



NYSSBA 2019-20 Executive Budget Analysis

1. State Aid - The Executive proposed an education funding increase of nearly \$1 billion over 2018-19 levels. More applicable to school districts, the proposal includes a \$748 million increase in traditional formula-based school aid. Within that amount, the budget proposal would provide a \$338 million (1.9%) increase in Foundation Aid, of which \$50 million would be restricted for an increase in the Community Schools set-aside. The proposal includes full-funding of expense-based aids, resulting in approximately \$410 million over the previous year. The almost \$1 billion figure also includes \$157 million in what is designated as a “fiscal stabilization fund,” without any details about possible distribution formula(s).

The proposal further includes a revised school aid growth index, which would tie growth in statewide school aid to a ten-year rolling average of the annual growth in personal income. Under current law, the growth index is based on the annual growth in personal income. The 2019-20 Executive budget uses this new index.

NYSSBA Position/Response: The Executive’s education funding proposal is less than half of the \$2.2 billion in total education funding NYSSBA requested for 2019-20. NYSSBA calls for a dramatic increase in the Executive proposal for more Foundation Aid, as well as new investments and other targeted funding.

While the state growth index deals with statewide school aid and not school aid amounts for individual districts, NYSSBA is generally opposed to arbitrarily-selected caps on growth in aid. State aid should be driven by need and wealth based formulas and not restricted by artificial limits. Historically, state aid growth has exceeded the personal income index since its enactment in 2013.

2. Foundation Aid - The Executive budget provides a \$338 million increase in Foundation Aid, bringing the statewide total to \$18.1 billion. As in previous years, the proposed increase is based on a one-time distribution formula and not on a renewed phase-in of the statutory formula. All districts would receive an increase, with a minimum 0.25% above 2018-19 levels. Additional tiers of the formula focus on district wealth and student need. The formula would provide slightly larger increases to districts that are underfunded, based on the statutory Foundation Aid formula.

NYSSBA Position/Response: The Executive’s Foundation Aid proposal is approximately \$1 billion less than the amount proposed by NYSSBA, the Board of Regents and the Educational Conference Board. In addition to failing to include a plan to phase-in the formula, the Executive budget also makes no adjustments or improvements to the formula itself. NYSSBA had requested updates to the formula, including adjustments to weightings used for high-need students, updates to the Regional Cost Index and improvement of student poverty data collection methods.

3. School Funding Equity Plan - The Executive has proposed a new school-based spending plan requirement that would prescribe the level of funding provided to some schools within certain districts. For districts that were required to report school-based budget plans to the state in 2018, a portion of the district’s proposed Foundation Aid increase could be required to be spent in similar-type schools within the district (ex. elementary, middle, high) that are “significantly low funded” and “significantly high need,” based on the Executive budget’s proposed definition of those terms.

Impacted school districts would be required to obtain approval of spending plans from the State Education Department by the beginning of the new school year. The proposal would eventually apply to all districts statewide, starting in the year after they would be required to submit school-based spending plans to the state, as enacted in the 2018-19 budget.

NYSSBA Position/Response: NYSSBA is strongly opposed to the Executive’s proposal which would direct where Foundation Aid funding must be spent within some districts. This authority is, and should continue to be, within the purview of local school boards and voters in the district. There are a plethora of legitimate reasons why spending levels may be slightly different in schools within a district, including special education programs and teacher seniority, among others. While described as a new state “funding formula,” this proposal does nothing to increase the total amount of school aid provided to the district to support its students across all its schools, regardless of the level of district need or wealth.

4. Community Schools Set-Aside - The Executive budget includes a \$50 million increase in the Community Schools Foundation Aid set-aside. The increase would push the total set-aside to \$250 million statewide and would be directed towards districts with below average wealth and those with growing English language learner (ELL) student populations. The proposal would also provide for a minimum \$100,000 Community School set-aside for districts receiving an allocation, an increase over the current \$75,000 minimum.

