

REPORT to the DELEGATES

 New York State School Boards Association | www.nyssba.org

A year of progress on NYSSBA priorities

Dear NYSSBA Members:

This Report to the Delegates summarizes action on some of NYSSBA priorities set at the Association's Annual Business Meetings. The 2019 legislative session was unique because so many changes occurred. The results of mid term elections changed many faces in Albany. Many incumbents lost their primaries, and many seats changed party hands resulting in nearly 40% of the state Senate majority being freshmen and a new party taking control of this house.

Unlike the last shift (10 years ago), there was a clear and strong majority. Many were worried about what the changes would mean for school districts, especially those not in large cities. Some worried that resources would shift to New York City and other big cities. However, that did not materialize.

While foundation aid increased, NYSSBA and many legislators expressed disappointment that a greater foundation aid increase was not secured. Along with many strong supporters of public schools in the Legislature, NYSSBA will continue to fight for more school aid moving forward.

Notably, this year marked a shift in policymaking. We saw action on many NYSSBA priorities, some of which the Association has been



working on for years, if not decades.

Many of these changes were of great importance to rural and suburban districts. Notable actions included:

- The first increase in the BOCES District Superintendent salary cap in two decades.
- Authorization for districts and BOCES to establish TRS reserve funds.
- Authorization for transportation piggybacking.
- Increased access to dual and concurrent enrollment programs through SUNY-run community colleges.

At the same time, perennial

issues that are opposed by NYSSBA got little if any attention in Albany. For the first time in recent memory, there were no serious proposals to divert resources to nonpublic schools and the charter school industry. Significant attention was paid to discussing and enacting bills focused on public schools rather than fighting against perks for nonpublic and charter schools, and that was a welcome change.

Still, there were plenty of policy challenges this year. Mandated paid leave, new curricular mandates and other programs were adopted. Going into an election year, NYSSBA will have to be vigilant in fighting against

proposals that impose new costs and infringe on local autonomy and authority. NYSSBA's Governmental Relations team is counting on your help to do it! Throughout the year, NYSSBA alerts members of opportunities to call attention to vital issues by attending lobby days, sending letters, making phone calls, and participating in congressional visits.

Many school board members across the state place a high priority on being active in advocacy, and I thank you for being the voice of school districts and students!

The team looks forward to the coming year and working with and on behalf of your districts.



Julie M. Marlette

Julie M. Marlette
Director of Governmental Relations

NYSSBA Annual Business Meeting

Saturday, Oct. 26, 2019 • 8 a.m. – conclusion • Rochester Riverside Convention Center • 1st Floor, Grand Lilac Ballroom



Held in conjunction with NYSSBA's Annual Convention & Education Expo, the NYSSBA Annual Business Meeting is an opportunity for delegates from NYSSBA's member districts to vote on

resolutions, which, if adopted, become the official positions of the Association for five years. Adopted resolutions set the framework for NYSSBA's advocacy agenda.



Delegates will be provided with a light breakfast on the floor beginning at 8 a.m.

Credentials must be shown for access to the business meeting floor. Others may view from a visitor's gallery.

Download the 2019 Voting Delegates' Guide at www.nyssba.org. Click on "Advocacy and Legislative" and "Resolutions, Bylaws & Position Statements."

SCHOOL GOVERNANCE AND AUTHORITY

NYSSBA supports proposing legislation to enhance school safety by limiting the power of local boards of elections to designate public school buildings as polling places absent the consent of the school district. (2014)

NYSSBA supports state legislation that would allow school districts, by vote of the school board, the option to hold their school district elections at publicly accessible locations within their district boundaries. (2018)

In the 2019 legislative session, multiple bills were introduced with the intent of providing school districts more flexibility over the use of their buildings for election purposes. NYSSBA advocated for **S.5287 (Carlucci)/A.4743 (Galef)**, which would have allowed school districts the right to refuse their schools' designation as polling places for general, primary, special and district elections by moving board elections and budget votes to other public buildings. We arranged a lobby day to advocate for this bill's passage. Representatives from seven member school districts participated, as well as an attorney representing a number of school districts in Central New York. The day was filled with over a dozen meetings with key legislators and staff.

Other bills introduced this session that addressed schools as polling places included:

- **S.108 (Kaminsky)** would have removed the requirement that schools be used as polling places, provided those primary or secondary schools were in session with minors present.
- **S.116 (Ortt)/A.7410 (Smith)** would have forbidden any polling place designated by the Board of Elections from being located on the premises of any public or private school, or school for preschool children.
- **S.828 (Boyle)/A.5866 (Englebright)** would have required the State Board of Elections and State Education Department to jointly make recommendations concerning schools used as polling places.
- **S.5795 (May)/A.7554 (Stirpe)** would have allowed school districts to decline school building designations as early polling locations.

However, none of the aforementioned bills moved out of either the Assembly or Senate Elections committees.

NYSSBA supported legislation, **S.1658-A (Skoufis)/A.6253-A (Paulin)**, that would have allowed school districts to move district votes outside of schoolhouses and into other buildings owned or leased by the district. This bill passed the Senate, but did not move out of the Assembly Education Committee.

