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MEMORANDUM

TO: Long Island Delegation to the NYS Assembly
Long Island Delegation to the NYS Senate

FROM: Julie Davis Lutz, Ph.D., Chairperson
Suffolk County School Superintendents Association's Legislative Committee

DATE: January 27, 2021

RE: Legislative Priorities for the 2020-2021 School Year

We thank you for the long history of collaboration, open dialogue, and support that you have provided to Long Island school districts. In this year of unprecedented challenges for all, the Suffolk County School Superintendents Association's (SCSSA) advocacy efforts focus on flexibility rather than finances. Not only do we serve the same communities as you do as elected officials, but as leaders, we understand the difficulty and complexity of making budgetary decisions during fiscally challenging times.

Attached, for your information, are the SCSSA Legislative Priorities for the 2020-2021 school year. Also included is a single sheet Executive Summary document for easier reference. As Long Island school districts leaders, we have learned to pivot and assess, innovate and assess, and plan and assess repeatedly since March 2020. In the midst of those shifts, we continue to be committed to provide a safe, sustainable, high-quality, and equitable education. The pandemic has illuminated equity issues in many areas in our society, with education being one of them. We continue to strive to address those gaps. As elected officials in those same communities, we know you understand those challenges, and are working to meet them.

We look forward to continued conversations between now and the end of the legislative session, as we work together to do what is best for students across Long Island.

JDL/df
Attachments
c: SCSSA Members



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Predictable
and
Sustainable
School
Funding

COVID-19
Flexibility

Equitable
Access

School
Safety

2020-2021 LEGISLATIVE PRIORITIES

*Unprecedented Times Require An
Unprecedented Response*

Introduction

The year 2020 was an unprecedented year for communities, schools, the economy, and households across New York State due to the COVID-19 pandemic. Like no other time in history, the interrelationship between schools, the economy, and families became glaringly apparent. Also apparent were the inequities in our societal systems, including our schools. Many of the issues that schools were facing this past year continue. The COVID-19 pandemic has impacted almost every aspect of education, adding a new complex layer to the work and expense.

After shifting to remote learning in the spring of 2020, with little to no preparation to do so, school districts spent the remaining months of the 2019-2020 school year developing systems to provide remote learning effectively. Building on that learning, school leaders and teams spent the summer developing carefully crafted reopening plans for September. The necessary complexity inherent in developing plans consistent with the guidelines was made more challenging by the inequities in school district and community resources. Some of those inequities were inherent in the 2020-2021 budget; others came about and have been exacerbated by the pandemic.

Fiscal Challenges in the 2020-2021 Budget

Based on the enacted budget, state aid to public schools in New York State increased by \$95.6 million (0.4%) from 2019-2020 for a total of \$27.4 billion. The increase to total state aid is inclusive of funding of expense-based aids, while the Foundation Aid remained flat from the 2019-2020 level at \$18.4 billion.

In the 2020 budget, state support of traditional school aid showed a reduction of \$1.13 billion through a “Pandemic Adjustment,” which was then offset by the same amount with the Federal Cares Restoration, part of the Federal Emergency Relief Funds for COVID-19. Federal funds to fill that gap came with requirements that the money be shared with nonpublic schools, leaving gaps in anticipated school aid.

Long Island public school districts educate 16% of the state’s students, yet receive only 12% of the state aid. This is a difference of \$1 billion for Long Island school districts. Long Island’s state aid per pupil is 27.1% less than the rest of the state (\$6,466 vs. \$8,868). Shifting demographics and increased poverty have challenged school districts on Long Island, long thought of as the low-need part of the state in recent years.

Total state aid to Long Island public school districts increased by \$21.6 million (0.7%) for a total of \$3.3 billion. Foundation Aid remained flat at \$2.1 billion. With the Foundation Aid remaining flat, 11 (9.1%) of Long Island’s public school districts received less in state aid (without Building Aid) than was received in 2008-2009.

The state was more than \$3.6 billion below the full funding of the legislated Foundation Aid formula for 2020-2021. If fully funded, Long Island school districts would be receiving an additional \$897 million in 2020-2021, with 85.5% of that aid intended for low-wealth public school districts.