NYSSBA Position/Response: NYSSBA continues to be opposed to districts effectively being mandated to create community schools, or any other program, through restrictions on the use of their Foundation Aid through “set-asides.” Regardless of the laudable merits of community schools, a set-aside is a state-mandated restriction on how funds can be spent. Foundation Aid was designed as a general operating aid of which a school district has the ability to decide how and where it is used. Under the Executive’s proposal, less than \$300 million in new funding would be provided as true operating aid to school districts. In order to maintain full flexibility and local control under Foundation Aid, community schools should be supported by the state through a separate dedicated funding stream, to be used if the district determines that a community school model is what their district needs.

5. Consolidation of Reimbursement Aid Categories - The Executive proposes full funding for expense based aids for 2019-20. However, the Executive also proposes the consolidation of multiple expense-based aids, including transportation, BOCES and instructional material aids into a single new “Services Aid” category starting in 2020-21. In addition to the consolidation, growth of the new aid category would no longer be tied to actual expenditures, but would instead be capped annually, based on district enrollment and inflation. This would effectively eliminate the reimbursement concept behind most school aid categories.

NYSSBA Position/Response: While the Executive has represented the consolidation of expense-based aids as a maneuver to free up funding for additional Foundation Aid increases, there is nothing in the proposal that would achieve that goal. Without that assurance, the likelihood that this proposal would lead to a comparative reduction in school aid for many districts in any given year is high. In particular, this could negatively impact districts that need to purchase new busses, would remove the state incentive for districts to share services through BOCES and would effectively penalize districts for even minuscule declines in student enrollment, even if district costs do not decrease proportionately.

6. Building Aid Adjustment - The Executive budget includes proposed changes to building aid for future school district construction projects. For some districts, the reimbursement ratio for approved project costs could be slightly decreased. In addition, the formula used to determine aidable costs for construction projects would be adjusted to restrict the allowance for costs “incidental” to the actual construction for the project.

NYSSBA Position/Response: NYSSBA is concerned about the negative financial impact these proposals would have on school districts pursuing construction projects. Decreased state support for school district capital projects would lead to two possible outcomes - less investment in modernizing and improving facilities for students and/or increased costs for local taxpayers.

7. Annual Professional Performance Review (APPR) - The Executive proposal would eliminate the mandate to use 3-8 grade tests and other state exams and allow districts to select the state or an approved alternative assessment for use as a measure of student growth while eliminating the state growth model. As currently proposed, the student growth measure would still be required as an assessment and the district would be required to collectively bargain the assessment selection. This proposal would also make permanent the prohibition on state 3-8 test scores appearing as a part of a student’s permanent record.

NYSSBA Position/Response: While NYSSBA supports the elimination of the mandate to use the 3-8 tests as the measure of student growth in APPR, we do not believe that this proposal goes far enough to make significant improvements to the existing APPR system. In addition, we have serious concerns that, if enacted, this legislation would likely lead to an increase in student testing.

NYSSBA would recommend that the following amendments be made to expand the scope of the changes and limit the potential for additional testing: 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 and 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.

8. Student Mental Health Services - The Executive budget would provide \$1.5 million to support enhanced mental health and school climate support services, specifically targeted to middle schools and junior high schools. According to the proposal, up to \$500,000 of this funding could be used to support a school mental health technical assistance center.

NYSSBA Position/Response: NYSSBA strongly supports investments in student health and mental health services. However, this proposed allocation is inadequate to make a meaningful impact on mental health for students and school districts all across the state. NYSSBA recommends the creation of a new expense-based aid category as a last dollar financial support for districts providing health and mental services. In addition, NYSSBA recommends making all capital costs associated with creating health and mental health clinic space within school district buildings eligible for building aid.

9. Extreme Risk Protection Orders - The Executive proposal would grant individuals, including school officials, the authority to seek first a temporary and possibly a permanent extreme risk

protection order against someone whom the petitioner believes to be a danger to him or herself or others. If such an order is granted, the individual would be prohibited from purchasing or possessing a firearm. Under such an order of protection, law enforcement would be authorized to remove existing firearms from the possession of the subject of the order.

NYSSBA Position/Response: NYSSBA supports the establishment of this program, however plans to seek technical amendments to the legislation to ensure that it can be implemented effectively in school districts. Such amendments include notification to the employing district if a district employee seeks such an order, and protection from retaliation if such a petition is filed.

