Aid over 2018-19, adding nearly \$300 million to the Executive's Foundation Aid proposal. All districts would be guaranteed a .75% minimum increase. The additional Foundation Aid will be distributed using ten mini-formulas, which account for factors such as student poverty, district wealth, general enrollment and ELL growth and small city school district status, instead of using the statutory Foundation Aid formula. The final budget also does not include a plan to fully phase in the Foundation Aid formula.

NYSSBA Response

NYSSBA called for a \$1.4 billion Foundation Aid increase and a commitment to fully phase in the formula over three years, while making needed adjustments to the formula. While this is far less than hoped for, the Foundation Aid increase in the final budget is a significant increase over the Executive's proposal, especially given the multi-billion dollar projected revenue gap that emerged in the final weeks of negotiations. The final budget increase still leaves the state \$3.4 billion below full-funding and NYSSBA will continue to work toward both phase in and common sense updates to the formula.

School Aid Redistribution Plan

The final budget modifies the Executive's Foundation Aid redistribution proposal (dubbed by the Governor an "equity" plan). Under the final agreement, school districts with similar-grade schools that are identified as "high need" and "underfunded" by the Division of the Budget will be required

to submit a report to the State Education Department by September 1 of each year demonstrating how they plan to "effectuate" prioritizing funding equity in such schools. The state Division of Budget will be required to produce a list of impacted schools by May 1 of each year.

NYSSBA Response

NYSSBA was opposed to the Executive's funding redistribution proposal. The original version prescribed specific funding shifts among buildings within a school district. In addition, the Executive proposal defined "significantly underfunded" as 5% above the district's per pupil spending average. While an additional reporting requirement was not needed by school districts, it is vastly preferred to a loss of local decision making around budgeting. In addition, the change in definition of an "underfunded" school to 5% below (rather than above) the district's per pupil spending average will capture far fewer schools and districts, and limit the scope of the new requirement.

Community Schools Set-Aside

The final budget includes a \$50 million increase to the community schools set-aside, bringing the total Foundation Aid restriction to \$250 million statewide. The minimum amount of funding for districts subject to the set-aside is increased from \$75,000 to \$100,000. The Executive's proposal was modified to allow greater flexibility in use of the funds by including any expense that maximizes student academic achievement.

NYSSBA Response

NYSSBA opposed the continuation and expansion of restrictions on the use of Foundation Aid, whether for community schools or any other purpose. The community school set-aside increase effectively reduces the flexible Foundation Aid increase from \$618 million to \$568 million. NYSSBA is supportive of community school initiatives, but believes the state should create a new funding category to support such efforts, instead of restricting funds districts need to support existing programs and services.

Consolidation of Reimbursement Aid Categories (ie "Services Aid")

The final budget rejects the Executive's proposal to consolidate 11 reimbursement and categorical aids into a block grant.

NYSSBA Response

NYSSBA opposed the Executive's "Services Aid" proposal. The consolidated aid category, which would have begun in 2020-21, would have negatively impacted hundreds of school districts each year and could have effectively frozen aid for many districts for years.

Building Aid Adjustment

The final budget rejects the Executive's proposal to adjust and reduce building aid reimbursement rates for school districts' construction projects. The final budget also rejects the proposal to restrict the aidability of certain "incidental costs" as part of school district construction projects.

NYSSBA Response

NYSSBA opposed this proposal. Less state support for school district capital projects would have led to two possible outcomes - decreased investment in modernizing and improving facilities for students and/or increased costs for local taxpayers.

Property Tax Cap

The final budget makes the property tax cap permanent while making no other changes to the cap.

NYSSBA Response

NYSSBA opposes the property tax cap, and opposed efforts to make it permanent. NYSSBA instead advocated for adjustments to the cap before any extension was considered. NYSSBA will continue to press for changes, including a minimum two percentage allowable growth factor, counting BOCES capital expenses as part of the capital exclusion, factoring properties under PILOT agreements into the tax base growth factor and eliminating negative caps.

BOCES DS Salary Cap Increase

The final budget includes an increase in the BOCES district superintendent salary cap to 98% of the Commissioner of Education's salary in 2013-14. BOCES boards will be authorized to negotiate increases of up to 6% per year, over the previous year annually, beginning with the 2019-20 school year until the new cap (approximately \$208,000) is reached.

