



2021 NYSSBA End of Session Advocacy Summary

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

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 16th. A summary of the enacted state budget can be found [here](#).

NYSSBA supported bills that have been signed by the Governor:

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 current year (2020-21), and updates tenure statute 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.

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

S.531-B (Kaplan) / A.530-B (Rosenthal): This bill would require the state to conduct a study to determine what assistance is needed to encourage women and minorities to pursue technology careers in the science, technology, engineering and math (STEM) fields.

***S.1925 (Jackson) / A.3093 (Fahy):** This bill would expand 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.

S.2127 (Rivera) / A.1587 (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. 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.

***S.4962 (Reichlin-Melnick) / A.5062 (Kelles):** This bill would provide all school districts the capability to batch download student information from the New York State Immunization Information System (NYSIIS).

S.5581-A (Breslin) / A.6245-A (Woerner): This bill would extend the ability of school districts with 51-100 employees and 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 current waiver is set to expire on December 31, 2022.

S.6303 (Cooney) / A.6481 (McMahon): This bill would extend the ability of school boards and other local public bodies to meet virtually, with virtual participation by the public, for the duration of the COVID-19 disaster emergency.

S.6415-A (Gaughran) / A.7176-A (Jean-Pierre): This bill would exempt certain public school operated pre-kindergarten and kindergarten programs from licensure requirements under the Office of Children and Family Services (OCFS).

S.6516-A (Mannion) / A.8013 (Benedetto): This bill would ensure that schools and programs that serve students with disabilities, including special act school districts, would receive 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 remove pressure from the state, and schools; and provide a far greater level of predictability in budgeting.

S.6653-A (Mannion) / A.6489-A (Stirpe): This bill would allow school districts to recoup the value of property tax assessment reductions from association libraries, municipal public libraries, and special district libraries.

***S.7057 (Harckham) / A.7179 (Weinstein):** This bill would repeal the July 1, 2025 sunset for school districts and other affected taxing entities to access funding through the Electric Generating Facility Cessation Mitigation Program, effectively making the fund permanent. The program was established to assist certain school districts and local governments whose tax bases are impacted by the elimination of fossil fuel electric generating facilities.

S.7096-A (Cooney) / A.7755-A (Pheffer Amato): This bill would authorize preschool special education programs to establish reserve funds.

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

S.396-A (Oberacker) / A.7618-A (Salka): This bill would provide 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.

S.1761-C (Cooney) / A.993-A (Bronson): This bill would establish 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.

S.1798 (Borrello) / A.6972 (Goodell): This bill would provide 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.

S.1867 (Ritchie) / A.6885 (Barclay): This bill would provide 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.

S.2675 (Gallivan) / A.826 (Wallace): This bill would allow the Depew Union Free School District to establish a health insurance reserve fund.

S.4431 (May) / A.3234 (Hunter): This bill would allow the Liverpool Central School District to establish a health insurance reserve fund.

S.4481 (Harckham) / A.4494 (Galef): This bill would allow the Carmel Central School District to establish a health insurance reserve fund.

S.4963-A (Reichlin-Melnick) / A.7164-A (Lawler): This bill would provide 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.

S.5380 (Akshar) / A.6340 (Friend): This bill would allow the Owego-Apalachin Central School District to establish a health insurance reserve fund.

S.5381 (Akshar) / A.6380 (Lupardo): This bill would allow the Maine-Endwell Central School District to establish a health insurance reserve fund.

S.5562-A (Kaminsky) / A.6360-B (Griffin): This bill would provide 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.

S.5563-B (Kaminsky) / A.6356-B (Griffin): This bill would provide 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.

S.5603-A (May) / A.6258-A (Magnarelli): This bill would establish Phase 3 of the City of Syracuse's Cooperative School Reconstruction Act by providing for the renovation of an additional ten school buildings up to a total cost of \$300 million.

S.5627 (Martucci) / A.6289 (Gunther): This bill would provide 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.

S.6188-A (Boyle) / A.7025-A (Durso): This bill would provide 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.

S.6610 (Krueger) / A.7398 (Jackson): This bill would extend 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. Presently, these flexibilities are set to expire July 15, 2021.

S.6671 (O'Mara) / A.4877 (Palmesano): This bill would provide 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.

S.6758-A (Griffo) / A.7781-A (Blankenbush): This bill would authorize the Copenhagen Central School District to establish a wind energy system tax stabilization reserve fund.

S.7159 (Gounardes) / A.7958 (Abbate): This bill would extend 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.

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

S.6682 (Liu) / A.7614 (Benedetto): This bill would require 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.

S. 6690 (Gounardes) / A. 7464 (Abbate): This bill would extend membership in the New York City Teachers' Retirement System to paraprofessionals.

NYSSBA supported bills that passed one house:

S.447 (Hoylman): This bill would have codified the ability to hold various public meetings virtually for the duration of the COVID-19 disaster emergency and during future disaster emergencies. This bill passed the Senate.

S.552 (Mayer): This bill would have allowed school districts to apply directly 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.572-A (Mayer) / A.5142-A (Benedetto): This bill would have authorized boards of education of special act school districts to establish fiscal stabilization reserve funds. It passed the Senate in March, but was enacted as part of the final negotiated budget language, so did not need to advance through the Assembly Chamber.