10. Property Tax Cap - The Executive proposal would make the property tax cap permanent, which is currently set to expire at the end of the 2020-21 school year.

NYSSBA Position/Response: NYSSBA remains opposed to the property tax cap. Before discussions about the future of the property tax cap take place, elected officials should work to address the problems, inconsistencies and unintended consequences created by the cap in the first place. There should also be no urgency to examine the current expiration for the cap, as it will be in place for school districts for another two years.

Reforms advocated for by NYSSBA include making the allowable growth factor a minimum of two percent, counting BOCES capital costs in the capital exclusion, including PILOT properties in the tax base growth factor, eliminating negative tax caps, reforming the override process and accounting for enrollment growth in the tax cap formula.

11. Charter Schools - The Executive budget would provide an additional \$25 million in direct state support for charter schools in New York City. The budget also includes continued funding for school district reimbursement for increased supplemental basic tuition payments made by districts to charter schools.

NYSSBA Position/Response: NYSSBA continues to oppose any growth in state financial support for charter schools while hundreds of school districts across the state remain underfunded. While the Executive states that the proposed increase (3.5%) is proportionate to the increase in funding for traditional public schools, the proposed formula-based aid increase for districts is only 2.8%, with the Foundation Aid increase even lower at 1.9%.

12. Funding for Non-public Schools - The Executive budget includes a 3.6% increase in state support for non-public schools. This funding would be used to reimburse non-publics for certain state-mandated services. The proposal also would provide non-publics with 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 would also be available to community centers and daycare centers.

NYSSBA Position/Response: NYSSBA continues to oppose any growth in state financial support for non-public schools while hundreds of school districts across the state remain underfunded. The Executive's proposed increase in funding of 3.6% for mandated services reimbursement for non-publics exceeds the proposed formula-based aid increase for public schools (2.8%) and the proposed Foundation Aid increase (1.9%). In addition, the Executive budget provides no additional financial support for school safety for districts.

13. Pre-kindergarten - The Executive budget proposal includes an additional \$15 million for pre-kindergarten expansion 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 pre-kindergarten program and will focus on including students in integrated or community-based settings. The proposal also continues to invest in QUALITYstarsNY, a system designed to help ensure pre-kindergarten programs are of the highest quality.

NYSSBA Position/Response: NYSSBA continues to support recent investments in high quality pre-kindergarten programs so that all communities can offer seats to their students. However, NYSSBA recommends that funding be made available to all districts wishing to offer pre-kindergarten to four year old students before funding is diverted to three year olds. In addition, funding should be annual and formula-based. NYSSBA also recommends making transportation for pre-k students aidable in the same way K-12 transportation is currently funded.

14. Healthy Relationship Instruction - The Executive proposes changes to the mandated health education instruction to include healthy relationship education instruction. Curriculum would include comprehensive sexual education, self-worth, teen dating violence, safe uses of technology and reporting of sexual harassment. Instruction would be required each year in grades 6-12. Details of the instruction would be further informed by a group of stakeholders and would require school districts to notify students' parents and guardians of such instruction who would then be provided the opportunity to opt their children out of the program.

NYSSBA Position/Response: NYSSBA recognizes the importance of the issues addressed by this proposal. However, as drafted, this proposal imposes a curriculum and standards mandate that infringes on the autonomy of both the State Education Department and local boards of education throughout the State. NYSSBA supports the periodic review of educational standards including health education standards by the Board of Regents, but the details of the day-to-day lessons and curriculum should remain with districts.

15. Recovery High Schools - The Executive budget includes \$1 million in competitive grants for BOCES to establish recovery high schools. Such schools must offer safe and supportive learning environments for students diagnosed with or at risk of substance-use disorder.

NYSSBA Position/Response: NYSSBA supports making resources available for the establishment of recovery high schools. However, the Association does have concerns about the capacity of BOCES to continue to take on additional responsibilities. BOCES around the state have difficulty securing funding to build new facilities, due to the applicability of the property tax cap to the district expenditures for BOCES capital, which will limit the ability of BOCES to build the space needed for these programs.

