
Ten Legislative Actions for School Success



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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 of their school district.

We commend the Legislature and the Governor for their significant achievement in fully funding the Foundation Aid formula. Looking ahead, there are now opportunities to address issues within the formula and expense-based driven aids. We eagerly anticipate partnering on these shared goals.

Enacting the following list of ten Council priorities would greatly contribute to schools in providing higher quality academic programs for their students, fostering safe and secure learning environments, and empowering school leaders to effectively operate their schools.

- 1. Modify the Annual Professional Performance Review Law (APPR):** The teacher and principal evaluation procedures imposed on schools for the last decade-plus by Education Law sections 3012-c and 3012-d have been nothing short of a boondoggle. The intentions behind these laws were admirable, but they have led to a costly misuse of time and money. A clumsy linkage to high stakes employment decisions has harmed teacher recruitment and retention while undermining the value of the evaluations in promoting professional growth.

School leaders and educators want a new system that is less dictated by the state and more locally determined. A new law should require district plans to specify evaluation criteria aligned with state teaching and leadership standards and a minimum number of observations to be conducted which might vary based on tenure status or past evaluations. Stakeholders and policymakers must agree on a new evaluation system this legislative session so we can move forward from the current failed system that provides minimal educational value.

- 2. Zero Emission Bus Overhaul:** The requirement for all schools to begin purchasing only zero-emission buses in 2027 with a prohibition against using any traditional buses in 2035 was well intentioned, but significantly flawed. As schools have worked with utilities, transportation providers, completed feasibility studies, and much more, the law needs a complete overhaul.
 - a. Allow for Reasonable Exemptions:** Recognize the need for flexibility and authorize exemptions from the universal requirement for zero-emission buses. Acknowledge that the suitability of zero-emission buses may vary due to geographical disparities, diverse weather conditions, and unique travel demands. 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.
 - b. 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.

- c. Mandatory State Funded Implementation Studies:** Make it mandatory for the New York State Energy Research and Development Authority to fund an implementation feasibility study for every school district *before* a district is to be required to purchase any zero-emission buses. Districts would then be required to purchase a certain percentage of zero-emission buses for routes determined to be feasible, factoring in geographic, weather conditions, and battery degradation.
 - d. Align Amortization Periods with Useful Life:** Adjust the amortization period from the current 12 years to 7 years, which is more in line with the typical useful life of buses. The current law stipulates a 5-year amortization period for traditional buses, and this adjustment will provide consistency and fairness in the transition to zero-emission buses.
- 3. Fix Civil Service:** The state civil service system is broken and must be overhauled. These proposed reforms would help school leaders seeking to simply 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. Currently, schools are compelled to terminate competent and dedicated provisional employees solely because they did not achieve a high-test score, even after months of faithful service. This practice is unfair to both employees and students.
 - b. Expand the Pool of Eligible Candidates:** Instead of limiting schools to consider only the top 3 exam scores, allow them to canvass from the top 5 highest scores. Exams should not serve as insurmountable barriers to employment, especially when they may not fully represent a candidate's capabilities. By widening the pool of eligible candidates, schools can better identify the most suitable employees, regardless of their test scores.
 - c. Establish a Comprehensive Evaluation Committee:** Form a committee composed of representatives from the state, municipalities, and schools 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.
- 4. Enhance Student Safety:** Tragedies continue to strike our schools and while New York has not seen firsthand the horror of a mass school shooting, shootings have been averted due to rapid action of communities and schools. Parents are regularly sharing concerns with school leaders about the safety of their children. While this list does not include all possible steps that should be taken, there are some concrete ideas that may make an appreciable difference towards preventing a tragic event in our schools.
- a. Foster Collaborative Initiatives with Local Law Enforcement:** Encourage closer collaboration between school districts and local law enforcement agencies to implement "handle with care" programs or similar approaches. These programs establish a cooperative

relationship where law enforcement informs schools about students or families who have experienced traumatic events outside of school hours. This information empowers schools to provide immediate support for affected students and to remain vigilant for potential safety threats to the community. By extending extra care and assistance to these students, we can potentially prevent future tragedies.

- b. Allocate Dedicated Funding for School Safety:** The state should make an allocation of 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.
- c. Exempt Certain Safety Expenses from Tax Cap Calculations:** To instill confidence in parents and guardians that their children will return home safely, it's imperative to address their concerns of prevalent weapons and all-too-common school shootings in today's environment. One way to achieve this is by excluding expenses related to school safety personnel and infrastructure from tax cap calculations. This will alleviate parent concerns and reinforce our commitment to safeguarding against potential threats.
- d. Implement Multi-Year Waivers for Hiring Retired Public Employees:** 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.

5. 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. In 2019-20, 90% of students attending CTE programs at Boards of Cooperative Education Services graduated—above the statewide rate for all students that year. A high number directly entered the workforce, yet more than half of CTE program graduates went on to college.

However, 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.
- b.** Phase in a new tier of BOCES and special services aid that reflects the current and future cost of these programs.

6. Expand Reserve Fund Flexibility: Sound fiscal management is critical to the success of any enterprise, public or private. Municipalities now have no specified percentage limit on allowable unrestricted fund balance, but school districts are subject to a 4% limit while operating greater financial disclosure requirements and annual budget votes. Greater flexibility will help spare students and taxpayers from disruptive budget actions that might otherwise become necessary if there is an economic downturn and as COVID-era federal aid expires.

7. 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 reduces the chance that delaying small projects will grow into big problems. The effectiveness of the \$100,000 program has been greatly diminished via inflation.

8. Extend Retiree Earning Limit Exemptions: The State appropriately suspended, via executive orders and subsequent legislation, the limitation on earnings of more than \$35,000 for retirees receiving a state pension that are employed by schools. Schools have faced ongoing labor shortages and these show no signs of easing. All types of districts are maintaining critical educational roles, administrative positions, and support staff functions by utilizing retirees.

The state should extend this statute for a minimum of two years through the 2025-26 school year to give certainty to schools and potential retired employees. Changes in certification requirements and Annual Professional Performance Reviews could improve hiring prospects, but in the meantime, this critical employment safety net cannot expire.

We will also be recommending changes to Tier 6 pension provisions in a manner that would improve retention and recruitment.

9. Modify the Tax Cap: 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. A negative levy limit is a nonsensical result that policymakers never intended. Although inflation is over 2% again, districts are still capped at 2%, plus or minus exclusions and exemptions. When payments in lieu of taxes (PILOTs) increase or capital expenditures fall, districts may be faced with a negative tax cap, a result that should not only be implausible, but impossible.

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 and municipalities may receive revenue to fund demands for services that these developments create.

c. Establish an Exclusion for School Safety Expenditures. Again, we recommend excluding certain school security expenses from the cap to ensure safe learning environments.

10. August Instructional Days: In recent years the Legislature has mandated schools statewide be closed on Juneteenth and on Asian Lunar New Year, and for Diwali in New York City. We understand the Legislature's desire to recognize the diverse nature of our state, but there are practical consequences. If new holidays continue to be mandated, many districts will be hard-pressed to satisfy the 180-day requirement within the period now allowed by law (between September 1 and the end of June). Some will need to make difficult decisions such as cancelling February break and/or making more snow days remote days. Allowing instructional days during the last two weeks in August to count toward the 180-day requirement would give schools another option to satisfy that mandate.