



## 2021 NYSSBA End of Year Legislative Advocacy Summary

The following is a final summary of notable legislation supported or opposed by NYSSBA that was acted upon by the legislature and either signed into law or vetoed this year.

\*An asterisk denotes that if signed the bill enacts a NYSSBA position statement.

### NYSSBA supported bills that have been signed into law:

**Chapter 60 of the Laws of 2021 - S.5545 (Mayer) / A.6475 (Bronson):** This law allowed for individuals to request absentee ballots for the 2021 school board election and budget vote, and the Board of Cooperative Educational Services (BOCES) public vote, if voting in person would present a risk of contracting or spreading an illness. Intended to address the current pandemic, this law is only in effect for this calendar year, after which it will expire.

**Chapter 70 of the Laws of 2021 - S.4430 (Ryan) / A.5456 (Jean-Pierre):** This law made adjustments to the number of signatures school board candidates needed to collect in order to run for such positions in 2021, by using 2019 turnout levels for common and union free districts and lowering the small city requirement from 100 to 50.

**\*Chapter 95 of the Laws of 2021 - S.1090 (Gaughran) / A.2580 (Thiele):** This law extends the ability of school districts and local governments to engage in shared contracting for purchases of goods and services (also known as “piggybacking”) for two additional years, until July 31, 2023. Prior to this law, the current ability to piggyback was set to expire on July 31, 2021.

**Chapter 106 of the Laws of 2021 - S.1453-B (Parker) / A.6255-A (Richardson):** This law extends a moratorium on utility termination of services after the COVID-19 state of emergency is lifted or expires for a period of 180 days after such expiration or until December 31, 2021, whichever is later. The bill was amended to explicitly include broadband service providers to address the importance of internet connectivity.

**Chapter 112 of the Laws of 2021 - S.5576-C (Mayer) / A.6750-B (Benedetto):** This law eliminates the requirement that school districts conduct APPR (annual professional performance reviews) for the 2020-21 year, and updates tenure statutes to comply with such elimination.

**Chapter 121 of the Laws of 2021 - S.6883 (Jackson) / A.7168 (Pichardo):** This law extends bond repayment flexibilities available to school districts until July 15, 2024. Prior to this law, these flexibilities were set to expire on July 15, 2021.

**Chapter 147 of the Laws of 2021 - S.7189 (Mayer) / A.8020 (Benedetto):** This law amends Chapter 112 of the Laws of 2021 that eliminates the 2020-21 APPR requirement to clarify that superintendents still have final authority over tenure decisions.

**Chapter 328 of the Laws of 2021 - S.6415-A (Gaughran) / A.7176-A (Jean-Pierre):** This law exempts certain public school operated pre-kindergarten and kindergarten programs from licensure requirements under the Office of Children and Family Services (OCFS).

**Chapter 406 of the Laws of 2021 - S.5581-A (Breslin) / A.6245-A (Woerner):** This law extends the ability of school districts with 51-100 employees and utilizing a private health insurance consortium to remain in their consortiums, commonly referred to as “small group health insurance.” This extension would last until December 31, 2025. The waiver was set to expire on December 31, 2022.

**Chapter 417 of the Laws of 2021 - S.50001 (Kavanagh) / A.40001 (Dinowitz):** This law extended the ability of public bodies to meet virtually until January 15, 2022.

**Chapter 503 of the Laws of 2021 - S.6653-A (Mannion) / A.6489-A (Stirpe):** This law allows school districts to recoup the value of property tax assessment reductions from association libraries, municipal public libraries, and special district libraries.

**\*Chapter 623 of the Laws of 2021 - S.1925 (Jackson) / A.3093 (Fahy):** This law expands the definition of Child Safety Zones by adding criteria that pertains to neighborhoods with high crime rates or with deteriorating vacant buildings that create safety hazards.

**\*Chapter 733 of the Laws of 2021 - S.4962 (Reichlin-Melnick) / A.5062 (Kelles):** This law provides all school districts the capability to batch download student information from the New York State Immunization Information System (NYSIIS).