16. After-School Programs - The Executive 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 will be reserved for high need school districts on Long Island. In order for other districts to be eligible for the grant, they must either be located in a school district with high rates of homelessness, or located in a school district in an "at-risk" area, as defined by multiple state and local agencies. In addition, all of these new programs would need to agree to offer gang-prevention programming.

NYSSBA Position/Response: NYSSBA is supportive of funding for the creation or expansion of after-school programs. However, we recommend changes that would allow for wider eligibility. The need for after-school programs exists in districts across the state.

17. Advanced Courses - The Executive budget includes two allocations relating to advanced courses. Firstly, \$1.8 million has been proposed to subsidize the cost of Advanced Placement (AP) and International Baccalaureate (IB) exams for students eligible for free and reduced price lunch. Additionally, \$1 million would support advanced course access grants that could be used for teacher training, materials or equipment for digital learning in districts with no or very limited advanced course offerings.

NYSSBA Position/Response: NYSSBA supports efforts to provide more opportunities for all students to take advanced courses.

18. Early College High Schools - The Executive budget includes an additional \$9 million to support the creation of at least 15 new Early College High School programs. The new grants would be targeted to serving students in schools with below average graduation rates and programs that lead to careers in public infrastructure or computer science.

NYSSBA Position/Response: NYSSBA supports the expansion of Early College High Schools and other programs that allow for students to earn college credit. However, NYSSBA prefers the state reduce the reliance on grants for such purposes, as existing programs have no security at the end of their grant terms and the gains that have been made could be jeopardized if grants are not renewed.

19. Regional STEM Magnet High Schools - The Executive proposes authorizing BOCES to establish STEM magnet high schools. After submission and approval of a plan, BOCES would be in charge of curriculum, grading and staffing, and would be deemed a school district for accountability purposes.

NYSSBA Position/Response: NYSSBA supports programs such as this which provide local flexibilities that allow local districts to partner to provide enhanced academic programming for students while retaining their district autonomy.

20. Immigrant Student Support - The Executive proposes \$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 would be directed to school districts on Long Island.

NYSSBA Position/Response: NYSSBA supports the provision of resources to districts that are facing increasing numbers of refugee and immigrant populations.

21. Early Voting Implementation - The Executive proposal includes language to authorize early voting in all special, primary and general elections, open for 12 days prior to these election dates.

NYSSBA Position/Response: NYSSBA has no objection to the establishment of early voting, however, recommends that election reforms, especially those reforms that create additional voting days include language that would allow school districts to decline designation as a polling place 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. Such practices should be reconsidered before voting days are expanded.

22. Election Day Leave - The Executive proposal would expand the current requirement that employers give employees without four consecutive hours before or after work while the polls are open two hours of paid leave to vote to three hours of paid leave.

NYSSBA Position/Response: While NYSSBA generally opposes mandates which address paid leave, an issue that should be addressed in collective bargaining, this requirement would have limited impact on school district employees, most of whom have the required four hours after the end of their work day, while the polls are still open.

23. Protection of Personal Information - The Executive proposal would make it an improper practice for public employers to release their employees' personal contact information. In addition, the proposal authorizes the employee organizations to request an updated list of members of each collective bargaining unit once a quarter, unless otherwise specified in the collective bargaining agreement.

NYSSBA Position/Response: Public employees should not have their privacy compromised by having personal contact information distributed to third parties. As a result, NYSSBA has no objection to this proposal.

24. Child Victims Act - The Executive proposes several measures that would expand the rights of victims of childhood sexual abuse. If enacted, the statute of limitations for criminal and civil cases would increase. Under this proposal, civil claims could be filed by the victims until they are 50 years of age, for offenses that occurred before they were 18. The proposal would also eliminate the notice of claim requirement and establish a one year "look back" to revive cases for which the statute of limitations has expired.

NYSSBA Position/Response: NYSSBA does not object to these proposals which extend the ability of victims of child sexual abuse to take action. If action is taken, including against school districts, the individuals bringing suit must be able to demonstrate their school district had knowledge of the sexual assault or abuse and could have acted, but failed to act or acted inappropriately. If provided, NYSSBA has no objection to those suits going forward.

