
Ten Legislative Actions for School Success



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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 increase academic offerings. Beyond School Aid, other legislative actions are necessary to help schools and the students they serve succeed. These initiatives and other advocacy items are expanded upon within our Financial Sustainability Agenda.

Beyond advocating for increased unrestricted 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. Reserve Funds:

- a. Authorize a TRS reserve fund for schools to save for future pension rate increases. Schools currently can set aside funds to pay pension costs for employees enrolled in the state and local retirement system, as can municipalities. However, school do not have that ability for the approximately 80 percent of their employees that are members of TRS. The mandatory expenses for TRS are volatile on a year-to-year basis but enacting a reserve for TRS costs would help smooth out this volatility and provide better planning capabilities. **A.5759 (Buchwald)**
- b. Authorize a special education reserve fund to account for sudden spikes in special education costs. Schools often struggle to adjust their budgets when a severely disabled student moves into a new school district. The costs of educating these students can be profound. A special education reserve would help schools plan for these sudden cost increases. **A.2419 (Wallace)/S.2610 (Little)**

2. **Increase Capital Outlays Limit:** Increase the capital outlay limit to \$250,000. School districts can currently receive state reimbursement the following year for up to one capital project annually if the project costs are under \$100,000. This limit has not been increased since 2002 and should now be raised to \$250,000 to enable schools to better support small scale safety projects and technology upgrades. **A.5341 (Thiele)**

3. **BOCES District Superintendent Salary Cap:** Increase the BOCES District Superintendent salary cap. The salary limitation for BOCES Superintendents has not been adjusted in over 15 years. To recruit and retain high-quality leaders, the salary cap statute must be updated to reflect the current economic environment. **A.5536 (Nolan)**

4. **Tax Cap:** If the cap is to become permanent, reasonable amendments must be enacted as well. These should include, at a minimum, an exclusion for BOCES capital costs, inclusion of property generating payments in lieu of taxes in the tax base growth factor, a longer-term carryover provision, and a more workable pension exclusion.

5. **Sharing Private Transportation Contracts:** Authorize schools to enter into a “piggyback contract” with another school private transportation carrier provided that the agreement results in cost savings. This practice is already authorized for schools that provide their own transportation for students.

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7 Elk Street • Albany, NY 12207-1002 www.nyscoss.org 518.449.1063 • Fax 518.426.2229

6. **School Safety and Elections:** The need to keep students safe has always been the top priority for Superintendents, but the Parkland attack reemphasized its importance in all communities. There are some steps the legislature can take to help schools keep students safe:
 - a. Authorize school districts to decline designation of a school as a polling place. **A.4743 (Galef)**
 - b. Create a formula-based funding stream to support district efforts to improve school security and student well-being.
 - c. Expedite the Smart Schools bond approval process for all projects, since many include student safety initiatives.
 - d. Eliminate requirement for annual waivers to hire retired police officers as school resource officers to enable districts to retain retired officers who have demonstrated aptitude for the role.
7. **Retiree Earning Limitations:** Increase the retiree earning limitation from the current \$30,000 cap. This cap provides challenges for school districts in terms of hiring qualified substitutes in areas with teacher shortages and hiring school security personnel (school resource officers) to help keep students safe. **A.2220 (Paulin)/S.3455 (Biaggi) & A.2858A (McDonald)**
8. **August Instructional Days:** Authorize schools, subject to collective bargaining, to hold instructional days in the last two weeks of August. Schools are under more pressure to close for additional ethnic, cultural and religious holidays. To accommodate these holidays and close school when necessary due to dangerous weather conditions, the available days in the year for instruction need to be expanded.
9. **Dual Enrollment:** Expressly authorize SUNY community colleges to provide free dual-enrollment courses to high school students. Many community colleges have provided this service to high schools, but a 2017 letter from SUNY central has led campuses to curtail these opportunities for students. It is more critical than ever that students across the state have access to higher education opportunities which have proven to increase prospects for their success upon enrolling in college.
10. **Authorize Regional High Schools:** Authorize two or more school districts to operate a regional high school without completing a full merger. A regional high school will be able to offer academic programming opportunities that two or more separate small rural schools cannot offer. It is of paramount importance that all students, everywhere, have the same opportunities to succeed. **S.1004 (Young)**

Note on Special Education: Superintendents have become alarmed by escalating costs for special education for students with disabilities. In our latest annual financial survey, “increasing cost of special education” was cited as a significant problem by 56 percent of superintendents statewide – more than any other expense-related issue. There are probably multiple causes behind mounting costs, but two new themes have been expressed by superintendents with us:

- There are growing needs among schoolchildren, some related to mental health issues, which have contributed to additional special education placements and costs. In our annual superintendents’ survey, improving student mental health services has been the most widely cited local priority for new funding for each of the last two years.
- Some districts are coping with aggressive tactics by attorneys and advocates, challenging actions in special education decision-making at every step, with the aim of driving districts to concede and settle disputes. Resulting settlements may not be in the best interest of affected children and can result in annual costs in excess of \$100,000 per student. These costs must then be accommodated within the budget restrictions imposed by the school property tax cap.

Proposals for change in special education policies and procedures are nearly always contentious and seldom advance. But we believe discussion is needed on how to assure the best educational opportunities for students with disabilities while enabling districts to support and manage the cost of providing those services.