NYSSBA Response

NYSSBA supported the adoption of this provision as a part of the budget. Similar legislation was approved by the legislature last year but was vetoed by the Governor. This version sets a lower total cap than the vetoed legislation, but represents the first increase since 2003, and the second since the cap was adopted. This adjustment is significant not just because of the importance of increasing the cap to recruit and retain district superintendents, but because it restores a missing element of local control to BOCES boards around the state who have been denied the opportunity to negotiate with their CEOs for many years now.

Teachers' Retirement System (TRS) Reserve Fund

The final budget includes authorization for school districts and BOCES to establish TRS reserve funds.

NYSSBA Response

NYSSBA supported this initiative and its inclusion in the budget. This common sense adjustment will allow districts to set aside funds for pension contributions for the vast majority of their employees, including those who are generally the highest paid. For example, a portion of the savings that result when TRS contribution rates go down could now be set aside for use when the rate eventually increases in the future, smoothing costs for taxpayers.

Dual Enrollment

The final budget includes a provision that allows SUNY schools, including community colleges, to provide reduced or no cost credits to students who are in dual enrollment programs through their high school or BOCES.

NYSSBA Response

NYSSBA supported this proposal. Codifying the authority of SUNY schools to enter into partnerships with high schools, many of whom have historically done so and determine locally what, if any, tuition and fees will be charged, allows local education leaders to work together to protect existing dual enrollment programs operating under this partnership model, and incentivizes the expansion of such programs.

Early College High Schools

The final budget includes an additional \$9 million to support the creation of at least 15 new Early College High School programs. The new grants will be targeted to students in school districts with below average graduation rates and programs that lead to careers in computer science.

NYSSBA Response

NYSSBA supported this appropriation to support the expansion of Early College High Schools and other programs that allow for students to earn college credit.

Annual Professional Performance Review (APPR)

The final budget eliminates the mandate to use 3-8 grade tests and other state exams as the measure of student growth in APPR while also eliminating the state growth model. The student growth measure will still be required as an assessment and the district will be required to collectively bargain the selection of the assessments. Additionally, the prohibition on state 3-8 exam scores appearing as a part of a student's permanent record was made permanent.

NYSSBA Response

NYSSBA sought amendments to this provision and the stand-alone bill on the same topic. While NYSSBA supported the elimination of the mandate to use the state assessments as the measure of student growth in APPR, this legislation did not go far enough to improve the existing APPR system. In addition, this statute may lead to an increase in student testing. NYSSBA recommended that the following amendments be made to this proposal: allow school districts to select the measure or measures of student performance including student portfolios, state assessments and local assessments approved by the State Education Department; remove the threat of state aid loss if a district does not have an annually approved APPR plan; eliminate the requirement to use independent observers in addition to principals and other administrators; restore the permissive use of currently prohibited evaluation elements such as lesson plans, other artifacts of teaching, and parent and teacher surveys; allow districts to differentiate the appropriate number and scope of observations conducted of tenured teachers with a track record of success and probationary teachers and tenured teachers who require more coaching; and allow districts to implement these local options at their discretion, without collectively bargaining these new flexibilities.

Transportation Piggybacking

The final budget includes authorization for school districts to participate in existing transportation contracts originally entered into by other districts, also known as “piggybacking.”

NYSSBA Response

NYSSBA supported granting such authority to school districts. Providing this option to districts is an important tool that will help create greater operational efficiencies and result in cost savings.

Building Condition Survey

The final budget includes language designating a staggered schedule for building condition surveys, allowing the surveys to be conducted over 5 years. Currently, all school districts are mandated to conduct their building condition surveys in the same year every 5 years. Moving forward, approximately one fifth of all school districts will conduct their building condition surveys each year.

NYSSBA Response

NYSSBA supported this provision, as it will likely result in a cost savings to school districts who will face reduced competition for contracted staff who conduct such surveys.

Mayoral Control

The final budget includes a three year extension of New York City Mayoral Control through June 30, 2022, along with moderate changes to improve transparency and community engagement.

NYSSBA Response

NYSSBA supported the extension of mayoral control in New York City.

