

Ten Legislative Actions for School Success

January 2026



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.

The past year has brought significant uncertainty for school leaders. Rapid shifts in federal policy, conflicting directives, and concerns about the stability of essential funding streams have made long-term planning increasingly difficult for districts across the state. In addition, the newly enacted federal voucher law, which directs public funds toward private educational options, has raised important questions and concerns about the potential long-term impact on public school resources and educational equity.

Public school superintendents need the support of the Legislature and the Governor. By providing clear, stable policy and ensuring reliable and equitable funding, New York can help safeguard students from the effects of federal volatility. The state has an opportunity to reaffirm its commitment to strong public schools and to maintain New York's position as a national leader in ensuring high-quality educational opportunities for all children.

1. Federal Voucher Law: The reconciliation law of 2025 established a federal school voucher tax credit. Individual taxpayers, commencing in 2027, will be entitled to a federal 100% tax credit on donations of up to \$1,700 to scholarship organizations. These organizations would provide scholarships to students with family incomes exceeding \$500K in certain cases. The majority of these scholarships would be provided to students attending private and religious institutions.

Past voucher initiatives have predominantly benefited students who already attend private schools and that will be especially true with this program where approximately 90% of families are eligible, including families earning half a million dollars in certain parts of the state. These federal vouchers will weaken our public school system, provide less accountability, and jeopardize the viability of schools serving some of our poorest communities—schools which already need the most help.

The Governor and the Legislature must reach consensus not to participate in the voucher law.

2. School Staffing: Schools are struggling to fill teaching and administrative positions throughout the state. The extension of the law authorizing retirees to work in public schools regardless of age without a pension diminution until June 30, 2027 is invaluable. Additional permanent changes in this arena will provide longer lasting impacts.

a. 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. The current system encourages educators to retire at first eligibility and then leave the state to continue their profession elsewhere. This will not only help schools retain and recruit qualified educators, it will also keep taxpayers in New York.

b. Pension buyback: Tier VI's delay of pension eligibility without a penalty until age 63 makes recruiting teachers from out-of-state very challenging. All bordering states authorize teachers to purchase credit based on prior out-of-state teaching service. New York should allow employees to purchase for up to 10 years of time based on out-of-state teaching experience. Employers should also be authorized to pay the cost needed to purchase such time.

c. Teacher Certification Flexibility: The State Education Department should actively continue to explore certification flexibility as it relates to grade span requirements for special education; flexibility for certified teachers to earn varying content area certificates in similar fields; and expanded opportunities to ease the certification pathway for out-of-state applicants.

3. Zero Emission Bus Overhaul: Legislative action over the last couple of years has recognized the need for substantial changes to this law. These changes have been helpful, especially around the waivers and independent verification of range. More must still be done to address underlying flaws, especially now that federal support has evaporated.

a. 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 net 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.

b. 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.

c. Utility Authorization: Exempt all school districts under the jurisdiction of a given utility from complying with the law unless the utility company affirms that they have the capacity and expertise to support a 100% zero emission fleet.

4. 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: School districts 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 do not 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 employees and recruit high quality educators. This could be done by the school or in partnership with a community based organization.

5. **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. But 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.

A recently enacted law allows schools to bond for these payments over 30 years. We are very appreciative of this effort. To further relieve the financial burdens relating to CVA claims, the state should authorize districts whose insurer of record dissolved, to make a claim to the insurance liquidation bureau for recovery of funds.

6. **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 does not 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. **NYS HELPS Program:** Ensure that the Governor continues the HELPS program. This program has been very beneficial in counties that have expanded its use to school job titles. The antiquated system of administering civil service job titles should have been overhauled 50 years ago. At a minimum, this temporary program gives a lifeline to school and municipal employers.

7. **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.
- d. “Parent Advocate” Reform:** Prohibit law firms from employing or collaborating with professional parent advocates, including such advocates serving as members of the committees on special education. Special education law firms are colluding with individuals holding themselves out as professional advocates for children to bring unnecessary and expensive litigation against schools without truly having the best interest of students. The state has an obligation to certify that these individuals truly have the students’ best interests at heart, not just making money off vulnerable families.
- e. Special Education Study:** New York has the highest overall per pupil spending of any state and a very high share of that total spending is devoted to special education services. Yet the results which we are able to produce for our students with disabilities are disappointing. The state should commission and fund a respected independent entity to conduct a study of how New York’s special education policies and practices compare with those of other states.

8. Charter School Financial Support: The state has taken an increasing role in directly subsidizing charter schools. In 2015, the State adopted the charter school supplemental tuition formula and facilities aid for charter in New York City thereby substantially increasing the amount of direct State support for the charter school industry. Between those two funding streams, over \$235 million is diverted from public schools to support charters. The State should (1) repeal supplemental tuition; (2) cap facilities aid at the 24-25 School Year level; (3) cap charter school enrollment at no greater than 15% of a district enrollment; (4) eliminate the State University of New York as an authorizing entity; and (5) require local impacted school districts to approve the charter school.

9. Fair Treatment of PILOTs in the Property Tax Cap: Under the property tax cap, the value of brick and mortar additions to the tax base are included in the cap’s tax base growth factor, allowing school districts and municipalities to realize additional revenue to support the services that new homes and business locations may require. But construction generating payments in lieu of taxes is not factored into the tax base growth factor. Ending this disparity would enhance the viability of PILOTs as a tool to promote economic development or new home construction.

The law should also be amended to eliminate negative tax caps. Now a district facing a negative tax cap must obtain 60% voter support for a budget with no tax levy increase, but if that vote fails, the district may then adopt a flat tax levy by vote of its school board. This is a nonsensical result.

10. Telehealth Expansion: 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.

This document is not all inclusive of Council priorities for 2026. We will share recommendations on funding once the Governor’s budget is presented.