
Ten Legislative Actions for School Success



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The New York State Council of School Superintendents has a wide range of advocacy priorities, all with one overriding objective—ensuring every school has the ability and resources to offer high-quality educational opportunities for all students, regardless of race, wealth or disability.

New York schools are approaching two years of operating in a pandemic, and students that entered kindergarten in 2019, will not have experienced a “normal” school year until at least halfway through elementary school.

Fortunately, the state has never been on better financial footing to address some key budgetary needs long sought by schools. The statutory and firm commitment the Legislature reached last year to fully fund the Foundation Aid is a monumental achievement. While the formula should undergo some review in the coming years, we look forward to seeing what improved opportunities this influx of funds will provide for our students.

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 Fund Flexibility:** The significant influx of federal aid to schools since March 2020 and the commitment to fully fund the Foundation Aid formula have strengthened the financial outlook for most school districts. In order to maintain this condition, the legislature should increase the unrestricted fund balance limit for school districts from 4% to 8%. Even an increase to 8% is still a far more restrictive limit than municipalities, which have no cap.

Once the federal dollars are fully utilized, the state and schools may face a fiscal cliff. Increasing the unrestricted fund balance limit provides schools with another fiscal management tool to avoid drastic cuts and sudden disruptions to academic programming.

- 2. Increase Aidable Salary Cap for BOCES and Increase Special Services Aid:** The “aidable” salary limit for Boards of Cooperative Educational Services Career and Technical instructors should be raised to \$60,000 over the next three school years at \$10,000 per year to increase the cap from the current level of \$30,000. At the same time, the Legislature should increase the per pupil cap and expand funding for 9th grade students for Special Services Aid which benefits CTE programming in the Big 5 and non-component school districts.

CTE programming provides unique opportunities to students, and most school districts cannot offer these opportunities on their own without partnering through BOCES. The BOCES Aid formula for CTE has not been adjusted in over 30 years. Driving additional aid to support CTE programs will provide long-term benefits to students and the state economy.

3. **Capital Outlay Authority:** School districts are currently authorized to 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.
 - a. **Increase the limit to a minimum of \$250,000 adjusted by the Building Aid Regional Cost Factor up to a maximum of \$500,000.** Authorizing a greater outlay limit will reduce the total funding needed for larger bond projects in future years thereby savings funds over the long term.
 - b. **Authorize use of capital outlays for multiple buildings in a year.** Schools are presently limited to using the outlays funds on one building. This causes significant constraints since some projects require work in multiple buildings, such as security system overhauls.
 - c. **Authorize multi-year project approval.** Schools should be able to request project approval for multiple capital outlay projects for up to five years. Schools spent 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 these dollars.

4. **Retiree Earning Limit:** Presently, a retiree receiving a pension from the state cannot earn more than \$35,000 in a calendar year without a pension reduction unless the retiree receives a waiver. Since shortage areas vary year-to-year, the Commissioner of Education should be authorized to make an annual determination for certain positions and certification areas where the earning limit should be waived. This would allow a targeted approach to shortage areas without concerns that come with an across the board increase in the earnings limitation.

5. **Repeal State School Funding Transparency Reporting Requirement:** In 2018, at Governor Cuomo's urging, the Legislature enacted a requirement to report certain very specific funding information on a school-by-school basis. This requirement was implemented for all districts regardless of size. This state requirement is largely duplicative of a requirement prescribed by the federal Every Student Succeeds Act. To reduce pointless demands on school districts for information that does not add to greater public understanding of school management, the state transparency reporting requirement should be repealed.

6. **Small City Debt Limit:** Small City School Districts continue to be treated differently than other schools in that they have a constitutional debt limit. One proposal to address this would be to allow Industrial Development Agencies to finance certain capital construction projects for these schools. The Legislature should immediately pass this legislation.

As a contingency plan, the Legislature should simultaneously begin passage of a constitutional amendment such that the amendment could be before the voters in November 2023, in the event the legislative solution is not as successful as we hope.

7. **Charter School Financial Impact:** Whatever New York State seeks to gain through charter schools must not come at the expense of traditional district schools which continue to educate over 80% of all children.
 - a. District approval should be required for any new or expanded charter school if charter school students comprise 5% or more of district enrollment.

- b. Prohibit SUNY from authorizing charter schools to operate in excess of five years per renewal. In other words, the law should be amended so that the combined length of a remaining charter and a renewed charter could not be allowed to exceed five years—the maximum charter length in current law.
- c. Establish a statutory process to enable school district to recoup overpayments to charter schools.

8. Fund Native American Nation Schools Capital Projects: Upkeep of the state-owned school buildings serving Native American Nation students has been underfunded for many years. Continued neglect would be an injustice to students. It would also risk tragedy due to alarming deterioration of some building components. We join with other members of the Educational Conference Board to urge that the next state budget provide \$20 million in capital funding for each of the three schools and assure equitable access to future funding so that their needs may be promptly met.

9. Modify the Annual Professional Performance Review Law (APPR): The teacher and principal evaluation procedures imposed on schools for the last decade by Education Law sections 3012-c and 3012-d have been nothing short of a boondoggle. While the intentions behind these laws were admirable, they have led to a costly misuse of time and money, minimal differentiation in assessing teacher performance, and further hostility toward the state’s standardized testing regime.

There has been one commonly acknowledged benefit from the statutory scheme—the use of formal rubrics for classroom and school observations. These have led to higher quality feedback to help educators improve their work. Accordingly, each school district should be required to continue use of a rubric for teachers and principals and conduct at least a specified minimum number of observations for tenured educators and a greater minimum for non-tenured educators. The remaining components of the APPR law should be repealed and the evaluation infrastructure should be returned to the local school districts.

10. Tax Cap Adjustments: With the tax cap now permanent, commonsense adjustments are necessary to make it workable for all parties in the long-term.

- a. **Eliminate negative tax levy caps.** With inflation above 2%, some districts will still face a negative tax levy limit. This result is nonsensical, and such a calculation should be prohibited.
- b. **Payments in Lieu of Taxes (PILOTs).** Include properties covered by payments in lieu of taxes (PILOTs) in the tax base growth factor, just as properties covered by taxes are included, so that districts may receive revenue to fund demands for services that tax base additions create.
- c. **Increase pension exclusion flexibility.** The current cap allows an exclusion for pension system contributions only if the employer contribution rate increases by 2 percentage points instead of a simple 2% (i.e., an increase in the rate from 8% to 10% does not qualify for an exclusion even though it increases district pension costs by 25%). Despite what will likely be the second year in a row with increased pension costs and the 6th time the rate has increased since the inception of the tax cap, schools have only been able to utilize this exclusion one time. This change would expand its potential utility.