Mandated Election Day Leave

The final budget includes a provision requiring all employers to provide each employee three hours of paid leave on election day(s) for all non-district elections. Employees are required to take such leave at the beginning or end of the work day. The employee must notify their employer of their intent to use this leave at least two days prior to the election. Previously, employees were only entitled to this leave if they did not have four consecutive hours before or after work while the polls were open, and the leave was limited to two hours.

NYSSBA Response

While NYSSBA did not object to expanding this provision from two to three hours of paid leave, NYSSBA did oppose the expansion of eligibility to all employees. This paid leave, being offered outside the context of the collective bargaining process, should be available only to those employees who otherwise would not have adequate time to vote. By extending this entitlement to all employees, including classroom teachers, districts face the very real possibility of needing many substitute teachers on each election day. Since this is paid leave, this results in a financial cost to district taxpayers. Paid leave for public employees, including school districts, should be addressed in the context of collective bargaining.

Voting Reforms

The final budget includes authorization for primary polling locations statewide to be open between the hours of 6:00am and 9:00pm, but excludes the Executive proposal to establish early voting and a merged primary day due to prior legislative action.

NYSSBA Response

In January, the Governor signed into law stand-alone legislation authorizing early voting in all special, primary and general elections and establishing a single merged primary day in June. NYSSBA had no objection to the policies implemented as a result of the budget or stand-alone legislation. However, NYSSBA recommended additional reforms that would allow school districts to decline designation of their schools as polling places for all elections. When school buildings are used as polling sites, districts can be forced to abandon their security procedures and allow unfettered access to their buildings. Moreover, the new consolidated primary date occurs during Regents examination week. The effect these reforms could have on schools should be considered and addressed as a part of the voting reform conversation.

Require the Use of Seatbelts on Buses

The final budget rejected the proposal to require students to wear seatbelts on school buses.

NYSSBA Response

NYSSBA opposed this proposal, as most of the school buses in NYS are fitted with lap belts and guidance from safety experts, including the National Highway Traffic Safety Administration and New York Association for Pupil Transportation, continue to counsel against the use of lap belts on full-sized school buses, as it potentially increases the risk of injury in an accident.

Student Mental Health Services

The final budget includes \$1.5 million to support enhanced mental health and school climate support services, specifically targeted to middle and junior high schools. Up to \$500,000 of this funding can be used to support a school mental health technical assistance center.

NYSSBA Response

NYSSBA supports investments in student health and mental health services. However, while we are pleased with any investment, this allocation is likely inadequate to make a meaningful impact on mental health for students and school districts across the state. NYSSBA recommended a more significant investment through the creation of a new expense-based aid category as a last dollar financial support for districts providing health and mental health services.

Extreme Risk Protection Orders (“Red Flag”)

This provision, which was not included in the final budget due to prior legislative action, would have granted individuals, including school officials, the authority to seek first a temporary and possibly a permanent extreme risk protection order against someone whom the petitioner believed to be a danger to him or herself or others. If such an order were granted, the individual would be prohibited from purchasing or possessing a firearm.

NYSSBA Response

This provision was excluded because earlier this year, the Governor signed into law stand-alone legislation (Chapter 19 of the Laws of 2019) that enacted a nearly identical proposal. Unlike the Executive's initial proposal, the enacted legislation requires school personnel acting under this provision to seek written authorization from their school administrators prior to seeking such an order.

Division of Human Rights (DHR) Jurisdiction

The final budget did not include an expansion of the jurisdiction of DHR to public school students.

NYSSBA Response

NYSSBA had no objection to expanding the jurisdiction of DHR to public school students. This issue is addressed in a stand-alone bill that has passed both houses of the legislature and awaits delivery to the Governor.

Child Victims Act

This proposal, which expanded the rights of victims of childhood sexual abuse, was excluded from the final budget due to prior legislative action.

NYSSBA Response

Earlier this year, a version of this proposal (Chapter 11 of the Laws of 2019) was signed into law. NYSSBA had no objection to this proposal.

Charter Schools

The final budget provides an additional \$25 million in direct state support for charter schools in New York City.

NYSSBA Response

NYSSBA opposed this proposal and urged legislators and the Executive to direct this funding to public school districts as Foundation Aid.