The enacted 2020 budget also allowed for the possible adjustment of aid to schools if New York State revenues fell below projection or if New York State expenses exceeded projection. Both of those scenarios have occurred secondary to COVID-19 expenses and its impact on most areas of the economy. New York State is projecting a \$14.5 billion general fund revenue decline over what was previously forecast. This is just the beginning of what is an anticipated four-year, \$62 billion reduction.

The state has indicated that a 20% cut in school aid may be forthcoming. This size of a reduction is more than double any other cut in state history. A reduction of state aid by 20% would bring the state's share of school funding to a historic low.

On average, state aid makes up 38.2% of the budgeted spending for Long Island's low-wealth school districts, while the average for all Long Island school districts is 25.2%.

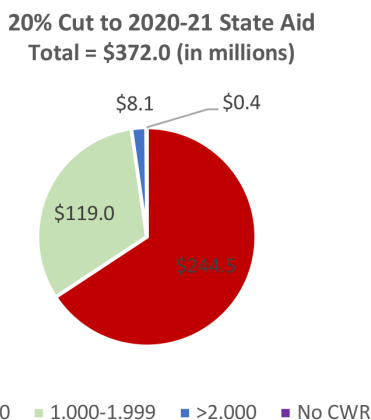
Total Receipts from State = State Aid Receipts + STAR Subsidy Receipts

	State Aid Receipts	STAR Subsidy Receipts	Total Receipts from State	Federal Aid Receipts	Property Tax Levy & Other Revenue	Total Revenue
Long Island	\$3,320,950,854	\$763,335,607	\$4,084,286,461	\$213,191,854	\$8,627,015,879	\$12,924,494,194
<i>% of Total Revenue</i>	25.7%	5.9%	31.6%	1.6%	66.7%	
New York City	\$11,113,896,286	\$181,323,445	\$11,295,219,731	\$1,433,832,310	\$20,371,747,670	\$33,100,799,711
<i>% of Total Revenue</i>	33.6%	0.5%	34.1%	4.3%	61.5%	
New York State (including NYC and LI)	\$27,109,191,480	\$2,420,684,374	\$29,529,875,854	\$2,667,988,828	\$42,680,528,082	\$74,878,392,764
<i>% of Total Revenue</i>	36.2%	3.2%	39.4%	3.6%	57.0%	
Rest of State (excluding NYC and LI)	\$12,674,344,340	\$1,476,025,322	\$14,150,369,662	\$1,020,964,664	\$13,681,764,533	\$28,853,098,859
<i>% of Total Revenue</i>	43.9%	5.1%	49.0%	3.5%	47.4%	
New York State (excluding NYC, but including LI)	\$15,995,295,194	\$2,239,360,929	\$18,234,656,123	\$1,234,156,518	\$22,308,780,412	\$41,777,593,053
<i>% of Total Revenue</i>	38.3%	5.4%	43.6%	3.0%	53.4%	

Total Revenue = Total Receipts from State + Federal Aid Receipts + Property Tax Levy and Other Revenue

Long Island schools continue to provide an outstanding education on the backs of the taxpayers who support them. On Long Island, approximately 67% of school district revenue comes from local property tax levy and other revenue compared to 47% in the rest of the state. On the flip side, Long Island schools receive less than 32% of their revenue from the state (including STAR subsidies) compared to 49% of revenue to other school districts coming from state sources.

To gather information about the impact of a 20% cut to Long Island districts, we surveyed districts to estimate how they would adjust for a 20% cut in school aid and what impact it would have on their programming. For the school districts that responded to the survey, a 20% cut in state aid would total over \$372 million. Of that amount, 65.7% (\$244.5 million) would come from low-wealth school districts, 32.0% (\$119 million) from mid-wealth school districts, and just 2.2% (\$8.1 million) from high-wealth school districts, as illustrated in the following chart:



Fiscal Impact of COVID-19 on Long Island School Districts

New York State schools have incurred additional costs related to the ongoing COVID-19 pandemic. A fall 2020 survey of Long Island school districts indicated that the costs related to COVID-19 expenses for the districts surveyed are well in excess of \$105 million. Of that amount, 40% was spent by the low-wealth school districts, which are generally least able to afford such costs.