NYSSBA supports legislation permitting boards of education to sponsor a referendum which would create voting wards to foster community wide representation. (2015)

NYSSBA supported legislation, **S.1633 (Skoufis)/A.5943 (Gunther)**, that would have authorized school boards to adopt a resolution that would allow voters within the district to decide if they wanted to create voting wards for boards of education. This same bill passed the Assembly last year, but this year was unable to move in either the Assembly or Senate Education committees.

Three district-specific election ward bills were introduced. Those bills were:

- **S.5883-A (Skoufis)/A.7864-A (Schmitt)** would have authorized the Washingtonville Central School District to establish school election

wards. This bill passed the Senate, but did not advance in the Assembly Education Committee.

- **S.5884-A (Skoufis)/A.7858-A (Schmitt)** would have authorized the Chester Union Free School District to establish school election wards. This bill passed the Senate, but did not advance in the Assembly Education Committee.
- **S.6179-A (Skoufis)/A.8012-A (Brabenc)** would have authorized the Warwick Valley Central School District to establish school election wards. This bill passed the Senate, but did not advance in the Assembly Education Committee.

NYSSBA opposes the expansion of mayoral control of school districts outside New York City. (2015)

NYSSBA opposed legislation, **A.2569 (Gantt)**, that would have imposed mayoral control on the City School District of Rochester. This bill did not move out of the Assembly Education Committee and had no Senate sponsor.

NYSSBA supports the creation of regional high schools when locally determined to be educationally or fiscally appropriate by the local boards of education. (2017)

NYSSBA supported legislation backed by the State Education Department (SED), **A.6594 (D'Urso)**, that would have directed SED to establish a regional secondary school advisory council to make recommendations regarding the establishment of regional high schools. The legislation passed the Assembly, but was never introduced in the Senate.

NYSSBA supports legislation that would align legal requirements imposed upon small city school districts with those of central, union free and common school districts. (2017)

This year, NYSSBA supported multiple pieces of legislation that passed both houses, but as of the publishing of this document, have not been delivered to the governor for his signature. The bills included the following:

- **S.5425 (Mayer)/A.7062 (McDonald)** would allow for the deduction of anticipated building aid in the debt limit calculation. This change would determine debt limits for small city districts in the same way as is currently done for other central, union free and common districts.
- **S.4009 (Mayer)/A.6540 (Otis)** would allow small city school districts to start their elections at 6 a.m. Currently, most other school districts may begin their school elections at 6 a.m., but small city school districts are not permitted to start their district elections before 7 a.m.
- **S.5768 (Mayer)/A.7708 (Otis)** would expand the flexibility of small city school districts in choosing

a date for their annual school board reorganizational meeting. Currently, most other school districts have the option to pass a resolution allowing them to hold their reorganizational meetings at any time during the first 15 days in July. Small city school districts do not have that flexibility and must hold their reorganizational meetings during the first week in July.

NYSSBA supports legislative changes to align the requirements for school district absentee ballot applications with the requirements of the State Board of Elections. (2017)

NYSSBA supported legislation, **S.2038-A (Carlucci)/A.1922-A (Galef)**, that passed both the Assembly and the Senate. This bill would align the absentee ballot application for general elections and school district elections. As of the publishing of this report, the bill has not yet been delivered to the governor for his signature.

NYSSBA will work with SED, the NYS Legislature and the governor to protect student privacy by allowing districts to use locally generated ID numbers for students to be used in all NYSED data collection instead of easily identifiable data such as names. (2017)

The Board of Regents published a proposed regulation relating to protecting personally identifiable information in January 2019. On July 31, they revised the proposed regulation and accepted comments through Sept. 16, 2019. As of the publishing of this document, the proposal had not been adopted as regulation. The proposal would add a new Part 121 to the Commissioner's Regulations, outlining steps school districts and third-party contractors must take to protect student privacy. According to the proposal, school districts must take steps to minimize their collection, processing and transmission of personally identifiable information, and third-party contractors must use encryption to protect personally identifiable information in its custody.

NYSSBA opposes any legislative and regulatory mandates that would impose new unfunded or underfunded mandates. (2018)

Throughout the 2019 legislative session, NYSSBA opposed a number of new mandates and supported proposals to relieve existing mandates. The following represents some of the highlights of that work.

NYSSBA opposed a bill, **S.5285-A (Brooks)/A.1093-B (Paulin)**, that would grant additional paid leave for combat veterans for health-related services. While technically at the discretion of the school board, this legislation would place added pressure to grant the extra leave without any cost offset from the state. The bill passed both houses of the Legislature, but has yet to be delivered to the governor.

NYSSBA opposed a bill, **A.448 (Rosenthal)**, that would have required all public elementary and secondary schools to have a staff member trained in administration of an opioid antagonist and have at least two doses of such opioid antagonist be on site at all times. This bill did not move out of the Assembly Health Committee.

NYSSBA opposed a bill, **S.307 (Felder)**, that would have required a police officer to be present at all schools in New York City for one hour prior to instruction, during the entirety of instruction and one hour following the completion of teaching. While it is important for our districts' staff and students to feel safe in their environment, the presence of an officer could have adverse effects and pose a large financial burden on our public schools. The bill did not move out of the Senate Cities Committee.