Non-Public Schools

The final budget provides non-public schools access to \$25 million in new funding for building safety and security in response to attacks and other threats based on ideology, beliefs or mission. This funding will also be available to community and daycare centers. The final budget also includes \$15 million for health and safety equipment for non-public schools.

NYSSBA Response

NYSSBA opposed these proposals, and urged legislators and the Executive to direct this funding to public school districts as Foundation Aid. It is also worth noting that no additional school safety funds were provided for public school districts.

Prekindergarten

The final budget includes an additional \$15 million for prekindergarten expansion grants for 3,000 three- and four-year olds in half- and full-day programs. Similar to previous years, preference will be given to high need districts that do not yet have a prekindergarten program and will focus on including students in integrated or community-based settings. The final budget also continues the state's investment in QUALITYstarsNY. The final budget did not include authorization to make prekindergarten transportation aidable.

NYSSBA Response

NYSSBA supports investments in high quality prekindergarten programs so that all communities can offer seats to their students and supported the proposal to make prekindergarten transportation aidable.

School Bus Stop Arm Cameras

The final budget rejected proposals to authorize school districts to install stop arm cameras on school buses.

NYSSBA Response

NYSSBA had no objection to allowing school districts to install stop arm cameras, but had concerns about the executive proposal, which make it the responsibility of the district to act as the enforcement entity and issue tickets resulting from the cameras.

NYC School Zone Speed Cameras

The final budget rejected the Executive's proposal to extend the authorization for New York City to operate speed cameras in school zones for three years, due to prior legislative action.

NYSSBA Response

NYSSBA supported the reauthorization of this program to enforce speed limits in school zones. A stand-alone bill (S.4331/A.6449) which reauthorized the use of speed cameras in school zones in the City of New York passed both houses of the legislature in March and awaits delivery to the Governor.

Healthy Relationship Instruction

The final budget rejected proposed changes to increase mandated health education to include instruction in healthy relationships and comprehensive sexual education.

NYSSBA Response

NYSSBA opposed this proposal. NYSSBA recognizes the importance of the issues addressed in this proposal; however, if enacted, this proposal would have imposed a curriculum and standards mandate that would have infringed on the autonomy of both the State Education Department and local boards of education throughout the state.

Recovery High Schools

The final budget includes \$1 million in competitive grants for BOCES to help facilitate the implementation of a recovery high school. Such schools must offer safe and supportive learning environments for students diagnosed with or at risk of substance-use disorder.

NYSSBA Response

NYSSBA supported the provision which makes resources available for the establishment or continued support of existing recovery high schools.

After-School Programs

The final budget includes an additional \$10 million in after-school grants to expand such programs to an additional 6,250 students. Of this funding, at least \$2 million is reserved for high need school districts on Long Island. In order for other districts to be eligible for the grant, the school must be located in a school district with high rates of homelessness or an “at-risk” area, as defined by multiple state and local agencies. Grant recipients will be required to offer gang-prevention programming.

NYSSBA Response

NYSSBA supported funding for the creation or expansion of after-school programs, but recommended statewide eligibility for these grants.

Advanced Courses

The final budget includes two allocations for advanced courses; \$1.8 million to off-set the cost of Advanced Placement (AP) and International Baccalaureate (IB) exams for students eligible for free and reduced-price lunch, and \$1 million for advanced course access grants that can be used for teacher training, materials or equipment for digital learning in districts with no or very limited advanced course offerings.

NYSSBA Response

NYSSBA supported these proposals to provide more opportunities for all students to take advanced courses.

Regional STEM Magnet High Schools

The final budget did not include authorization for BOCES to establish STEM magnet high schools.

NYSSBA Response

NYSSBA supported this proposal which would have provided districts with a mechanism to provide enhanced academic programming for students while retaining their district autonomy.

Immigrant Student Support

The final budget includes \$1.5 million in grants to support school districts with increased refugee and immigrant populations, including unaccompanied minors. At least a third of this funding will be directed to school districts on Long Island.

NYSSBA Response

NYSSBA supported this proposal to provide resources to districts that are facing increasing numbers of refugee and immigrant populations.

Restorative Justice

The final budget includes \$3 million in alternative discipline grants. The grants will be directed to high need school districts or districts with a high number of student suspensions to implement alternative disciplinary models and practices including restorative practices.