Those expenses include the cost for additional staffing, modifications to buildings, technology needs, the purchase of personal protective equipment, cleaning supplies and unprecedented high rates for unemployment, among other expenses. Survey respondents reported the addition of 5,103 positions related to COVID-19. There are a disproportionate number of positions needed based on school wealth, with over 58% of those positions hired by our highest-need school districts, which are also our largest school districts.

School Safety

Prior to COVID-19, Long Island school districts worked to develop a comprehensive approach to addressing school safety initiatives. Collaborative relationships were established and coordinated efforts developed across towns, villages and county law enforcement to keep students safe. With the addition of issues related to COVID-19, the collaboration with those entities continued while Long Island school districts also partnered with leaders in the health care industry and local departments of health. COVID-19 brought a new realm of learning and understanding for school districts.

- **Legislative actions essential to supporting school safety:**
 - o Establish an expense-driven categorical aid with the designation of School Security/Safety Aid to partially reimburse school districts for expenditures related to school security in a wealth-sensitive manner.
 - o Remove the earnings limit for retired law enforcement officers working as school security staff.
 - o Amend Election Law Section 4-104(3) to add public school buildings to the list of public places that can file a written request to be removed from the list of polling places.
 - o Require quarterly meetings of the Smart Schools review board to expedite dissemination of funds for the purposes of upgrades to safety-related items.

Equitable Access

While the economy in New York State and across Long Island is reeling from the economic impact of COVID-19, it has become clear that open and functioning schools are critical to the overall health of the economy, as well as to the health and well-being of students. It is also critical that all students get what they need and that their access to educational services is not driven by what zip code they live in. Several critical areas are outlined below.

- **Technology:**
 - o Develop state and federal support for access to technology and broadband capacity. This pandemic has proven basic access to technology and the internet impacts students across this state inequitably. Solutions to this problem are an equity issue.
- **Social-Emotional Health Services:**
 - o Support for mental health services has never been more important. Mental health issues and substance use and abuse have increased dramatically during this pandemic. The approximate overall budget amount allocated to meeting students' mental health needs in Long Island school districts in 2020-2021 was approximately \$64.5 million. Access to care is an equity issue.

COVID-19 Flexibility

At a time when all aspects of the economy are struggling, the focus of the SCSSA this year is on requesting flexibility rather than finances.

It is imperative that schools — the hub of Long Island's communities and economy — receive flexibility in implementing unfunded mandates. The SCSSA offers the following suggestions:

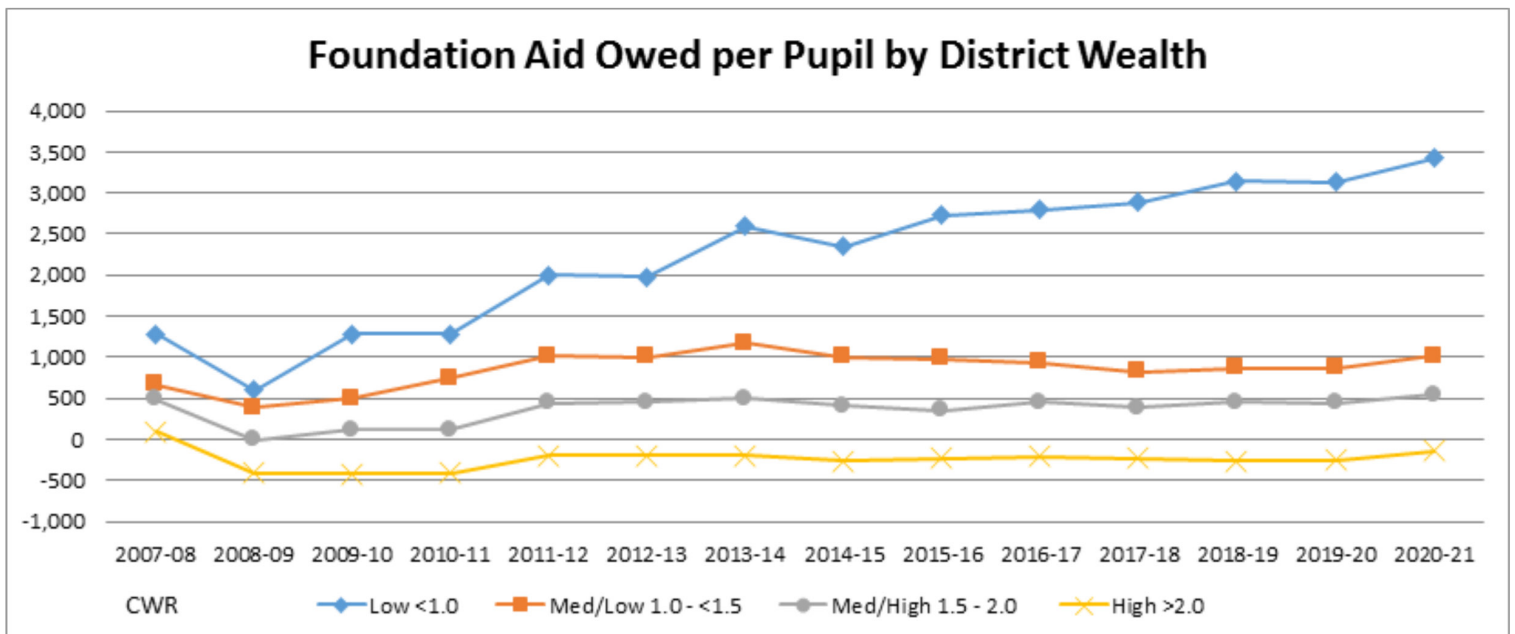
- Increase Fund Balance and Reserve Fund Flexibility – During the expected economic volatility, this would provide school districts with the ability to save and borrow from their reserves. Borrowing from reserves should not be tied to repayment with interest.
- APPR Adjustments – Although high-quality education is critical, there are critical hurdles influencing the ability to conduct a formal observation and evaluation process of teachers during this remote, hybrid, in-person shifting schedule. The SCSSA recommends suspending the APPR process through the pandemic.
- Amend the "Wicks Law" to increase the project cost threshold, and to allow school districts to enter into Project Labor Agreements for school construction work. Wicks Law requirements unnecessarily cost school districts 20% to 30% more on construction projects. These are costs passed on to taxpayers at a time when they can least afford it.
- Authorize Transportation Aid to be applied when buses are used to provide students with access to school services.
- Special Education – Address the underlying drivers that are pushing up the cost of special education services.
- English Language Learners – Modify requirements under Part 154, including increasing the grade span requirements for teaching of English Language Learners to be consistent with those of special education.
- Establish an Education Mandate Relief Redesign Team to review ways to reduce the costs of unfunded mandates to school districts.

Predictable and Sustainable School Funding

Revised/Revamped Foundation Formula

Foundation Aid, enacted in 2007, was a significant public policy accomplishment, as it instituted a predictable, needs-based formula to drive state aid to schools. The Foundation Aid formula provides unrestricted operating aid and comprises over 70% of total school aid. When Foundation Aid is reduced, the poorest districts are typically most severely affected, with an approximate \$3,500-per-pupil gap comparing what low-wealth school districts receive versus what they are owed. This multi-year formula was subsequently neglected for several years, frozen for three, and minimally increased in subsequent years. Instead of flowing the way the formula was designed, year after year school districts must wait for the allocation of state aid to schools prior to being able to finalize their budgets for the following school year.

With the institution of the tax levy limit placing constraints on school districts to raise local money, a multi-year formula school aid would greatly assist school districts with long-term planning and budgeting. The year-after-year adjustments to the formula have only served to make it less and less effective. It is time to institute a statewide task force to do the hard work to revamp the formula in a way that makes sense for the changing school district profiles and diverse demographics on Long Island.



Note: No CWR is reported by NYSED for Little Flower, New Suffolk, Sagaponack, and Wainscott school districts

