



New York State
School Boards
Association

Position Statements *2021*







Introduction

The position statements that guide the New York State School Boards Association (NYSSBA) are outlined in the document that follows. These statements are introduced by member boards of education or NYSSBA's Board of Directors. Each fall during the Association's Annual Business Meeting, the voting delegates adopt official positions, which lay the foundation for the Association's advocacy agenda and priorities.

Once adopted, each position remains a formal position for five years unless it is rescinded or the action the position calls for is accomplished.

(Please note: the table of contents reflects the year the Position Statement was adopted.)

The position statements direct the Association to advocate either for or against a wide variety of legislative and regulatory issues at both the state and federal level. In addition, some of the position statements are statements of principle or belief and therefore do not call for specific action.



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2021 Position

I. SCHOOL GOVERNANCE AND AUTHORITY

1. NYSSBA opposes legislation **expanding** New York State's charter school laws. (2017)
2. NYSSBA supports the creation of **regional high schools** when locally determined to be educationally or fiscally appropriate by the local boards of education. (2017)
3. NYSSBA supports legislation to change the date that union free and central school districts are required to hold a **special election to elect additional board members** upon the adoption of a proposition to increase the number of board members from the existing 30 to 60 day period after the annual meeting at which the proposition was adopted to the next annual meeting. (2017)
4. NYSSBA supports legislation that would establish a **10-day period for the filing and review of any objections** to small city school district nominating petitions before the ballot is finalized. (2017)
5. NYSSBA supports legislation that would provide **finalizing the ballot for positions** on the small city school district board on the day **after a 10-day period** for filing and reviewing of any objections to nominating petitions. (2017)
6. NYSSBA supports legislation that would require the **submission of nominating petitions** for small city school districts **30 days prior to the election**. (2017)
7. NYSSBA supports legislation that would **align legal requirements** imposed upon small city school districts with those of **central, union free and common** school districts. (2017)
8. NYSSBA supports legislative changes to align the requirements for **school district absentee ballot** applications with the requirements of the **State Board of Elections**. (2017)
9. NYSSBA will work with SED, the NYS Legislature and the Governor to protect student privacy by allowing districts to use **locally generated ID numbers** for students to be used in all NYSED data collection instead of easily identifiable data such as names. (2017)
10. NYSSBA opposes any legislative and regulatory **mandates** that would impose **new unfunded or underfunded mandates**. (2018)
11. NYSSBA supports proposals to allow boards of education to determine if their **buildings** will be used as **polling places for all elections**. (2019)
12. NYSSBA supports legislation authorizing municipalities to **install speed zone cameras** in school zones. (2019)
13. NYSSBA supports requiring **notification** to districts by the courts of **restraining orders prohibiting** contact with or between students enrolled in the district and the parents, or those in parental relation to the students. (2019)



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14. NYSSBA supports legislation that will expand the definition of **Child Safety Zones** in the Education Law of New York State by **adding criteria that pertains** to neighborhoods with high crime rates or with deteriorating vacant buildings that create safety hazards. (2019)
15. NYSSBA supports reducing the flexibility provided to **charter schools for hiring teachers** without a valid New York State **teaching certificate**. (2019)
16. NYSSBA supports legislation at the state and/or federal level that would allow and enhance the **sharing of services** amongst school districts and other municipalities. (2020)
17. NYSSBA opposes proposals to **raise the number of charter schools** authorized in the state. (2020)
18. NYSSBA opposes proposals to expand **mayoral control** to school districts beyond New York City. (2020)
19. NYSSBA supports legislation that would enable the Commissioner of Education to declare **alternate election arrangements** in cases where a disaster substantially interrupts a scheduled school board/budget vote. (2020)
20. NYSSBA supports legislation to authorize **bidirectional communication** between **New York school districts and the New York State Immunization Information System (NYSIIS)**, to allow for the efficient query and transfer of student immunization data. (2020)

II. STATE AND FEDERAL AID

1. NYSSBA opposes legislation that would provide **tuition tax credits** or **educational vouchers** that benefit private or parochial schools. (2016)
2. NYSSBA supports state legislation that would modify the **reimbursement formula** for **school lunches**. (2016)
3. NYSSBA supports changes that ensure that **Special Act School Districts** are treated equitably with all other public school districts, including a **tuition rate** that reflects public expenses. (2016)
4. NYSSBA supports legislation that **ensures aid provided to districts** is not correlated to the percentage of **students taking state or federally required tests**, recognizing parents will make decisions in the best interest of their individual children, independent of districts' overall requirements. (2016)
5. NYSSBA will support legislation that will fully **restore funding** withheld during the 2010-2016 **Gap Elimination Adjustments (GEA)**. (2016, 2016)