NYSSBA Response

NYSSBA supported the inclusion of these resources to help districts improve school climate through alternative discipline practices including restorative practices.

Indemnification Against Agency Shop Challenges

The final budget includes a provision that seeks to indemnify public employers and unions from being forced to reimburse agency shop payers for fees the employee paid prior to the Supreme Court decision in *Janus v. AFSCME*, deeming agency shop fees unconstitutional.

NYSSBA Response

NYSSBA is supportive of this provision which seeks to protect public employers, including school districts, from being forced to reimburse employees for payroll deductions the employer was legally authorized to make prior to the *Janus* decision.

Protection of Personal Information

The final budget includes provisions that prohibit the release of public employees' personal contact information by their employers to third parties, and limit the number of times per year an employee's organization may request an updated list of members of each collective bargaining unit to once a quarter, unless otherwise specified in the collective bargaining agreement.

NYSSBA Response

NYSSBA had no objection to this proposal to provide privacy protections to employees.

School Resource Officers

The final budget requires school districts that contract with law enforcement (including school resource officers) and private security personnel, to establish written contracts or memoranda of understanding (MOUs) with the employing agencies. These MOUs must clearly delineate the role of

security teams as limited to security and specify that student discipline is the sole purview of district administration.

NYSSBA Response

NYSSBA had no objection to this provision, as only district personnel should take disciplinary action or enforce district policies.

Building and Transportation Aid Forgiveness

The final budget did not include building or transportation aid forgiveness for school districts.

NYSSBA Response

NYSSBA supported providing forgiveness to districts, their students and taxpayers, allowing them to maintain anticipated aid payments and avoid aid takebacks.

Funding for Special Act School Districts

The final budget did not include an increase in the tuition rate for special act school districts. However, the final budget did include an appropriation of \$250,000 to support activities related to the closure of the Abbot Special Act school district.

NYSSBA Response:

NYSSBA supported an increase in the tuition rate for special act school districts and will continue to fight for an increase through the administrative process. NYSSBA also supported the provision of funding to assist with the resolution of the Abbot close down.

Policies to Support Pregnant and Parenting Students

The final budget did not include a requirement for school districts to adopt and distribute policies supporting pregnant and parenting students.

NYSSBA Response

NYSSBA had no objection to the expansion of these policies.

Minority and Women Owned Enterprise (MWBE)

The final budget did not include any requirement to modify the state's MWBE program to require school district participation.

NYSSBA Response

NYSSBA did not support the proposed requirement for school districts to participate in the state's MWBE program.

Smart Schools Bond Act

The final budget did not include a mandate for the smart schools review board to meet with greater frequency in order to speed up the approval process of districts' applications.

NYSSBA Response

NYSSBA supported requiring more frequent meetings of the smart schools review board in order to speed up the approval process of districts' applications.

BOCES Reimbursable Salary Cap and Special Services Aid

The final budget did not increase the aidable salary cap for BOCES career and technical education (CTE) instructors or special services aid.

NYSSBA Response

NYSSBA supported an increase in the BOCES CTE aidable salary cap and special services aid funding levels.

Net Neutrality

The final budget did not include any requirement for Internet service providers to comply with net neutrality principles.

NYSSBA Response

NYSSBA supported the inclusion of required restoration of net neutrality principles.

Prior Year Adjustments

The final state budget includes \$18.6 million to make payments to school districts on the state's prior year aid claims list.

NYSSBA Response

NYSSBA supported increased funding to pay down the prior year claim list, including reprogramming of dollars recaptured from aid overpayments to school districts. The \$18.6 million included this year is identical to what has been appropriated in recent years.

STAR

The final budget includes the Executive's proposals to cap the annual growth in STAR benefits at 0%, down from 2%, as well as a reduction to the income eligibility threshold from \$500,000 to \$250,000. Both of these changes apply only to the property tax exemption benefit and not the state income tax STAR benefit.

NYSSBA Response

NYSSBA did not take a position on these changes as they do not have a net impact on school district budgets. However, it is important for school districts to be aware of these changes in case questions are asked by taxpayers. Both changes act as an incentive to further transition homeowners from the STAR exemption to the STAR credit.