NYSSBA 2014 Legislative Platform

I. School Board Governance and Authority
   1. NYSSBA opposes legislation that would enable parents to convert a failing public school into a charter school by way of a “parent trigger” law. (2012)
   2. NYSSBA opposes state and/or federal legislation that would provide tuition tax credits or educational vouchers for private or parochial schools. (2011)
   3. The requirement for holding a special election to fill a vacancy on a BOCES board should be eliminated (Educ. Law §1950 (2-a) (f)). (2013)
   4. Public school districts should have the same access to tuition-paying international (F-1 visa) students as private schools have, and to enable these students to remain in the district for their entire secondary school experience. (2013)
   5. NYSSBA will seek legislative support for eliminating the initial public straw vote in the process for the prospective merger or consolidation of school districts. (2013)

II. State Aid
   1. New York State should cease to use the state aid spending cap (based on personal income) for education. (2012)
   2. Funding for competitive performance grants should not come from state education aid. (2012)
   3. State aid should be provided for transportation of students in child safety zones for all school districts and when hazards of any type have been demonstrated to jeopardize student safety in walking to school. (2012)
4. School tax stabilization should be linked to gas exploration ("fracking") that occurs in New York State. (2012)

5. The state Legislature and the governor should reform the state education funding system in a manner that provides for:
   - **Adequacy** – to provide sufficient resources to assure the opportunity for a sound basic education for all students.
   - **Equity** – to distribute a foundation level of state aid for every student that is based on the actual cost of providing a sound basic education that fairly compensates for differences in community costs, needs and resources. The Legislature should preclude municipalities from using state aid to replace local education resources.
   - **Flexibility** – to increase the percentage of operating aid so that boards of education retain the discretion to determine what educational programs best address local needs. Local communities should not be restrained from determining the level of funding they will expend to support educational programs.
   - **Predictability** – to provide timely passage of the state budget and stable funding distributed through a consistent, uniformly applied formula that would not require annual manipulation by the Legislature and that would facilitate long-term planning by school districts.
   - **Clarity** – to establish a funding formula that is easily explained and understood. (2011)

6. NYSSBA supports the use of video conferencing, online learning and other digital technologies to achieve greater efficiency in school district organization. These efforts should include, but not be limited to: a) the use of SED reorganization feasibility study grants for use by school districts wishing to compare “cyber-consolidation” to physical consolidation; and b) the use of reorganization aid to help offset the costs of the technology infra-structure necessary for districts to consolidate educational services in this manner. (2011)

7. NYSSBA supports legislation providing additional state aid inclusive of special grants for all school districts to increase the length of either their school day or school year or restructure of their school instructional year to create year-round instruction. (2013)


9. NYSSBA supports legislation to hold school districts financially harmless whenever they experience the unanticipated, significant loss of revenue due to tax certiorari cases or the unexpected loss of a significant portion of the value of their taxable property. (2013)

**III. MANDATE RELIEF**

1. There should be no new unfunded and under-funded state mandates on local school districts. (2013)

2. School districts should be exempted from the Wicks Law (Gen. Mun. Law §101). (2009)

**IV. REAL PROPERTY TAXES**

1. NYSSBA opposes any effort, attempt, or action by New York State or any other agencies or authorities to fund state interests by shifting the cost to school districts, and seek repeal of the Metropolitan Transit Authority (MTA) payroll tax. (2009)

2. NYSSBA supports legislation which would permit school tax collection schedules(s) to be adjusted to minimize the need for school district borrowing so as to permit tax collections to coincide with encumbrances that are incurred by those school districts. (2011)
V. PENSION REFORM

1. NYSSBA will seek legislation to reform the current state retirement systems based on the following Principles of 21st Century Retirement Benefits:

   a. **Portability.** Given the current mobility of the workforce, employees must have ownership of their retirement plans and the ability to elect a retirement option that allows benefits to accrue across multiple employment opportunities both within and outside of the state retirement system.

   b. **Predictability.** Employees and employers should have the ability to predict the cost of retirement benefits, resulting in a greater ability to make appropriate planning decisions.

   c. **Affordability.** As stewards of public funds and public education, school districts must balance the need to sustain viable retirement benefits with the ability of a community to provide continued support of the educational program.

   d. **Flexibility.** The needs of the current generation of employees demand greater employee choice in the selection of an appropriate retirement plan.

   e. **Acceptable Risk.** Both the current (defined benefit) retirement system and defined contribution retirement plans carry risks. The current system provides an insufficient death benefit and an inability to transfer accumulated assets at death. The success of defined contribution plans rests more heavily on market success, offering the possibility of greater or lesser return for employees. Retirement benefits should present an acceptable level of risk to both employees and the employer. (2011)

2. Boards of education and boards of cooperative educational services should be allowed to establish pension contribution reserve funds for all employees and be able to deposit surplus monies into such funds. (2011)