2021 Position

6. NYSSBA calls upon the state Legislature and the Governor to reform New York State education funding in accordance with the following **tenets to ensure adequate resources** to public schools in the State of New York by providing for:
 - a. **Adequacy** that provides sufficient resources to assure the opportunity for a sound basic education for all students; and
 - b. **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 while precluding municipalities from using state aid to replace local education resources; and
 - c. **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 while local communities should not be restrained from determining the level of funding they will expend to support educational programs; and
 - d. **Predictability** based on 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; and
 - e. **Clarity** by establishing a funding formula that is easily explained and understood. (2016)
7. NYSSBA supports funding to expand New York State and industry approved and certified **career and technical education** programs. (2017)
8. NYSSBA supports **fully funding the Foundation Aid Formula**. (2017)
9. NYSSBA supports increased and timely **state funding** for provision of **appropriate mandated instruction for English as a New Language (ENL)** students, including unaccompanied minors. (2017)
10. NYSSBA supports legislation at the state level 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**. (2018)
11. NYSSBA supports legislative proposals that would allow districts to adopt an **earlier start to the instructional year** with those dates being eligible for state aid and also allow for extending the school year beyond the last Regents exams. (2018)
12. NYSSBA supports preserving **Medicaid funding** to school districts, while also seeking to streamline associated reporting requirements and provide reimbursement for all required administrative costs. (2018)



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13. NYSSBA supports **additional state and federal funding** which would be dedicated for **school safety programs, staff and equipment** and include prevention programs directed toward **social emotional development and mental health** programs. (2018)
14. NYSSBA supports proposals establishing additional **dedicated funding** for student **health and mental health services**. (2018)
15. NYSSBA opposes shifting **financial responsibility for pre-school special education** from counties to school districts. (2018)
16. NYSSBA supports legislation that would require the **Smart Schools Review Board ("SSRB")** to meet **monthly** and promptly **acknowledge, review and act** on all school district submissions. (2018)
17. NYSSBA supports proposals to require the state to **fund** all state-mandated **school meal programs** and practices. (2019)
18. NYSSBA supports federal and state legislative and regulatory action in addressing the **educational and fiscal needs** attendant to the increase of **unaccompanied minors** into New York State. (2019)
19. NYSSBA supports proposals to incorporate prekindergarten funding into the **school aid formulas** used for K-12 education. (2020)
20. NYSSBA opposes **mid-year state aid cuts** and advocates for additional funding from both the state and federal governments to compensate school districts for COVID-19 related expenses for the 2020-21 school year to allow for educational continuity and fiscal stability for school districts. (2020)

III. CURRICULUM, INSTRUCTION AND ASSESSMENT

1. NYSSBA supports **state proposals** affecting public education that:
 - 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;
 - Foster **community engagement** and regional cooperation. (2016)
2. NYSSBA supports the appropriate **use of technology** to enhance academic programs. (2016)
3. NYSSBA calls upon the New York State Education Department to revise the current pathways toward achieving a **high school diploma** for New York students including the reinstatement of the Local High School Diploma, the use of performance-based assessments and multiple pathways to graduation, the modification of requirements for students completing a BOCES, career, or technical education program and the reinstatement of the Regents Competency Tests. (2016)



2021 Position

4. NYSSBA supports proposals that would expand **after-school programs**. (2017)
5. NYSSBA supports proposals that would make **kindergarten attendance mandatory**. (2018)
6. NYSSBA opposes legislative **curriculum mandates**. (2019)
7. NYSSBA shall advocate for an overhaul of the current, inadequate testing system to more accurately measure achievement in skills, knowledge and abilities, and it shall do this by:
 - a. Working collaboratively with the New York State Board of Regents and the New York State Education Department, superintendents, administrators and teachers to create tests that are **developmentally appropriate, of reasonable length and frequency**, and which avoid the unintended consequences of narrowing the curriculum, teaching to the test, reducing love of learning and undermining school climate;
 - b. Insisting that **educators** throughout the State be **included** in all aspects of the **creation** of standardized tests; and
 - c. Demanding that district personnel be **permitted to examine test results**, answer keys, and their students' responses so that educators can better assess what each child is learning in relation to what is being taught and so that such tests can **truly inform instruction**. (2020)
8. NYSSBA supports proposals to provide resources to local school districts to **expand opportunities and capacity for online learning**, provided that they increase student opportunities and do not decrease current levels of instruction. (2020)
9. NYSSBA supports legislation that makes it clear that public school districts are not responsible for assessing the **substantial equivalency** of education delivered in nonpublic schools. (2020)