25. Division of Human Rights Jurisdiction - The Executive proposes expanding the jurisdiction of the Division of Human Rights to public school students.

NYSSBA Position/Response: NYSSBA has no objection to this proposal.

26. Policies to Support Pregnant and Parenting Students - The Executive proposal would require every school district to adopt and distribute a policy that specifically supports pregnant and parenting students. Such policies must include opportunities to make up missed classwork or to excuse absences due to pregnancy, childbirth or parenting.

NYSSBA Position/Response: NYSSBA has no objection to the expansion of this policy, which seeks to improve educational outcomes for pregnant and parenting teams.

27. Restorative Justice - The Executive proposal would include \$3 million in alternative discipline grants. The grants would be directed to high need school districts or districts with a high number of student suspensions to implement approved alternative disciplinary models and practices.

NYSSBA Position/Response: NYSSBA supports the inclusion of resources to improve school climate through alternative discipline practices.

28. Mayoral Control - The Executive proposal would extend mayoral control in New York City until June 30, 2022.

NYSSBA Position/Response: NYSSBA supports the extension of mayoral control in New York City.

29. Minority and Women Owned Business - The Executive proposal would include school districts to those required to utilize minority and women-owned business enterprises (MWBE) for contract fulfillment. School districts would be responsible for establishing an appropriate goal of participation with MWBEs and making a good-faith-effort to reach that goal. If unable to meet the goals in a specific contract, districts may request a waiver.

NYSSBA Position/Response: NYSSBA is supportive of the Executive's intent to promote minority and women-owned businesses in New York. However, by including school districts in the definition of state-funded entity, NYSSBA is concerned that participation in a program designed for the state may lead to increased costs in the procurement process.

30. School Bus Stop Arm Cameras - The Executive proposal would allow school districts to have stop arm cameras installed on busses and, after review by local law enforcement, issue tickets to violators who are photographed illegally passing school buses.

NYSSBA Position/Response: NYSSBA has no objection to allowing school districts to install stop arm cameras. However, school districts are not law enforcement entities and should not be pulled into the issues of traffic violations, a task that should remain the purview of local law enforcement.

31. NYC School Zone Speed Cameras - The Executive proposal would extend the authorization for New York City to operate speed cameras in school zones for three years. The proposal would also increase the allowable number of speed cameras from 140 to 290.

NYSSBA Position/Response: NYSSBA supports the reauthorization of this program to enforce speed limits in school zones.

32. School Resource Officers - The Executive proposes requiring school districts that contract with law enforcement (including school resource officers) and private security, to establish written contracts or memoranda of understanding with the employing agency that clearly delineates the role of the security team to be limited to security. Student discipline would be identified in the MOU as under the sole purview of district administration.

NYSSBA Position/Response: NYSSBA has no objection to this proposal which would help to ensure that only district personnel take disciplinary action against students.

33. Net Neutrality - The Executive proposal would re-establish net neutrality practices in the state of New York by prohibiting state agencies from contracting with service providers who do not voluntarily comply with the practices.

NYSSBA Position/Response: NYSSBA supports the re-establishment of net neutrality and will request that the scope of the proposal be expanded to include school districts.

34. Require the Use of Seatbelts on Buses - The Executive proposal would require that students under the age of 16 wear seatbelts on school busses.

NYSSBA Position/Response: Historically, guidance from safety experts have counseled against the use of seatbelts on full-sized school buses, as it potentially increases the risk of injury in an accident due to bus design. NYSSBA will work with safety specialists to determine if that guidance has changed.

35. STAR - The Executive has proposed multiple changes to STAR benefits and eligibility. Notably, for homeowners receiving the STAR exemption, the cap on annual growth in benefits would be lowered from 2% to 0%. In addition, the income eligibility limit would be lowered from \$500,000 to \$250,000. For homeowners receiving the newer STAR credit, the 2% benefit growth cap and \$500,000 income limit would remain unchanged.

NYSSBA Position/Response: These STAR changes would not have a direct net impact on school district finances. However, it is important for districts to be aware of such proposals as taxpayers often direct questions regarding STAR to their school district.