NYSSBA supported legislation, **S.5812 (Kaplan)/A.842 (Simotas)**, which passed both houses but has yet to be delivered to



Julie M. Marlette, NYSSBA's director of governmental relations, speaks at a news conference to support **S.5287 (Carlucci)/A.4743 (Galef)**, a bill which would have given school districts the right to refuse having schools serve as polling places. NYSSBA also arranged a lobby day that brought school board members and superintendents to Albany in April.

the governor. If signed, the bill would require state agencies to actively solicit information to assess the minimum time necessary for school districts, local governments and small businesses to comply with new state rules and regulations.

NYSSBA also supported a bill, **S.4732 (Griffo)/A.6523 (Galef)**, that would have required every bill introduced to include a note with an estimate of anticipated fiscal impact on all political subdivisions, including school districts, for the subsequent three years. The bill was not acted upon by the Government Operations committees in either house.

NYSSBA opposed a number of curriculum mandate bills including:

- **S.4070-B (Biaggi)/A.2577-B (Dinowitz)** requires all students grades K-8 in public schools to receive instruction in the prevention of child sexual exploitation and child sexual abuse. This bill passed both the Senate and the Assembly and was signed by the governor as Chapter 187 of the laws of 2019.
- **S.350 (Felder)** would have required instruction on the Sept. 11, 2001 attacks. The bill did not move out of the Senate Education Committee.
- **S.378 (Lanza)** would have required a course on the provisions of the federalist papers and the U.S. Constitution. The bill did not move out of the Senate Education Committee.
- **S.931 (O'Mara)/A.3696 (Palmesano)** would have required a public secondary school, upon request of ten or more students enrolled in that school, to establish a curriculum for hunting, fishing and outdoor education that would be consistent with the courses required by the department of environmental conservation for license applicants. This bill did not move out of Assembly Education or Senate Environmental Conservation committees.
- **S.1104 (Hoylman)/A.2234 (Rozic)** would have required two hours a week of civics instruction for students grades K-12. This bill did not move out of the Senate or Assembly Education committees.
- **S.1164 (Jacobs)/A.2309 (Dinowitz)** would have required instruction in cursive writing and memorization of multiplication tables. This bill did not move out of the Senate or Assembly Education committees.
- **S.1478 (Hoylman)/A.4744 (Seawright)** would have required instruction on LGBT awareness. This bill did not move out of the Senate or Assembly Education committees.
- **S.2382 (Comrie)/A.6001 (Seawright)** would have required instruction in consumer awareness and financial education. This bill did not move out of the Senate or Assembly Education committees.
- **S.4050 (Stavisky)/A.579 (Braunstein)** would have required all textbooks to reference the Sea of Japan as the East Sea. This bill did not move out of the Senate or Assembly Education committees.
- **S.4853 (Parker)/A.877 (Rosenthal)** would have required instruction in food, agriculture and nutrition. This bill did not move out of the Senate or Assembly Education committees.
- **S.5539 (Stewart-Cousins)/A.3831 (McDonald)** would have required instruction on the history of the Ukrainian genocide-holodomor of 1932-33. This bill did not move out of the Senate or Assembly Education committees.
- **A.1037 (Rosenthal)** would have required the instruction of state and local government in elementary and middle schools. This bill did not move out of the Assembly Education Committee.



School board members meet with state Sen. Shelley Mayer, chair of the Senate Education Committee, as part of May lobby day organized by NYSSBA's Department of Governmental Relations.

- **A.1064 (Rosenthal)** would have required instruction of anti-gun violence. This bill did not move out of the Assembly Education Committee.
 - **A.1065 (Miller MG)** would have required instruction in Indian Subcontinent/Indo-Caribbean studies. This bill did not move out of the Assembly Education Committee.
 - **A.3493 (Barnwell)** would have required certain school districts to offer instruction in American sign language. This bill did not move out of the Assembly Education Committee.
- NYSSBA opposed the following bills:
- **A.645 (Rosenthal)** would have required schools to purchase and maintain, at their own cost, two epinephrine auto-injectors, and have trained personnel for the administration of the injectors during all school hours.
 - **A.1535 (Richardson)** would have required certain persons and officials, teachers, superintendents and certain professionals to complete training in reporting of cases of suspected child abuse. This bill would have amended existing law to require that all mandated child abuse reporters undergo two hours of training in the identification of child abuse and maltreatment prior to accepting a position in which they are a mandated reporter. Following the acceptance of such a position, all mandated reporters would be required to undergo two and a half hours of additional training every two years. This proposal would have subjected all training dealing with the identification of child abuse to the approval of the Office of Children and Family Services, eroding districts' input and control of their training practices and schedule.
 - **A.3463 (Zebrowski)** would have required integrated pest management plans in child day care centers, head start day care centers and schools.
 - **A.8245 (Burke)/S.5172 (Kennedy)** would have required a school bus attendant on all school buses transporting students in kindergarten through sixth grade to or from school or from any school related activity.

None of the bills moved out of committee.

STATE AND FEDERAL AID

NYSSBA supports funding to expand New York State and industry approved and certified career and technical education programs. (2015, 2017)

NYSSBA supported legislation, **A.760 (Rosenthal)**, that would have provided state grants to education institutions with the goal of encouraging women and minorities to pursue technology careers in the science, technology, engineering and mathematics (STEM) fields. The bill was approved by the Assembly Economic Development Committee, but did not advance past the Ways and Means

Committee.