IV. SPECIAL EDUCATION

1. NYSSBA supports proposals that would allow students with disabilities to be **tested at their developmental age**. (2016)
2. NYSSBA supports **testing accommodations** for students with disabilities. (2017)
3. NYSSBA shall create a **task force** to study current requirements, costs, trends and other aspects of the **special education system** and make recommendations for the future of special education delivery. (2019)
4. NYSSBA urges the Commissioner of Education to increase the maximum age of participation in **inclusionary sports** for alternatively assessed students. (2019)
5. NYSSBA supports legislation that makes it easier for districts to **recover attorneys' fees** in legal cases related to special education where the **district is the prevailing party**. (2020)



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6. NYSSBA supports legislation that would **shift the burden of proof** in special education **due process** complaints away from the district and back to the party seeking relief. (2020)
7. NYSSBA supports legislation that would provide funding for suggested (not mandated) state training and certification to provide **parent advocates** with knowledge and resources to support their advocacy work for parents and students in their attendance at **Committee on Special Education** meetings and hearings. (2020)
8. NYSSBA supports legislation that promotes the reduction in **costs** associated with an impartial hearing, independent evaluation requests and attorney fees associated with **due process claims**. (2020)

V. LOCAL MANAGEMENT AND BUDGET

1. NYSSBA supports legislation enabling school districts and BOCES to create dedicated reserve funds to help offset the costs of all employee pensions (including teachers), and **other post-employment benefits (OPEB)** obligations. (2016)
2. NYSSBA supports legislation amending Article 18-A of the General Municipal Law to **permit school districts**, at their option, to be necessary parties to Payment-in-lieu-of-taxes ("**PILOT**") **agreements**. (2017)
3. NYSSBA supports meaningful reforms to the **Tax Cap Levy Formula**. (2017)
4. NYSSBA supports legislation to ensure that no school district can have a **negative property tax cap**. (2017)
5. NYSSBA supports legislation that would set the allowable growth factor of the real property **tax cap** at a **minimum of 2 percent**. (2017)
6. NYSSBA opposes the property **tax cap** and calls for its **repeal**. (2017)
7. NYSSBA supports **raising** the allowable **undesignated fund balance** for school districts. (2017)
8. NYSSBA supports legislation that allows the date of the **annual reorganizational meeting to be on or before the Monday following the 20th of July**. (2018)
9. NYSSBA supports legislation to **exempt** expenditures related to **school safety** from the **tax cap**. (2018)
10. NYSSBA supports legislation that would substantially **increase** the **earning limitations** for retired police and other law enforcement officers who are serving as **school resource or safety officers**. (2018)
11. NYSSBA supports the **full restoration of state and local tax (SALT) deductibility**. (2019)
12. NYSSBA supports legislation to eliminate the limit on **BOCES District Superintendent compensation**. (2019)



2021 Position

13. NYSSBA seeks legislative and/or policy changes that would mandate local Industrial Development Agencies to **include** affected **school districts** in the development and/or extension of any Payment-in-Lieu-of-Taxes (**PILOT**) **agreement(s)**. This inclusion must be initiated at the earliest possible stages of any PILOT consideration. (2020)
14. NYSSBA seeks legislative support to allow for more than one Board Member to simultaneously attend a New York State **Office of State Comptroller (OSC) audit exit conference**. (2020)