**NYSSBA supported local bills that have been signed into law:**

**Chapter 189 of the Laws of 2021 - S.6610 (Krueger) / A.7398 (Jackson):** This law extends a number of financial flexibilities presently authorized for the City of New York for an additional year, until July 15, 2022. These include certain abilities to access the capital markets through bond issuances.

**Chapter 212 of the Laws of 2021 - S.2675 (Gallivan) / A.826 (Wallace):** This law allows the Depew Union Free School District to establish a health insurance reserve fund.

**Chapter 215 of the Laws of 2021 - S.4431 (May) / A.3234 (Hunter):** This law allows the Liverpool Central School District to establish a health insurance reserve fund.

**Chapter 290 of the Laws of 2021 - S.4481 (Harckham) / A.4494 (Galef):** This law allows the Carmel Central School District to establish a health insurance reserve fund.

**Chapter 353 of the Laws of 2021 - S.5380 (Akshar) / A.6340 (Friend):** This law allows the Owego-Apalachin Central School District to establish a health insurance reserve fund.

**Chapter 354 of the Laws of 2021 - S.5381 (Akshar) / A.6380 (Lupardo):** This law allows the Maine-Endwell Central School District to establish a health insurance reserve fund.

**Chapter 380 of the Laws of 2021 - S.6758-A (Griffo) / A.7781-A (Blankenbush):** This law authorizes the Copenhagen Central School District to establish a wind energy system tax stabilization reserve fund.

**Chapter 391 of the Laws of 2021 - S.7159 (Gounardes) / A.7958 (Abbate):** This law extends the current assumed rate of return used in determining retirement system liabilities for the calculation of employer contributions to the New York City Employees' Retirement System, the New York City Teachers' Retirement System, and New York City Board of Education Retirement System.

**Chapter 614 of the Laws of 2021 - S.1761-C (Cooney) / A.993-A (Bronson):** This law establishes Phase 3 of the Rochester City School District's Facilities Modernization Program by providing for the renovation of an additional 12 school buildings up to a total cost of \$475 million.

**Chapter 617 of the Laws of 2021 - S.5603-A (May) / A.6258-A (Magnarelli):** This law establishes Phase 3 of the City of Syracuse's Cooperative School Reconstruction Act by providing for the renovation of an additional 10 school buildings up to a total cost of \$300 million.

**NYSSBA supported bills that were vetoed:**

**Veto Memo 50 of 2021 - S.7096-A (Cooney) / A.7755-A (Pheffer Amato):** This bill would have authorized preschool special education programs to establish reserve funds.

**Veto Memo 73 of 2021 - S.2127 (Rivera) / A.1587 (Gottfried):** This bill would have allowed the sponsor of a School-Based Health Center (SBHC) the option to remain carved-out of the Medicaid Managed Care Program. SBHCs are currently provided the option to remain carved out of the Medicaid Managed Care Program, but are in the process of being incorporated into the Medicaid Managed Care benefit package.

**Veto Memo 82 of 2021 - S. 6516-A (Mannion) / A.8013 (Benedetto):** This bill would have ensured that schools and programs that serve students with disabilities, including special act school districts, would have received tuition increases comparable to increases that traditional public school districts received in school aid for the 2021-22 school year and thereafter. By making the tuition rate process automatic, it would have removed pressure from the state and schools, and provided a far greater level of predictability in budgeting.

**NYSSBA supported local bills that were vetoed:**

**Veto Memo 37 of 2021 - S.6671 (O'Mara) / A.4877 (Palmesano):** This bill would have provided the Corning City School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**Veto Memo 38 of 2021 - S.5627 (Martucci) / A.6289 (Gunther):** This bill would have provided building aid forgiveness to the Monticello Central School District and allow the district to retain building aid that is slated to be recaptured by the state due to the late filing of the final cost report for approved building projects.

