



NYSSBA 2022-23 Senate One House Analysis

State Aid - The Senate accepts the executive budget proposal to fund year two of the Foundation Aid phase-in plan and also fully-fund expense-based reimbursement aids. The Senate budget resolution further indicates that their proposal would modify the executive proposal by funding additional school aid increases of \$195 million, based on the updated school aid database (November 2021 vs. February 2022).

Foundation Aid - The Senate accepts the executive budget proposal to fund year two of the three year Foundation Aid phase-in plan. The Senate also accepts the proposed minimum 3% Foundation Aid increase for all districts.

Aid Forgiveness - The Senate accepts the executive proposal to allow for building aid and transportation aid forgiveness for costs that were properly expended, which would otherwise be subject to penalties for late filing of forms due to inadvertent administrative or ministerial oversight. The Senate also accepts the executive proposal to allow for the submission of transportation contracts through electronic form.

Aid Claims Restriction and Database Freeze - The Senate rejects the executive proposal to freeze state aid payments on a permanent basis to a maximum payment of those included in the school aid runs supporting the executive budget proposal based on the November database.

Prior Year Aid Claims - The Senate proposes to allocate \$36 million to make payments against the prior year aid claims list. The executive had proposed no funding, following elimination of the traditionally annual appropriation in the 2021-22 budget.

Career and Technical Education - The Senate proposes to increase the aidable salary cap for BOCES career and technical education teachers from the current \$30,000 amount up to \$60,000. This would be done over a three year period, beginning with aid payable in 2022-23. The Senate also proposes to increase Special Services Aid for non-component districts by including 9th graders in the aid calculation, beginning with aid payable in 2022-23.

Building Aid for Capital Outlay Projects - The Senate proposes to increase the limit for capital projects that would be eligible for building aid under the capital outlay exception. The current \$100,000 would be increased to a minimum of \$250,000 and up to a maximum of \$500,000, based on regional cost differences. The Senate further proposes to allow the exception to be applied to more than one project in a year.

Building Aid Formula - The Senate proposes to add an enhancement to building aid for school districts with comparatively high levels of free and reduced price (FRPL) counts, but otherwise lower building aid ratios.

Community Schools - The Senate proposes the creation of a \$100 million community schools aid, which would be distributed proportionate to districts' community schools set-aside amount. The funds would be available for programs and services that improve students' academic and developmental outcomes. The Senate further accepts the executive's intended maintenance of current Foundation Aid community school set-aside amounts.

Recover from COVID School Program (RECOVS) - The Senate effectively adjusts the executive's proposed RECOVS fund to create a more general \$100 million fund to reimburse school districts and BOCES for expenses related to mental health and wellbeing over two years. The Senate further proposed a second \$100 million two year fund to reimburse school districts for mental health services.

Committee on Special Education Placements - The Senate rejects the executive proposal to permanently eliminate the state share of costs related to Committee on Special Education (CSE) placements for districts outside of New York City, and transfer the state's responsibility for maintenance costs of state-operated schools for the blind and deaf onto school districts.

Pre-Kindergarten - The Senate proposes to invest an additional \$250 million for Universal Pre-Kindergarten, to be phased-in over two years.

Special Act School Districts - The Senate includes a number of proposals to provide financial stability to special act and other special education schools, including redesigning rate setting methodology. The Senate proposes that increases to special act tuition rates be commensurate with total school aid increases. Additionally, the Senate proposal would authorize special act districts to establish a fiscal stabilization reserve fund.

Expansion of Broadband Coverage - The Senate rejects the executive's proposed ConnectALL initiative, and instead proposes its own WIRED Broadband Act to expand broadband coverage. The proposal includes grants for various entities for broadband expansion, including school districts. Preference would be given to projects for schools, projects in unserved areas, projects that are accompanied with a written recommendation from the local municipality or regional economic development council, and projects that have certain favorable employee practices.

Temporary Teaching Certification - The Senate rejects the executive proposal that would authorize an individual, under certain conditions, to teach in a public school with a temporary professional teaching permit.

Earnings Cap Waiver for Retirees - The Senate accepts the executive proposal to temporarily authorize public sector retirees to work for a public school without a waiver and without reduction in their retirement benefits, regardless of the amount earned. The Senate further adds to the proposal by clarifying the inclusion of BOCES positions.

School Financial Reporting - The Senate proposes to require all districts receiving either 1) ARP Act stimulus funds, or 2) an annual Foundation Aid increase of at least 10% or \$10 million, to post on its website and submit to SED, prior to July 1, 2022, an updated spending plan, with

details on public comments, goals and ratios for pupil support, and other spending details. Conversely, the Senate proposes to repeal the law that requires all school districts to submit school building-level spending plans (while the current federally-required building-level spending reports would continue).

NYC Mayoral Control - The Senate rejects the executive budget proposal to extend mayoral control of New York City schools for an additional four years, through June 2026.

School Meals - The Senate rejects the executive budget proposal to transfer administration of the National School Lunch Program from SED to the Department of Agriculture and Markets. Instead, the Senate proposed a modification to the program, which would allow school districts to have food purchases for breakfast and snacks to count towards the 30% reimbursement rate for school lunch service programs.

Zero-Emission School Buses - The Senate largely accepts the executive budget proposal to require district and contracted school bus fleets to transition to zero-emission. The Senate proposes pushing back the deadline for all new bus purchases to be zero-emission from 2027 to 2029. The Senate would also earmark \$1 billion within the proposed Clean Water, Clean Air, and Green Jobs Bond Act of 2022 for zero-emission school and transit buses and charging infrastructure for buses and passenger vehicles.

Loss of Tax Base - The Senate proposes a new \$20 million fund to support school districts which experience a significant tax hardship. This hardship must be caused by either an extraordinary change in taxable property valuation within the district or a significant tax certiorari generated liability.

Access to the Clean Water State Revolving Loan Fund - The Senate accepts the executive budget proposal to allow school districts to access this fund, which provides access to interest-free or low-interest rate financing for wastewater and sewer infrastructure projects.

Clean Water, Clean Air, and Green Jobs Bond Act of 2022 - The Senate amends the proposed environmental bond act by increasing the total amount from \$4 billion to \$6 billion, including \$1 billion for zero-emission school and transit buses and EV charging infrastructure for buses and passenger vehicles. As with the executive budget proposal, school districts would be able to access this funding for a wide range of other projects, in the areas of flood risk reduction, open space land conservation and recreation, climate change mitigation, and water quality improvement and resiliency.

Update to Building Codes - The Senate accepts the executive budget proposal to update and overhaul the statewide building code in response to climate change and the Building Benchmarking Act of 2022. Among other provisions, this would require all owners of buildings with more than 25,000 gross square feet to report various metrics of energy use, water use, and greenhouse gas emissions, and for NYSERDA to publicly post that information.

Applying State Ethics Rules to Local Public Officials - The Senate rejects the executive's proposal to apply certain state ethics rules to local officials and employees in its entirety. This

proposal would have lowered the cap on acceptable gifts from \$75 to \$15 and expanded the scope of the definition of a conflict of interest to include additional family members.

Countywide Shared Services Panels - The Senate modifies the executive's countywide shared services panels proposal to add a requirement that school districts and BOCES participate in a panel being utilized by any county in which they are located.