
Ten Legislative Actions for School Success



January 2025

The New York State Council of School Superintendents is committed to advocating for a wide range of priorities, all with the ultimate goal of ensuring that every school has the necessary resources to provide high-quality educational opportunities for all learners. This includes all students, regardless of economic status, race, disability, or the wealth or location of their school district.

Significant uncertainty regarding support for public schools from the federal government is already weighing on the minds of school leaders. State government stands as the bulwark against privatization and deterioration of the great public school system in the country.

Schools will face many challenges in 2025 and the years ahead. This document is not all inclusive of priorities; we will share once the Governor's budget is presented. We must ensure equitable funding for all schools, and we will oppose any efforts to reduce aid to any school district. These action items will help ensure schools are positioned for success heading into the future.

1. **Zero Emission Bus Overhaul:** The state requirement for all schools to begin purchasing only zero-emission buses in 2027 and to cease using any traditional buses altogether in 2035 was well intentioned, but impractical. As schools have worked with utilities, transportation providers, completed feasibility studies, and much more, it has become clear that the law needs an overhaul.
 - a. **State-Funded Implementation and Feasibility Studies:** Require—*before* a district is to be required to purchase any zero-emission buses—that the New York State Energy Research and Development Authority fund an implementation feasibility study for each school district to identify routes for which the use of such buses is feasible, factoring in geographic disparities, common local weather conditions, and impact of battery degradation.
 - b. **Revise 100% requirement:** Recognize the need for flexibility and authorize exemptions from the universal requirement for zero-emission buses for routes determined to be impractical by the studies called for above. Alternatively, establish a minimum quota of zero-emission buses per district based on feasibility assessments, with state financial support to ensure that the cost of these buses does not exceed that of current buses. With the property tax cap and without state support, districts will be required to forgo spending on other needs to satisfy this mandate.
 - c. **Independent Verification of Range:** Prohibit manufacturers from selling zero-emission buses unless the range of these buses has been independently verified under different weather conditions and terrain. Presently, manufacturers determine range estimates without an impartial third-party source, leading to uncertainties for districts.
 - d. **Price Caps:** Authorize the Office of General Services to establish price caps on base level pricing for different size buses and different battery sizes. The state mandate on zero-emission buses has empowered manufacturers to sell these vehicles at absurd prices since schools have no choice but to purchase them. The state should protect schools against predatory pricing.

- e. Utility Company Challenges:** The Department of Public Service should mandate that utility companies provide the necessary power generating capacity to support school bus lots and garages for the purpose of charging zero emission buses without cost to the school district.
- 2. School Staffing:** Schools are struggling to fill teaching and administrative positions throughout the state. This labor shortage affects all employers and is unlikely to recede in the near-term. These proposals would help alleviate this challenge.

 - a. 211-Waiver Extension:** The legislature should extend the ability of retirees working in schools to earn more than \$35,000 without a reduction in their pensions. If necessary to secure this extension, we would support requiring districts to make employer contributions to the pension systems to continue for working retirees to while protecting pension system integrity.
 - b. Age 63 to work without an earning limitation:** To return more retirees to the workforce to address critical labor shortages, the legislature should lower the age at which retirees may work without an earnings limit from 65 to 63.
- 3. Universal Prekindergarten Program Reform and Child-Care in Schools:** In 1997, New York State launched a major initiative to expand access high quality early childhood education. Since its inception Universal Prekindergarten has provided those opportunities for over two million children. But changes are needed to enable the program to achieve its full promise. Funding must also be provided to sustain existing programs while funding for expansion is offered.

 - a. Transportation:** Schools should receive the same support through Transportation Aid for UPK children as for students in kindergarten and later grades. Some districts are already providing that service wholly at the expense of local taxpayers, but not all can, and none should be required to do so. Where families must provide transportation on their own, some are unable to take advantage of UPK.
 - b. UPK Lottery:** Current law requires that, where demand exceeds available UPK slots, districts must use a lottery to allocate those opportunities. Districts should be allowed to prioritize placements for students who have the greatest needs and whose families have the least capacity to pay for other options. The State Education Department should promulgate criteria for districts to follow.
 - c. Eliminate 10% CBO Set-aside:** UPK grantees are required to utilize at least 10% of their funds to collaborate with community-based organizations. High-quality community-based organizations don't exist in all communities and can inflate the cost of offering services. Schools should not be required to partner with outside entities if they can offer high quality pre-kindergarten programming on their own.
 - d. Child Care in Schools:** The state should establish a grant program to enable schools to offer infant and toddler childcare in school buildings and eliminate duplicative daycare requirements that strangle these efforts. Expanding childcare in school buildings would help attract employers and recruit high quality educators.
- 4. Child Victims Act:** Approximately one-third of schools in the state have at least one child victims act (CVA) claim. The mere fact that there are this many potential claims against public entities is tragic. When not covered by insurance, financial penalties from verdicts and settlements for acts

that occurred up to 30, 40, and 50 years ago can have severe impacts on the education of students and the property tax burdens of homeowners today.