Sources 2021 CWR 3/31/20 Legislative State Aid Runs

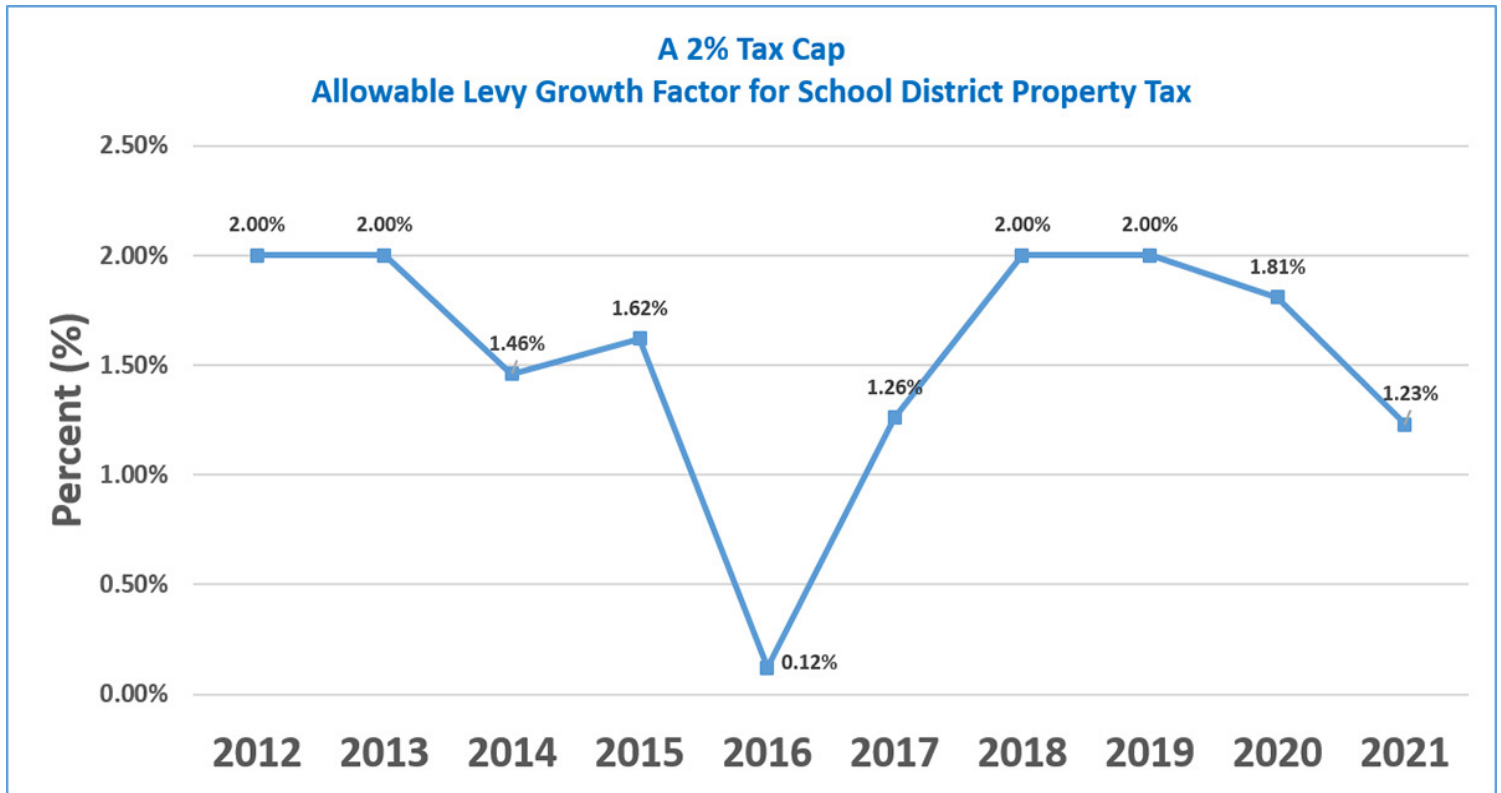
Enrollment – 2020-21 Property Tax Report Card, NYSED OMS

Full Foundation Aid –2007-08 to 2020-21 – Questar III Foundation Aid History

Modifications to the Tax Levy Cap

There is little argument that the now-permanent tax levy cap has curbed the rise of taxes across the state. It is now time to make the necessary adjustments to the law to address the unintended consequences. In light of this, the SCSSA advocates for the following prudent modifications:

- Establish a fixed 2% tax levy cap, rather than the lesser of 2% or the change in CPI.
- Modify the tax levy limit calculation to exclude expenses related to school safety, security and COVID-19.
- Exempt the cost of community-approved school safety initiatives.
- Eliminate the possibility of negative tax levy caps.
- Include properties covered by PILOTs in the tax base.
- Exempt the cost of new government mandates.
- Exempt the ever-burgeoning costs of health insurance.