S.778-A (Thomas) / A.6989 (Darling): This bill would have placed additional restrictions on the advertising and marketing of electronic cigarettes, including banning electronic cigarette brands from sponsoring sports, arts or social or cultural events. This bill passed the Senate.

S.1100 (Liu): This bill would have developed “grow your own” initiatives at school districts to attract underrepresented candidates to the teaching profession. This bill passed the Senate.

S.1275 (Krueger) / A.6240 (Solages): This bill would have required additional disclosure actions from industrial development agencies (IDAs). This bill passed the Senate.

S.1313 (Gaughran): This bill would have prohibited the Long Island Power Authority (LIPA) from seeking relief in the form of a return of past year tax payments from school districts and municipalities. This limitation would have also been extended to third party power producers that are reimbursed by LIPA for property taxes. This bill passed the Senate.

S.1984 (Jackson) / A.2399 (Hyndman): This bill would have directed the State Education Department to convene statewide and regional conventions to bring together underrepresented educators annually to discuss experiences, best practices, and offer networking opportunities. This bill passed the Senate.

S.2555 (Brisport) / A.6771 (Solages): This bill would have established a task force on educator diversity. This bill passed the Senate.

S.2687 (Brooks) / A.945 (Jean-Pierre): This bill would have authorized school districts to enter into leases outside of their district boundaries upon demonstration of the existence of extenuating circumstances. This bill passed the Senate.

S.3256 (Comrie): This bill would have required that industrial development agencies (IDAs) provide school districts and other affected local taxing entities with formal acknowledgment of the IDA’s acceptance of a payment-in-lieu-of-taxes (PILOT), or other financial assistance, application. For school districts, a copy of the IDA’s resolution must be delivered to the school board and superintendent by certified mail, return receipt requested. This bill passed the Senate.

S. 3974 (Kennedy) / A. 7482 (Woerner): This bill would have removed the cap on local purchasing of agricultural products by school districts and allows districts to place a local preference into requests for bids. This bill passed the Senate.

S.4347-A (Brouk) / A.545-A (Rosenthal): This bill would have opened a pathway for school psychologists to become licensed professionals. This bill passed the Senate.

S.4367-A (Mayer) / A.6906-A (Otis): This bill would have clarified that members of the public have a right to view meetings of public bodies, including school boards, in real time and observe in public spaces, but do not have a right to be in the homes of meeting participants. This bill passed the Senate.

S.4438 (Skoufis) / A.6452 (Gunther): This bill would have allowed retired firefighters to be employed by career and technical education centers without a reduction in their retirement benefits. This bill passed the Senate.

S.4471-A (Mannion) / A.7295-A (Thiele): This bill would have required that industrial development agencies (IDAs) provide school districts and other affected local taxing entities with formal notification of the termination or expiration of a payment-in-lieu-of-taxes (PILOT) agreement. An IDA would be required to provide such notification within two years of the PILOT agreement's expiration or immediately upon its early termination. This bill passed the Senate.

S.5055-A (Kennedy): This bill would have required the Department of Labor in consultation with the Division of Human Rights to produce a model racial equity, social justice, and implicit bias training program to be made available to all employers at the employer's request. This bill passed the Senate.

S.6307 (Harckham) / A.3446 (Griffin): This bill would have extended from 18 to 25 years the amount of time an energy contractor would be able to recover any energy savings a district had realized. This bill passed the Senate.

S.6825 (Mayer): This bill would have codified early college high school programs into statute to guarantee secure funding indefinitely. This bill passed the Senate.

NYSSBA supported local bills that passed one house:

S.4243-A (Gaughran) / A.6210-A (Lavine): This bill would have authorized four school districts to establish a Long Island power plant tax assessment challenge reserve fund. This bill passed the Senate.

S.7158 (Liu) / A.6576-A (Eichenstein): This bill would have allowed for pendency in New York City School District settlement agreements relating to services for students with disabilities so parents could be reimbursed for private school tuition while settlement negotiations were pending. This bill passed the Assembly.

NYSSBA opposed bills that passed one house:

S.615-A (Ramos) / A.1861-A (Dinowitz): This bill would have prohibited employers from requiring or requesting employee or applicant username or login information, such as for social media accounts, as a condition of employment. This bill passed the Senate.

S.1355 (Serrano): This bill would have required any municipality, including school districts, to submit certain reporting relating to alienation of municipal parkland. This bill passed the Senate.

Other notable legislation that passed both houses:

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.

S.2122-A (Rivera) / A.160-B (Gottfried): This bill would make 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 would codify a lead-action level in potable water sources that must not exceed 0.005 milligrams per liter. The bill would also make changes to the program including how often schools must test drinking water sources (every three years), would remove the authorization of the Department of Health to issue "lead-free" waivers, and would provide access to environmental clean water grant funds to cover remediation costs for eligible school districts. NYSSBA actively engaged legislative staff and other stakeholders and the bill was ultimately amended to rectify some of our concerns. This bill passed both houses.

S.7192 (Harckham) / A.8021 (Abinanti): This bill would permit 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. This bill passed both houses.