The New York State Council of School Superintendents (THE COUNCIL) has a wide range of advocacy objectives with the overriding intent of ensuring every school has the ability and resources to offer high-quality educational opportunities for all students regardless of race, wealth or disability.

THE COUNCIL continues to advocate year in and year out for sufficient School Aid increases necessary to maintain current services and improve student opportunities. Other legislative actions are necessary to help schools and the students they serve succeed. The Legislature and the Governor made several key changes last year that we were especially grateful for such as authorizing a reserve fund for teacher retirement system costs, increasing the salary limitations for BOCES District Superintendents, increasing the earning limitation for retirees, addressing dual enrollment issues, among other issues.

Beyond advocating for increased general purpose funding for public schools and other specific budgetary issues, we also urge the Legislature and the Governor to act to help schools and superintendents address other critical issues. This list of ten Council priorities, if enacted, would assist schools in providing higher quality academic programming for their students and promote safe and secure learning environments.

1. **Capital Outlay Limit**
   School districts are currently authorized to annually spend $100,000 on capital projects and receive Building Aid on this spending the following year. This program would have more broad-based use and benefits with a few key changes.
   - Increase the limit to $250,000. This limit has not been increased since the law was enacted in 2002.
   - Authorize use of capital outlays for multiple buildings in a year. Schools are now limited to using the outlay on one building. This causes significant constraints since some projects require work in multiple buildings, such as security system overhauls, and this limit causes feasibility constraints and increases costs.
   - Authorize multi-year project approval. Schools should be able to request project approval for multiple capital outlay projects for up to five years. Schools spend approximately 15% to 20% of the capital outlay limit on fees and other expenses. Allowing multi-year approval would reduce waste and increase the impact of this form of Building Aid.

2. **School Safety and Elections**
   The need to keep students safe has always been the top priority for Superintendents, but the number of recent school shootings continues the need to emphasize this point. Schools should be able to decline designation of a school as a polling place. This is not an issue everywhere, but many schools are not designed to operate safely when polling occurs during the school day.
3. **Paid Time Off for Voting**

The law authorizing all employees three hours off to vote on *any* election regardless of circumstances must be repealed. School employees that utilized this entitlement during the November election missed valuable professional development opportunities where schools chose not to hold instructional days. If school employees utilize this law during the presidential primary and/or the June primary, schools will be forced to close or be saddled with millions in substitute costs. Enactment of early voting drastically expanded the ease of voting for all New Yorkers without this law. Also, school employees have ample time to vote during election day, and therefore schools should be exempt, to prevent harm to students and taxpayers.

4. **Burden of Proof for Special Education Due Process Complaints**

New York is one of only seven states where the burden of proof in special education placement disputes is assigned to districts. Our procedures result in excessive disputes, causing inappropriate placements and excessive costs, impairing the ability of districts to do what is best for students. In the most recent year reported, New York led the nation in due process complaints with 106 per 10,000 students versus the national average of 29 per 10,000. In fact, over a 10-year period, 40% of complaints nationwide were filed in New York. Restoring the burden to the party bringing a complaint—as in nearly all other states—would acknowledge the expertise and good faith of professionals and others charged with developing individualized education plans.

Leaders across this state care deeply on a professional and personal level about the educational opportunities of students with disabilities. We want these students to have an opportunity to grow and reach their highest potential regardless of obstacles that hinder this progress. Addressing the burden of proof issue and other litigation challenges would ease this ability and is not a reduction in protections for this important and vulnerable population.

5. **August Instructional Days**

Authorize schools, subject to collective bargaining, to hold instructional days in the last two weeks of August. Superintendents are regularly pressured, not just by parents, but by employees, to close school for more religious and cultural holidays. Unfortunately, doing so is impossible absent an expanded calendar.

6. **School District Zoning Authority**

The State Education Department should have exclusive authority to approve school construction plans. This used to be the case, but in two recent instances, courts have ruled against schools and allowed local zoning boards to stymie projects. One decision limited the height of a fence intended to protect students. This is unacceptable and the legislature should remedy it.

7. **Tax Cap Adjustments**

With the tax cap now permanent, common sense adjustments are necessary to promote financial stability, predictability for taxpayers and schools, and provide flexibility to adjust to changing circumstances.

- Include property generating payments in lieu of taxes in the tax base growth factor via regulation or law, as property generating taxes is included now.
Ten Legislative Changes for School Success

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➢ Enact a longer-term carryover provision. School districts should be able to carryover excess levy authority for three years instead of one providing incentives for districts to hold down tax increases in years when they can.

➢ Increase pension exclusion flexibility. The current cap allows an exclusion for pension system contributions only if the increase is increased by 2 percentage points instead of a simple 2%. Schools will see a 7.6% in Teachers’ Retirement System costs that will be collected in the fall of 2021, but this increase will not trigger an exclusion. We propose excluding any costs in excess of 5% instead of the current 2 percentage point calculation.

8. Increase Aidable Salary Cap for BOCES CTE Teachers and Increase Special Services Aid

Job opportunities for current students, whether they continue their education after high school or not, are continuing to become more technical in nature and require a different set of skills than jobs available in even the recent past. Increasing these aid categories will incentivize schools to innovate and offer new opportunities and enable BOCES to provide more programs to their component districts.

9. Regional High Schools and/or BOCES Diploma

Authorize pending legislation to establish regional high schools and/or authorize BOCES to issue a diploma. Declines in enrollment could imperil the ability of some rural districts to offer students comprehensive programs in high school. Innovation is necessary to provide robust learning opportunities to these students so they can compete on the same playing field as districts with robust enrollment and significant resources.

10. Small City Debt Limit

The Governor vetoed a 2019 bill that would have provided statutory relief for small city school districts constrained by a state constitutional debt limit. In 2003, a constitutional amendment to eliminate the debt limit failed by 8.4%. The legislature should seek another constitutional amendment effort or develop a statutory method to provide relief and flexibility for these important school districts.