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2020-2021 LEGISLATIVE PRIORITIES

Unprecedented Times Require An Unprecedented Response

School Safety

Equitable Access

COVID-19 Flexibility

Predictable and Sustainable School Funding

EXECUTIVE SUMMARY

FISCAL CHALLENGES IN THE 2020-2021 BUDGET

- Foundation Aid remained flat from the 2019-2020 level.
- Pandemic Adjustment to Aid was allocated across public and nonpublic schools.
- Foundation Aid is \$3.6 billion below expected funding with 85.5% of that funding intended for low-wealth school districts.
- Long Island school districts receive just under 67% of their revenue from property taxes and other revenue compared to 47% in the rest of the state.
- Long Island school districts receive 31.6% of their school revenue from the state whereas the rest of the state receives 49%.
- Long Island educates 16% of the state's students, but received only 12% of the state aid.

FISCAL IMPACT OF COVID-19 ON LONG ISLAND SCHOOL DISTRICTS

- School districts on Long Island spent in excess of \$105 million on COVID-19 related expenses.
- Long Island school districts added an additional 5,103 positions related to COVID-19.
- Over 58% of those positions were added in our highest-need school districts.
- Over 40% of those costs were incurred in our low-wealth school districts, which are generally least able to afford it.

SCHOOL SAFETY

Legislative actions essential to supporting school safety:

- Create an expense-driven categorical aid to partially reimburse school districts for expenditures related to school security in a wealth-sensitive manner.
- Remove the earnings limit for retired law enforcement officers working as school security staff.
- Add public school buildings to the list of public places that can be removed from the list of polling places.
- Require quarterly meetings of the Smart Schools review board to expedite dissemination of funds for safety-related items.

EQUITABLE ACCESS

Technology

- Support for access to technology and broadband capacity. This pandemic has proven basic access to technology and the internet impacts students across this state inequitably.

Social-Emotional Health Services

- Mental health issues and substance use and abuse have increased dramatically during this pandemic. Access to care is an equity issue. The approximate overall budget amount allocated to meet student mental health needs for Long Island school districts in 2020-2021 was approximately \$64.5 million.



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COVID-19 FLEXIBILITY

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- Increasing Flexibility Related to Fund Balance and Reserve Funds – This would provide school districts the ability to save and borrow from their reserves. Borrowing from reserves should not be tied to repayment with interest.
- APPR adjustments – We recommend suspending the APPR process through the pandemic.
- Amend the “Wicks Law” to increase the project cost threshold and to allow school districts to enter into Project Labor Agreements for school construction work. Wicks Law requirements unnecessarily cost school districts 20% to 30% more on construction projects.
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- Special Education – Address the underlying drivers that are pushing the cost of special education services up.
- English Language Learners – Modify requirements under Part 154, including English language learners, to be consistent with those of special education.
- Establish an “Education Mandate Relief Redesign Team” to review ways to reduce the costs of unfunded mandates to school districts.

PREDICTABLE AND SUSTAINABLE SCHOOL FUNDING

Revised/Revamped Foundation Formula

- The Foundation Aid formula provides unrestricted operating aid and comprises over 70% of total school aid. When Foundation Aid is reduced, the poorest districts are typically most severely affected with close to a \$3,500 per pupil gap that low-wealth districts receive versus what they are owed.
- Instead of flowing the way the formula was designed, school districts must wait for the allocation of state aid to schools prior to being able to finalize their budgets for the following school year.
- With the institution of the tax levy limit placing constraints on school districts to raise local money, a multiyear formula school aid would greatly assist school districts with long-term planning and budgeting.

Modifications to the Tax Levy Cap

- Now is the time to make the necessary adjustments to the law to address the unintended consequences. We advocate for the following prudent modifications:
- Establish a fixed 2% tax levy cap.
 - Modify the tax levy limit calculation to exclude expenses related to school safety, security and COVID-19.
 - Exempt the cost of new government mandates and the burgeoning cost of health insurance.
 - Eliminate the possibility of negative tax levy caps.
 - Include properties covered by PILOTs in the tax base.