NYSSBA also supported SED-backed legislation, **S.6537 (Montgomery)/A.7501 (Benedetto)**, that would have codified the New York State Smart Scholars early college high school program and the New York State Pathways in Technology Early College High School program in order to ensure continuation of funds. The bill did not move in either the Senate or Assembly.

NYSSBA supported the allocation of \$9 million that was included in the 2019-20 enacted state budget to support the creation of at least 15 new early college high school programs.

NYSSBA supports making pre-kindergarten transportation for children four years old and older aidable to the same extent as K-12 transportation. (2015)

The Assembly's one-house budget proposal included a provision that would have made pre-kindergarten transportation aidable. NYSSBA supported this proposal, but it was not included in the final budget.

NYSSBA supports changes that ensure that Special Act School Districts are treated equitably with all other public school districts, including a tuition rate that reflects public expenses. (2016)

NYSSBA supported several pieces of legislation that addressed increasing financial support to special act school districts, including:

- **S.5192 (Mayer)** would have included interim plus rates in special act reimbursement methodology for tuition to account for the years it may take before these districts receive rate increases to ensure a more timely reimbursement of funds. This bill advanced to the Senate Rules Committee but was not introduced in the Assembly.
- **S.5606 (Mayer)/A.8001 (Benedetto)** would have authorized special act school districts to establish a stabilization reserve fund and would have ensured that such districts receive the same percentage increase as that of general support for public schools. This bill did not move out of either the Assembly or Senate Education committees.
- **A.4130 (Ra)** would have established that special act tuition rates grow by a percentage equal to the general support for public schools appropriation. This bill did not move out of the Assembly Education Committee and was not introduced in the Senate.
- **A.7120-A (Benedetto)** would have ensured that special act tuition rate increases were more timely and accurate. This bill advanced to the Assembly Ways and Means Committee, but was not introduced in the Senate.

NYSSBA calls upon the state Legislature and the governor to reform New York State education funding in accordance with the following tenets to ensure adequate resources to public schools in the State of New York by providing for:

- a. Adequacy that provides sufficient resources to assure the opportunity for a sound basic education for all students; and
- b. Equity to distribute a foundation level of state aid for every student that is based on the actual cost of providing a sound basic education that fairly compensates for differences in community costs, needs and resources while precluding municipalities from using state aid to replace local education resources; and
- c. Flexibility to increase the percentage of operating aid so that boards of education retain the discretion to determine what educational programs best address local needs while local communities should not be restrained from determining the level of funding they will expend to support

educational programs; and

d. Predictability based on timely passage of the state budget and stable funding distributed through a consistent, uniformly applied formula that would not require annual manipulation by the Legislature and that would facilitate long-term planning by school districts; and

e. Clarity by establishing a funding formula that is easily explained and understood. (2016)

NYSSBA called on the state to provide a school aid increase of \$2.2 billion over 2018-19 funding levels as part of its 2019-20 state budget recommendations. The largest portion of that request, \$1.4 billion over the previous year amounts, was requested as Foundation Aid. NYSSBA also advocated for a restart of the Foundation Aid formula, in conjunction with a series of updates and improvements to the formula.

The final budget agreement included a \$961 million increase in traditional formula-based school aid, or 3.6% over the previous year. The aid package included \$618 million in new Foundation Aid, equal to the increase in 2018-19. The state did not make adjustments or updates to any of the main school aid formulas, but the distribution of the Foundation Aid increase did include additional “tiers,” or mini-formulas, designed to place greater focus on equity. The tiers accounted for factors such as student poverty, district wealth, general enrollment and ELL growth and small city school district status.

NYSSBA supports fully funding the Foundation Aid Formula. (2017)

With the \$618 million Foundation Aid increase included in the 2019-20 enacted budget, total Foundation Aid statewide now stands at more than \$18.4 billion. The funding amount represented an increase of \$300 million over the governor’s executive budget proposal. Districts received a minimum increase of 0.75%, with underfunded and other high-need districts receiving larger increases.

Despite NYSSBA’s advocacy, the state budget again failed to include a planned phase-in of the Foundation Aid formula. The state remains \$3.4 billion below full-funding of the formula, with nearly 400 districts statewide receiving less than 100% of funding, based on the statutory formula.

NYSSBA supports increased and timely state funding for provision of appropriate mandated instruction for English as a New Language (ENL) students, including unaccompanied minors. (2017)

NYSSBA-supported legislation, **S.2716 (Kaplan)/A.6376 (Magnarelli)**, which would have provided new and additional state aid for districts with significant growth in ELL and overall enrollment. The bill, which NYSSBA has supported in the past with different sponsors, did not move out of either the Senate or Assembly Education committees.

In addition, two of the tiers used to distribute the state budget’s \$618 million Foundation Aid increase for 2019-20 incorporated growth in ELL students as a funding qualifier. Seventy-six districts generated funding through the two tiers. NYSSBA’s budget recommendations called for a specific \$15 million appropriation to support districts that have experienced recent meaningful growth in ELL enrollments.

NYSSBA supports legislation at the state level to hold school districts financially harmless whenever they experience the unanticipated, significant loss of revenue due to tax certiorari cases or the unexpected loss of a significant portion of the value of their taxable property. (2018)

NYSSBA supported a bill, **A.4284 (Wallace)**, which would have provided

state aid to school districts in which more than 25% of their total assessed property value is owned by tax exempt entities. The bill was not acted upon by the Assembly Real Property Taxation Committee.