3. The state Employees’ Retirement System and Teachers’ Retirement System should have new pension tiers that would provide the predictability and affordability that would limit school district contributions. (2011)

4. NYSSBA shall seek legislation that will allow local school districts and BOCES districts to establish reserve funds necessary to meet the financial obligations that result from contributions required by the New York State Teachers Retirement System. (2013)

5. NYSSBA supports legislation reinstating the requirement that all members of the State Employees’ Retirement System (ERS) and the Teachers’ Retirement System (TRS) contribute to their respective retirement system throughout their careers. (2013)

VI. CURRICULUM, INSTRUCTION AND ASSESSMENT

1. New York should fully fund the writing and scoring of all mandatory state tests for grades 3-8. (2012)

2. The State Education Department’s past practice of providing testing modifications for students with disabilities whose individualized education programs (IEP) are not consistent with materials being tested should be restored, at least until the federal No Child Left Behind Act has been reauthorized with modified testing requirements for these students. (2012)

3. BOCES and their component school districts should be allowed to create a common calendar and include common bell schedules to allow for distance learning, shared programming and regional transportation. (2012)

4. Local school districts should be able to determine whether seat-time in a course should be required for course credit and/or graduation requirements. (2012)
5. Obstacles to digital learning opportunities should be removed to allow for expansion of digital learning as part of a public school education. (2012)

6. NYSSBA supports the State Education Department in efforts to hold university schools of education accountable for the quality of teachers they produce as graduates. (2012)

7. Mandated standalone field testing practices in New York State should be eliminated. (2012)

8. New York State should establish a framework to create a robust and comprehensive standard to proactively ensure the safe handling of student and staff information collected and transported by data collecting systems. (2012)

9. The State Education Department should be required to adopt a procedure to respond to weather or other emergency-related cancellations of Regents examinations. (2009)

10. NYSSBA in conjunction with the New York State Board of Regents and New York State Education Department shall work collaboratively to modify the scheduling and frequency of state-administered standardized assessments. (2010)

11. State proposals affecting public education should:
   - provide access to programs that prepare students to be college and career ready;
   - achieve equity and adequacy in funding;
   - promote efficiency and cost-effectiveness;
   - advance high expectations for all students;
   - embrace innovative approaches and assessments; and
   - foster community engagement and regional cooperation. (2011)

12. NYSSBA supports legislation and/or regulatory efforts to create a combined Regents high school diploma and associate’s degree. (2013)

13. NYSSBA supports New York State Education Department standards through a P-16 systemic approach to education. (2013)

**VII. SPECIAL EDUCATION**

1. Certified special educators who teach core academic subjects to students with disabilities should not be required to demonstrate that they are “highly qualified” in every core subject they teach (federal No Child Left Behind Act). (2009)

2. NYSSBA shall seek legislation to restore the burden of proof in special education impartial due process hearings by placing such burden on the party which initiates the proceeding. (2009)

3. NYSSBA shall seek legislation to restore the one-year statute of limitation to special education impartial due process hearings. (2009)

4. NYSSBA shall seek legislation to limit state special education mandates to those required by the federal government. (2011)
5. NYSSBA supports efforts, and recommends legislation and/or regulations, to ensure that the New York State Education Department (SED) enables school districts to locate out-of-state placements for the appropriate placement of students with a disability when no SED-approved residential school may be determined as appropriate from the list of SED-approved schools. (2011)

VIII. LOCAL MANAGEMENT AND BUDGET

1. NYSSBA supports the creation of a regional high school when locally determined to be educationally or fiscally appropriate by the local boards of education. (2012)

2. School districts should be able to adjust contingency budgets under the property tax cap for growth in local tax base. (2012)

3. NYSSBA supports efforts to ensure state fiscal oversight of charter schools. (2013)

4. A school district under a contingency budget should be allowed to purchase capital equipment in those instances when the district can demonstrate that replacing it is more cost-effective than repairing the current equipment. (2009)

5. NYSSBA supports the continued appropriation of the state share of the district superintendent’s salary. (2011)

6. School districts should be able to create a new reserve fund to finance other post-employment benefits (OPEB) as envisioned under GASB 45 (Government Accounting Standards Board). (2011)

7. The BOCES district superintendent’s salary cap should be repealed (Educ Law § 1950 (4)(a)). (2011)

8. NYSSBA shall seek legislation to authorize and fund those school districts which elect to either extend the academic year or extend the instructional time of the school day. (2010)

9. School districts and other local municipalities should have the legal option to purchase through national purchasing cooperatives. (2011)

10. NYSSBA shall seek legislation requiring current school employees to contribute at least 15 per-cent of the cost of individual health care coverage and at least 25 percent of the cost of family health care coverage. (2011)