**Veto Memo 39 of 2021 - S.5563-B (Kaminsky) / A.6356-B (Griffin):** This bill would have provided the Baldwin Union Free School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**Veto Memo 40 of 2021 - S.5562-A (Kaminsky) / A.6360-B (Griffin):** This bill would have provided the West Hempstead Union Free School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**Veto Memo 41 of 2021 - S.396-A (Oberacker) / A.7618-A (Salka):** This bill would have provided the Oneonta City School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**Veto Memo 42 of 2021 - S.1798 (Borrello) / A.6972 (Goodell):** This bill would have provided building aid forgiveness to the Panama Central School District and allow the district to retain building aid that is slated to be recaptured by the state due to the late filing of the final cost report for approved building projects.

**Veto Memo 43 of 2021 - S.1867 (Ritchie) / A.6885 (Barclay):** This bill would have provided the Fulton City School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**Veto Memo 44 of 2021 - S.4963-A (Reichlin-Melnick) / A.7164-A (Lawler):** This bill would have provided building aid forgiveness to the Pearl River Union Free School District and allow the district to retain building aid that is slated to be recaptured by the state due to the late filing of the final cost report for approved building projects.

**Veto Memo 45 of 2021 - S.6188-A (Boyle) / A.7025-A (Durso):** This bill would have provided the West Islip Union Free School District with transportation aid forgiveness and allow the district to receive transportation aid that would otherwise be withheld by the state due to a minor clerical error upon submission of a transportation contract.

**NYSSBA opposed bills that were signed into law:**

**Chapter 525 of the Laws of 2021 - S. 6690 (Gounardes) / A. 7464 (Abbate):** This law extends membership in the New York City Teachers' Retirement System to paraprofessionals.

**Chapter 812 of the Laws of 2021 - S.6682 (Liu) / A.7614 (Benedetto):** This law requires an impartial hearing officer (IHO) to be immediately appointed if, within 196 days after a due process complaint notice is filed, no IHO has been appointed for an appeal hearing. The bill language suggests that a parent's request for services would be automatically granted. The bill would also require all school districts in the state of New York to annually report on due process complaints filed to the Governor and Legislature.

**Other notable legislation that was signed into law:**

**Chapter 77 of the Laws of 2021 - S. 2588-A (Gounardes) / A. 3354-B (Fall):** This law grants public employees 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. It is generally NYSSBA's position that employee benefits, including paid time off, should be negotiated locally. However, given how extraordinary in nature the COVID-19 pandemic has been and the significant disruption it has caused to school districts and our education system, NYSSBA expressed no objection to the legislation.

**Chapter 167 of the Laws of 2021 - S.7192 (Harckham) / A.8021 (Abinanti):** This law permits school districts to provide educational services in the 2021-22 and 2022-23 school years to students who turned 21 years of age in the 2019-20 or 2020-21 school years 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. During legislative discussion of this bill, NYSSBA noted that while the legislation would permit school districts to offer such services, districts would not be eligible to receive state aid for students beyond the age of 21, unless the state took subsequent action to do so.

**Chapter 771 of the Laws of 2021 - S.2122-A (Rivera) / A.160-B (Gottfried):** This law makes changes to the 2016 standards for testing potable water in school buildings. The original law and regulations required that any drinking water source not exceed a lead-action level of 0.015 milligrams per liter. This bill codifies a lead-action level in potable water sources that must not exceed 0.005 milligrams per liter. The bill also makes changes to the program including how often schools must test drinking water sources (every three years) and would provide access to environmental clean water grant funds to cover remediation costs for eligible school districts. According to the Governor's approval memo, the Governor and Legislature reached an agreement "to make changes to this legislation and ensure that the Commissioner of Health retains flexibility to provide waivers to prevent unnecessary repeat testing of fixtures that consistently test below the action level." The 2016 program was partially funded by building aid, enabling most school districts to have a portion

of the costs reimbursed for testing and remediation. The new law makes school districts eligible for grant funding through the Clean Water Infrastructure Act of 2017 to fully offset remediation costs. Also, according to the Governor's approval memo, the law includes language that ensures "that schools use the State and Federal drinking water funds available for this purpose to conduct testing and remediation required under this bill." NYSSBA actively engaged legislative staff and other stakeholders and the bill was ultimately amended to rectify many of our concerns. The law takes effect one year after it was signed.