NYSSBA also supported **S.6323 (Skoufis)**, which would have provided state building aid for certain school district debt service expenses related to large tax certiorari judgments. Similar language has been included in recent legislative budget proposals, but has failed to gain approval. The bill was not acted upon by the Senate Rules Committee.

NYSSBA supports legislative proposals that would allow districts to adopt an earlier start to the instructional year with those dates being eligible for state aid and also allow for extending the school year beyond the last Regents exams. (2018)

NYSSBA supported State Education Department (SED) backed legislation, **A.7113 (Lifton)**, that would have provided school districts a process by which they would be able to decide whether to begin the school year before Sept. 1 without risking loss of state aid. This bill did not move in the Assembly Education Committee and was never introduced in the Senate.

NYSSBA supports preserving Medicaid funding to school districts, while also seeking to streamline associated reporting requirements and provide reimbursement for all required administrative costs. (2018)

NYSSBA supported a bill, **S.4770-A (Salazar)/A.7962-A (Gottfried)**, that would require the state expand the currently highly restrictive state policies and regulations around Medicaid reimbursement for school district transportation services so that they not be more restrictive than those established at the federal level by the Center for Medicaid Services (CMS). New York State provides transportation services to a large number of students requiring special accommodations like safety restraints, medical equipment, paraprofessional or nursing services, smaller vehicle size, alternative vehicle routing and climate control. Not being able to claim Medicaid reimbursement for these accommodations is costly and unnecessarily burdensome and expanding the definition would alleviate this problem. The bill passed both houses of the Legislature, but has yet to be delivered to the governor.

At the federal level, NYSSBA has continued to advocate for Medicaid funding for student services and has advocated against proposals that could limit reimbursement school districts may be able to seek from Medicaid for providing their students with necessary services and interventions. That includes opposing the Department of Homeland Security’s public charge rule that will penalize immigrants by denying an extension or change in their visa status if they received

Medicaid benefits. NYSSBA submitted comments to the Department of Homeland Security outlining how the proposed changes would add extra costs to school districts.

NYSSBA supports proposals establishing additional dedicated funding for student health and mental health services. (2018)

The final state budget included \$1.5 million to support enhanced mental health and school climate support services for middle and junior high schools. NYSSBA supported this investment, but stressed that the allocation was likely inadequate to make a meaningful impact on mental health for students and school districts across the state.

NYSSBA supports legislation that would require the Smart Schools Review Board (SSRB) to meet monthly and promptly acknowledge, review and act on all school district submissions. (2018)

The Assembly’s one-house budget proposal included language that would have required the Smart Schools Review Board to meet at least once every three months, and NYSSBA had no objection to the Assembly’s proposal. NYSSBA continues to have discussions with state officials about the root causes behind delays of Smart School application. The enacted budget did not include the Assembly proposal, but the Review Board generally has met three or four times annually.

CURRICULUM, INSTRUCTION AND ASSESSMENT

NYSSBA will advocate for state and federal legislative and regulatory action in addressing the educational and fiscal issues attendant to the influx of unaccompanied minors into New York State. (2014)

The final budget included \$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 supported this proposal to provide resources to districts that are facing increasing numbers of refugee and immigrant populations.

NYSSBA has actively supported proposals that would protect individuals whose immigration status has been threatened due to the suspension of deferred action for child arrivals (DACA) program.

NYSSBA actively supports legislation which would require the design and validation of an APPR process that truly informs instruction and thereby promotes student learning. (2015)

The final budget eliminated 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, however, and the district will be required to collectively bargain the selection of the assessments. Also, the prohibition on state 3-8 exam scores appearing as a part of a student’s permanent record was made permanent.

NYSSBA sought amendments to this provision and a standalone 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, the legislation did not go far enough to improve the existing APPR system. 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



Members of NYSSBA’s Board of Directors meet with U.S. Sen. Charles Schumer (D-NY) as part of a federal lobby day in January. From left are Fred Langstaff, William Miller, Russell Stewart and Schumer.

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.

NYSSBA supports programs and policies to expand access to Advanced Placement, International Baccalaureate or other enrichment programs through BOCES and online delivery. (2015)

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

NYSSBA supports state proposals affecting public education that:

- ***Provide access to programs that prepare students to be college-and-career-ready;***
- ***Achieve equity and adequacy in funding;***
- ***Promote efficiency and cost-effectiveness;***
- ***Advance high expectations for all students;***
- ***Embrace innovative approaches and assessments;***
- ***Foster community engagement and regional cooperation. (2016)***

NYSSBA supported a bill, **S.2312 (Montgomery)**, which would have continued the New York State Smart Scholars early college high school program and the New York State pathways in technology early college high school program (P-TECH). The bill does not currently have an Assembly sponsor and was not acted upon by the Senate Higher Education Committee.

NYSSBA supports proposals that would expand after-school programs. (2017)

The final budget included an additional \$10 million in after-school grants to expand such programs to an additional 6,250 students. NYSSBA supported funding for the creation or expansion of after-school programs, but recommended statewide eligibility for these grants.