11. NYSSBA shall seek legislation enabling school districts to create dedicated reserve funds to help offset the costs of teacher pensions and retiree health care costs. (2011)

12. Any school district that has successfully completed three consecutive audits with no significant findings should be able, at the discretion of the board of education, to choose to change their internal audit schedule to a two-year cycle. If a two-year cycle is approved by the board of education, in year one, a risk assessment is performed followed by testing, as directed by the audit committee and/or board of education, in year two. (2011)

IX. EMPLOYEE RELATIONS

1. School districts should not be required to pay increments on expired employee contract salary schedules as currently stipulated under the Triborough Amendment to the Taylor Law. (2012)
2. The governor and state Legislature should reform the system of teacher discipline in a manner that:
   a. Establishes a state hearing panel to hear and decide 3020-a cases
   b. Authorizes school districts to terminate a tenured teacher without a 3020-a hearing if
      i. they have been convicted of child abuse in an educational setting, or
      ii. their teaching certificate has been revoked by the State Education Department, or
      iii. they have failed to obtain permanent certification in the requisite time period
   c. Clarifies that teachers must cooperate in the school district investigation of 3020-a charges against them
   d. Eliminates paid suspension for teachers awaiting 3020-a proceedings, or caps the length of time they are paid
   e. Requires teachers facing 3020-a hearings to disclose the nature of their defense prior to the hearing (2012)

3. The state process for revoking teacher certification should be strengthened in order to diminish the need for local school district teacher disciplinary hearings. (2012)

4. NYSSBA shall seek and support legislation and regulations to define and develop best practices and procedures that will allow for a locally developed process to evaluate and improve teacher and administrative performance. (2010)

5. NYSSBA shall seek and promote legislation, regulations and adequate funding to provide training, professional development opportunities, and appropriate evaluative tools to develop high-quality teachers. (2010)

6. NYSSBA supports tenure reform to lengthen the probationary period for newly hired teachers and administrators to five years and, for those granted tenure following the probationary period, to limit the duration of tenure protections to periods of not more than five years. (2010)

7. NYSSBA shall support reform of Section 3020-a of the Education Law to speed the disciplinary hearing process, reduce unreasonable and excessive costs to school districts, reduce many of the inherent procedural delays, and promote fairness and reasonable due process protections. (2010)

8. NYSSBA shall seek legislation that would limit teacher seniority in determining the process of teacher layoffs. (2011)

9. The state Civil Service Law should be amended so that it is more responsive to the current needs of school districts and BOCES, including, but not limited to: increasing disciplinary options; updating tests and specification books; creating more flexibility in hiring lists; providing lists in electronic form; and increasing probationary periods. (2011)

10. NYSSBA opposes any legislative or regulatory effort to grant tenure status to non-instructional school employees. (2013)

11. NYSSBA will work with the State Education Department, institutions of higher learning with teacher preparation programs and other appropriate organizations to promote improvements in teacher preparation programs. Including an early practicum for students in teacher preparation programs, and yearlong teaching internships. (2013)
X. NYSSBA LEADERSHIP RESPONSIBILITIES

1. New York State’s charter school law should not be expanded to allow for virtual charter schools. (2012)

2. NYSSBA will advocate for and support holding a statewide referendum on or before 2017 to convene a New York State constitutional convention. (2012)

3. NYSSBA strives to uphold a code of conduct consistent with its dedication to children, learning, community, members of NYSSBA, and representatives of school districts and BOCES in order to promote public confidence in schools and advance the attainment of district goals. This code of conduct is on the NYSSBA website at www.nyssba.org. (2013)

4. NYSSBA shall take a leadership role in encouraging school boards to develop successful strategies for integrating respect for cultural differences into the educational experience. In carrying out this mission, NYSSBA shall:
   - Encourage school boards to ensure that the importance of acceptance of others who are unique and different because of racial, ethnic, gender, sexual orientation, disability and religiously related reasons is part of the curriculum
   - Encourage school boards to invite discussion among students, parents, staff and the community regarding how hatred and bigotry based on race, ethnicity, gender, sexual orientation, disability and religion endanger the pluralistic and diversity principles for which this nation stands
   - Encourage school boards to involve students, parents, staff and the community in developing and supporting education which invites understanding and acceptance of others’ differences and which aims to eradicate hatred and bigotry (2009)

5. The NYSSBA Board of Directors shall form a committee to determine the impact of a state constitutional convention on public education. (2010)

XI. SCHOOL SAFETY

1. NYSSBA shall seek legislation to amend Penal Law Article 240 entitled Falsely Reporting an Incident to criminalize falsely threatening use of a gun or making threats of gun violence on public school property. (2013)

2. NYSSBA supports legislation to ensure state and/or federal financial support for efforts to enhance school safety. (2013)

3. NYSSBA supports legislation to exempt school safety enhancing equipment and School Resource Officers from tax levy cap calculations. (2013)