The state should establish a fund or financing mechanism that districts could access to pay settlements and verdicts associated with the CVA. Schools would be required to re-pay those funds to the state over 30 years. Access to this financing option would be limited to those districts with a significant fiscal impact from the CVA.

The state should also provide direct aid to offset costs of CVA settlements and verdicts in districts with significant financial impacts.

5. **Civil Service:** The state civil service system is broken and must be overhauled. These proposed reforms would help school leaders seeking to hire qualified employees to operate our schools in an effective way.
 - a. **Transition Provisional Appointments to Probationary Employees:** After serving for nine months without the opportunity to take a required test, provisional employees should automatically become probationary employees. Now, when a test is eventually offered for the position the provisional employee encumbers, if the employee doesn't achieve a sufficient score, that employee will be terminated based on an exam, not job performance. Quality service to the school after nine months is more than sufficient to earn a probationary appointment regardless of test status.
 - b. **Establish a Comprehensive Evaluation Committee:** Form a committee composed of representatives from the state, municipalities, schools, and collective bargaining unit representatives to conduct a thorough assessment of the entire civil service system. This committee's primary goal should be to identify efficiencies that can reduce costs and expand the pool of potential employees. By involving stakeholders from various levels of government and education, we can ensure a well-rounded and inclusive evaluation process.
6. **Enhance Student Safety:** New York has so far been spared the horror of a mass school shooting, in part due to rapid action of communities and schools. But parents regularly share concerns with school leaders about the safety of their children. This list does not include all possible steps that should be taken but offers some concrete ideas that can make an appreciable difference towards sparing children, families, and educators from tragedy.
 - a. **Allocate Dedicated Funding for School Safety:** The state should make an allocation of new funds exclusively for school safety purposes, with broad allowable uses. These funds should support capital projects aimed at securing school buildings, hiring security personnel and mental health professionals, and providing comprehensive safety training for school staff.
 - b. **Implement Multi-Year Waivers for Schools to Employ Retired Law Enforcement Professionals:** Schools should have the flexibility to hire retired public employees as school resource officers and retain them over multiple years. These experienced individuals often establish strong and trusting relationships with students, contributing significantly to school safety. Multi-year waivers can ensure the continued presence of these essential staff members within our schools.

- 7. Support Career and Technical Education:** Our State Constitution promises “a system of free common schools, wherein all the children of this state may be educated.” Career and Technical Education (CTE) programs deliver on that promise. Historically, students attending CTE programs at Boards of Cooperative Education Services have graduated at rates above those for all students. A high number of CTE graduates directly enters the workforce and high a share go on to college. But state funding for CTE programs has not kept pace with needs or costs. The existing funding mechanisms must be altered to ensure the long-term viability and success of these programs.
- a. Increase the amount of CTE instructional salary that is aidable in the current formula from \$30,000 to \$60,000 over the next three years and adopt a commensurate increase in Special Services Aid for districts not part of BOCES.
 - b. Phase in a new tier of BOCES and special services aid that reflects the current and future cost of these programs.
- 8. Increase Capital Outlay Authority:** Increase the capital outlay limit to a minimum of \$250,000 adjusted by the Building Aid Regional Cost Factor up to a maximum of \$500,000. School districts are currently authorized to spend \$100,000 on capital projects and receive Building Aid on this spending the following year. This provides them with faster reimbursement than under regular Building Aid for costs they will incur at some point and thereby reduces the risk that delays will cause small projects will grow into big problems. The effectiveness of the \$100,000 program has been greatly diminished via inflation, and it is appropriate for the limit to be raised at this time.
- 9. Telehealth Expansion:** Now, school districts without access to an on-site school-based health center are prohibited from offering telehealth services. Meanwhile, schools with centers may do so. But due to sparsity and remoteness, some districts will never be able to operate a school-based health center. These districts should be authorized to work with telehealth providers to provide healthcare equity to all students.
- 10. Special Education:** Special education services are a major cost driver across the state. In our summer 2024 survey, 90% of superintendents identified increasing special education costs as one of the factors causing concern about the financial outlook for their schools; second only to the possibility of inadequate state aid (with 93%). The state must act to mitigate costs that often have little or no benefit for special needs students.
- a. **Statute of Limitations to Bring Due Process Challenge:** The state should reduce the statute of limitation from two years to one year consistent with federal law.
 - b. **Parental Selection of Independent Evaluator:** Consistent with federal law, schools should be charged with selecting the independent evaluator, not the parent.
 - c. **Free and Appropriate Public Education Through Age 22:** Provide state support for special education services for students through age 22, a requirement for schools recently mandated by a federal court decision.