NYSSBA supports proposals that would make kindergarten attendance mandatory. (2018)

NYSSBA supported legislation, **S.1624 (Skoufis)/A.7112 (Benedetto)**, that would authorize all school districts to require kindergarten attendance for five-year olds unless such students' parents or guardians decided to hold their children back for one year or enroll their children in a non-public school or home instruction. This bill passed both the Assembly and the Senate, but as of the publication of this report has not yet been delivered to the governor for his signature.

SPECIAL EDUCATION

NYSSBA shall seek legislation that assigns responsibility for the payment of tuition and fees associated with students attending the state schools for the blind and deaf to the State of New York. (2015)

NYSSBA supported legislation, **S.5606 (Mayer)/A.8001 (Benedetto)**, that would authorize special education schools, including state schools for the blind and deaf, to establish a stabilization reserve fund and would ensure that such districts receive the same percentage increase as that of general support for public schools. This bill did not move

out of either the Assembly or Senate Education committees. NYSSBA is advocating for increased federal funding for the IDEA, seeking to increase the federal share to closer to the 40% promised when the IDEA was enacted.

LOCAL MANAGEMENT AND BUDGET

NYSSBA supports the state assuming responsibility for subsidizing the veterans' tax exemption. (2015)

Similar to recent years, this past legislative session saw numerous attempts to increase or expand property tax exemptions to certain groups of taxpayers. Consistent with our position, NYSSBA requested amendments on any proposed exemption that did not offer state reimbursement. If a bill advanced without state funding, NYSSBA opposed the legislation. Such proposals included:

- **S.406 (Lanza)/A.3467 (Zebrowski)** would have increased the alternative veterans' property tax exemption for fully disabled veterans to 100% of their property value. The bill was not moved by the Veterans' Committee in either house.
- **S.1676 (Skoufis)/A.5941 (Rozić)** would have expanded eligibility for the alternative veterans' tax exemption to include veterans who served after the Persian Gulf War. The bill was not acted upon by the Veterans' Committee in either house.
- **S.1913 (Gaughran)/A.6712 (Stern)** would have authorized school districts to grant the volunteer firefighter/ambulance worker property tax exemption to homeowners who reside within the school district but provide volunteer services to a neighboring municipality. The bill passed the Senate, but was not acted upon by the Assembly Real Property Taxation Committee.
- **S.2570 (Bailey)** would have increased the value of the alternative veterans' tax exemption for households with two or more qualified residents. The bill passed the Senate but was not introduced in the Assembly.
- **S.2900 (Kaplan)/A.49 (Cahill)** would have authorized a green development neighborhood property tax exemption. The bill passed the Senate but did not move out of the Assembly Real Property Taxation Committee.
- **A.6966 (Ramos)** would have expanded eligibility for the alternative veterans' tax exemption to include active members of the military. The bill was not acted upon by the Assembly Veterans' Affairs Committee.

NYSSBA supports legislation enabling school districts and BOCES to create dedicated reserve funds to help offset the costs of all employee pensions (including teachers), and other post-employment benefits (OPEB) obligations. (2016)

The enacted state budget included a significant achievement, authorizing a Teachers' Retirement System (TRS) reserve fund. After years of advocacy, school districts are now able to establish and fund a reserve for employer contributions, as a sub-fund under the existing ERS reserve. The new TRS reserve includes limits on both annual transfers into the fund and the total balance of the fund.

Other related NYSSBA-supported legislative proposals include:

- **A.310-B (Steck)** would have authorized school districts, with the consent of the municipality, to join a county self-funded or fully self-insured health plan. This bill was not acted upon by the Assembly Insurance Committee.
- **S.2067-B (Jordan)/A.114-A (Buchwald)** would have authorized all school districts to create an insurance reserve fund for self-insured health plans. While the bill was amended multiple times during the legislative session, it ultimately was not acted upon by either the Assembly Education Committee or the Senate Local Government Committee.
- **S.5641 (Brooks)** would have authorized BOCES to establish and fund other-post employment benefit

(OPEB) reserve funds. The bill was not acted upon by the Senate Local Government Committee.

NYSSBA seeks legislation to amend limitations on BOCES district superintendent compensation. (2016)

The final budget included 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. This was the first adjustment made to the BOCES DS salary cap in nearly two decades. NYSSBA lobbied to increase this salary cap and received much support from the Assembly and the Senate. We continued to support our legislative leaders through difficult budget negotiations that ultimately resulted in the increased salary cap from the prior level of \$166,000 annually, and will continue to seek adjustments to DS compensation.

NYSSBA supports legislation amending Article 18-A of the General Municipal Law to permit school districts, at their option, to be necessary parties to Payment-in-lieu-of-taxes ("PILOT") agreements. (2017)

For the first time in a number of years, the Legislature approved multiple bills dealing with the issues of Industrial Development Agencies (IDAs) and payments-in-lieu-of-taxes (PILOTs). NYSSBA advocated strongly in support of legislation that would increase transparency, disclosure, notification and participation between school districts and IDAs, specifically when PILOTs are being considered.

S.88 (Kaminsky)/A.3002(Solages) requires IDAs to live stream and post video recordings of all open meetings and public hearings. This will allow school districts to be better informed of potential PILOT agreement and other IDA activities. The bill was signed in August.

S.2769 (Comrie)/A.2947 (Solages), if signed, would require IDAs to affirmatively notify each affected school district of pending PILOT applications prior to the IDA taking action on such application. Current law simply requires generic public notices without any direct engagement with school districts or other taxing jurisdictions.

S.3972 (Harckham)/A.218 (Paulin), if signed, would establish that any reduction in PILOT payments due to a successfully-challenged property assessment would not take effect until the next school year. This would help protect school districts from midyear revenues reductions of which they have no control.

While the three bills mentioned above passed both houses, there were numerous other bills supported by NYSSBA which would have further addressed the IDA and PILOT issues faced by school districts. They include:

- **S.92 (Kaminsky)** would have required IDAs include an estimate of all property tax impacts from any tax exemptions in their analysis of project proposals prior to awarding any PILOT agreements. The bill was not acted upon by the Senate Local Government Committee.
- **S.1914 (Gaughran)/A.146 (D'Urso)** would have established that any reduction in PILOTs that reduced a school district's total revenue by more than 5% would be phased-in over 10 years. The bill was approved by the Senate Local Government Committee, but was not acted upon by the Rules Committee. It was not brought up for consideration by the Assembly Real Property Taxation Committee.
- **S.4174 (Gaughran)/A.1844 (Magnarelli)** would have required that any business under a PILOT agreement that plans to challenge the property assessment must first notify any affected school district of its intent. The bill was approved by the Assembly Real Property Taxation Committee but was not brought up for a vote by the Codes Committee, nor was it acted upon by the Senate Local Government Committee.
- **S.4720 (Mayer)/A.7576 (Ryan)** would have required

that every IDA governance board include at least one school board member from a school district within the jurisdiction if the IDA. The bill was not acted upon by either the Senate or Assembly Local Government committees.

NYSSBA supports meaningful reforms to the Tax Cap Levy Formula. (2017)

Legislation continues to be sponsored in the Assembly that would provide that failed separate budget propositions would not necessitate supermajority approval of an otherwise tax cap compliant budget. The issue received renewed attention this year when a district faced this difficult situation after its May budget vote. The bill, **A.8275 (Thiele)**, was not acted upon by the Assembly Education Committee.

NYSSBA supports legislation to ensure that no school district can have a negative property tax cap. (2017)

Legislation continues to be sponsored in the Assembly that would prohibit negative tax caps, effectively creating a zero percent tax cap floor. The bill, **A.6533 (Lupardo)**, was not acted upon by the Assembly Education Committee.

NYSSBA opposes the property tax cap and calls for its repeal. (2017)

After years of unsuccessful attempts by some legislators, the enacted state budget removed the expiration of the property tax cap, effectively making the cap permanent. Despite extensive effort from NYSSBA and other education groups, the Legislature and governor did not include any changes or reforms to the existing cap when making it permanent. NYSSBA will continue to advocate for common-sense reforms to the cap, through both legislative and regulatory means.

NYSSBA supports raising the allowable undesignated fund balance for school districts. (2017)

NYSSBA supported a bill, **A.5645 (Giglio)**, that would have increased the fund balance limit to 10% for districts that have an enrollment of less than 1,500 students or have a general fund budget of less than \$5 million. The bill was not acted upon by the Assembly Real Property Taxation Committee. In addition, NYSSBA-supported legislation continues to be carried in the Senate that would have increased the allowable fund balance school districts can retain to 6%, above the existing 4% limit. The bill, **S.340 (Akshar)**, was not acted upon by the Senate Local Government Committee.

NYSSBA supports legislation that allows the date of the annual reorganizational meeting to be on or before the Monday following the 20th of July. (2018)

NYSSBA supported **S.5768 (Mayer)/A.7708 (Otis)** which would expand the flexibility of small city school districts in choosing a date for their annual school board reorganizational meeting. Currently, most other school districts have the option to pass a resolution allowing them to hold their reorganizational meetings at any time during the first 15 days in July. Small city school districts do not have that flexibility and must hold their reorganizational meetings during the first week in July. This bill passed both the Assembly and the Senate, but as of the publishing of this report has not yet been delivered to the governor for his signature.

NYSSBA supports legislation to exempt expenditures related to school safety from the tax cap. (2018)

NYSSBA supported legislation, **S.3008 (Funke)/A.1836 (Gunther)**, which would have exempted school safety expenditures from the tax cap. This bill did not move in either the Assembly or Senate Education committee.

NYSSBA also supported legislation, **S.4472 (Antonacci)/A.3186 (Gunther)**, which would have excluded expenditures for school resource officers from the tax cap. This bill did not move in either the Assembly or Senate Education committee.

NYSSBA supports legislation that would allow for “piggybacking” transportation services. (2018)

After years of NYSSBA advocacy, the enacted state budget included language authorizing transportation “piggybacking” for school districts. School districts can now join-in on existing transportation contracts originally entered into by other school districts. NYSSBA previously testified before the Senate Local Government Committee in 2018 in support of piggybacking.

NYSSBA supports legislation that would substantially increase the earning limitations for retired police and other law enforcement officers who are serving as school resource or safety officers. (2018)

During the 2019 legislative session, school safety continued to be a priority. The Legislature put forth the following proposals to bolster safety and law enforcement personnel:

S.1866-B (Breslin)/A.2858-B (McDonald) would increase the amount of money a public retiree may earn in a position of public service, without a waiver, to \$35,000. This bill passed both the Assembly and Senate and awaits signature from the governor.

S.795 (Lanza)/A.7109 (Fall) would have increased the amount of money a public retiree could earn, without a waiver, if they wished to return to a position of public service to \$50,000. The bill was not acted upon by either the Senate Civil Service and Pensions Committee or the Assembly Committee on Governmental Employees.

S.3455 (Biaggi)/A.2220 (Paulin) would have increased the annual earnings limitation without waiver for retired police officers employed as SROs from \$30,000 to \$50,000. This bill did not move in either the Assembly or Senate.

S.4521 (Kaplan)/A.7849 (Thiele) would have increased the annual earnings limitation without waiver for retired police officers employed as SROs from \$30,000 to \$65,000. This bill passed the Senate but was not acted upon in the Assembly.

A.5856 (Lalor) would have increased the amount of money a retired police officer may earn in a position of school safety officer, without a waiver, to \$32,500. The bill did not have a Senate sponsor and was not acted upon in the Assembly.

EMPLOYEE RELATIONS

NYSSBA supports legislation to amend the Triborough Amendment of the Taylor Law to eliminate the obligation of school districts to pay “step” increments after the expiration of collective bargaining agreements. (2017)

The Association supported a bill, **A.5168 (Schimminger)**, which would have created the Public Employees’ Fair Employment Act Study Commission to review the existing Taylor Law addressing labor relations between public employers and their employees. The bill did not have a sponsor in the Senate and it was not acted upon by the Assembly Committee on Governmental Employees.

NYSSBA also supported a bill, **A.5435 (Goodell)**, which would have protected public employers from being required to pay wage increases or benefits as a result of an expired collective bargaining agreement. The bill does not have a sponsor in the Senate and was not acted upon by the Assembly Committee on Governmental Employees.

NYSSBA supported a bill, **S.5314 (Mayer)/ A.7837 (Benedetto)**, which would have restored the “adequate time” qualifier for school district employees who have at least four consecutive hours to vote when they’re not at work. This bill was referred to the Elections Committee in both the Senate and Assembly and was not acted upon. The entitlement to this time was expanded to all employees as a part of the state budget.

NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees. (2018)

NYSSBA opposed **S.5205-A(Gounarde)/A.7624-A**

(Abbate), which would have established a disciplinary

process for non-instructional employees requiring use of an independent hearing officer and adherence to the decision of the hearing officer in all disciplinary matters involving their civil service employees covered by section 75 of the Civil Service Law. In addition, the district’s ability to put the employee on unpaid leave would be eliminated during pendency of a disciplinary hearing. While the Senate passed this bill, NYSSBA’s arguments in opposition to this bill bore fruit when it was removed from the active calendar in the Assembly in the final hours of session.

NYSSBA also opposed these bills:

- **S.5291 (Gounardes)/A.7248 (Abbate)** would expand recall rights to labor class and non-competitive employees in the event of demotion or job loss. This bill passed both the Senate and the Assembly and is awaiting delivery to the governor.
- **S.1442 (Sanders)/A.8332 (DenDekker)** would have allowed employees to transfer sick leave to another individual. While some employers, including school districts, have established time “banks” that may be used in extreme circumstances, this legislation could have resulted in long-term absences and increased replacement staffing costs. The bill was moved to the Senate Rules Committee in the final days of session but ultimately was never acted on in either house.
- **S.3152 (Addabbo)/A.3460 (Abinanti)** would have required employers to provide eight hours of paid leave for the purposes of cancer screenings, up from the current four hours of paid leave. This legislation was referred to the Senate Finance Committee and Assembly Ways and Means but was not acted upon.
- **S.4698 (Ramos)/A.6833 (DenDekker)** would have required all employers to offer dental insurance that would become effective immediately upon the hiring of an individual. This bill was not acted upon in the 2019 legislative session.

NYSSBA LEADERSHIP RESPONSIBILITIES

NYSSBA supports all efforts to improve school safety by limiting or reducing unauthorized access to guns in schools. (2018)

In February, Governor Cuomo signed into law the “Red Flag Bill” as Chapter 19 of the Laws of 2019. The bill enables principals or other “chief school officers” to file a petition asking a court to issue an extreme risk protection order (ERPO) against an individual they believe may be a threat to him or herself or others. Also, the principal can authorize other school professionals to file petitions on behalf of the school, including vice principals, assistant principals, teachers and guidance counselors, as well as licensed staff who serve as school psychologists, school social workers, school nurses, coaches and other job titles. If a plausible case is made and such an order is granted, the individual in question would be prohibited from purchasing or possessing a firearm. NYSSBA requested an amendment to a prior version of this bill to give school administrators more control over which staff members would be authorized to petition for an ERPO in order to prevent potential liability issues in the future. The amendment was incorporated in this year’s version of the bill, and NYSSBA advocated for its passage.

NYSSBA supports an amendment to Penal Law Article 240 entitled Falsely Reporting an Incident to criminalize falsely threatening use of a gun or making threats of mass violence on public school property. (2018)

NYSSBA supported legislation, **S.708 (Gallivan)**, which would have amended section 240 of the Penal Law to make all threats of violence against a school that would cause serious physical harm to 10 or more people a felony in New York State. The bill did not move out of the Senate Codes Committee and was not introduced in the Assembly.