VI. EMPLOYEE RELATIONS

1. NYSSBA supports efforts to have the state require all **teacher preparation programs** demonstrate the **quality** of the preparation of the teachers they produce as graduates. (2017)
2. NYSSBA supports a **rigorous** process for granting **teacher certification**. (2017)
3. NYSSBA supports reforming the system of educator discipline to **cap** the length of time **educators awaiting 3020-a-proceedings are paid**. (2017)
4. NYSSBA supports legislation to amend the Triborough Amendment of the Taylor Law to **eliminate** the obligation of school districts to pay "**step**" **increments** after the expiration of collective bargaining agreements. (2017)
5. NYSSBA supports reforming the system of educator discipline to authorize school districts to **terminate tenured teachers without a 3020-a hearing** if:
 - They have been **convicted of child abuse** in an education setting, or
 - Their **teaching certificate** has been **revoked** by the State Education Department, or
 - They have **failed to** obtain permanent certification in the requisite time period. (2017)
6. NYSSBA opposes any legislative or regulatory effort to grant **tenure status to non-instructional school employees**. (2018)
7. NYSSBA shall seek legislation to **streamline the tenured teacher hearing process** set forth in Education Law §3020-a in a way that preserves due process while addressing spiraling costs and the extraordinary length of time to conduct hearings. (2018)
8. NYSSBA supports legislation that would require the **independent hearing officer** in a **3020-a** hearing to accept the penalty sought by the district if there is a finding of guilt. (2019)
9. NYSSBA opposes lowering the **age of eligibility** for a **commercial driver license**, required to be a school bus driver, from 21 to 18. (2019)



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VII. NYSSBA LEADERSHIP RESPONSIBILITIES

1. NYSSBA supports **appropriate changes** to state law, regulations and state policies that encourage and incentivize New York State school districts to **address the health issue of sleep deprivation in teenagers** by implementing **later school start times** that are developmentally-appropriate for middle school and high school students. (2017)
2. NYSSBA supports all efforts to improve **school safety** by limiting or **reducing unauthorized access to guns in schools**. (2018)
3. NYSSBA supports an amendment to Penal Law Article 240 entitled Falsely Reporting an Incident to criminalize **falsely threatening use of a gun or making threats of mass violence on public school property**. (2018)
4. NYSSBA shall take a leadership role in raising awareness and understanding of the importance of all school districts' leaders in understanding and taking action to **address disproportionality** in the education workforce and in student outcomes as it relates to diverse backgrounds. In carrying out this mission, NYSSBA shall:
 - Develop training focused on **cultural competency** and diligently promote, encourage and facilitate access to all school boards;
 - Encourage school boards to invite discussions with students, parents, staff and the board to develop district action plans that **address staffing, student outcomes and the school climate in a manner that improves cultural competency, diversity and inclusivity**; and
 - Take an active role in collaborating with other groups, including but not limited to the New York State Board of Regents, NYSCOSS, SAANYS, NYSUT and other members of the Educational Conference Board to encourage them to **jointly promote such training and conversations** about their members and constituencies. (2018)
5. NYSSBA shall take a **leadership role** in encouraging school boards to develop successful strategies for integrating **respect for differences** into the educational experience. In carrying out this mission, NYSSBA shall encourage school boards to:
 - a. Ensure that the importance of **acceptance of others** who are unique and different because of **racial, ethnic, gender, sexual orientation, gender identity, disability status or religious differences** is part of the curriculum.
 - b. Invite discussion among students, parents, staff and the community about how hatred and bigotry based on race, ethnicity, gender, sexual orientation, gender identity, disability status and religion endanger the **pluralistic and diversity principles** for which this nation stands.
 - c. Involve students, parents, staff and the community in developing and supporting educational practices which invite **understanding and acceptance of others' differences** and which aim to eradicate hatred and bigotry. (2019)



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6. NYSSBA shall support legislative action in the regulation of **vapor products** including consumption, manufacturing, distribution and advertisement. (2019)
7. NYSSBA supports legislation that would increase the penalties against any business that sells **vaping products** to any person who is **underage** or against an adult purchasing vaping products for any person who is underage. (2019)
8. NYSSBA shall produce, and widely recommend the adoption of a **sample board policy** stating that members who have been newly elected to serve as **officers** will participate in at least one accredited officer **training**. (2019)
9. NYSSBA shall produce, and widely recommend the adoption of a **sample board policy** stating that all **Board of Education members** will, each year, participate in at least one new **training** which has been approved by that Board. (2019)
10. NYSSBA shall recommend appropriate parameters for **social media and electronic communications** between students and school district employees. (2019)
11. NYSSBA shall advocate for action that recommends school districts to provide a **professional development program** related to the ethical practices and protocols employees should follow when using **social media and electronic communications**. (2019)
12. NYSSBA supports proposals to regulate and restrict the use of **tobacco products** among youth. (2020)
13. NYSSBA supports increased state and federal funding to provide educational equity by addressing the **digital divide** created by limited access to technology and broadband. (2020)
14. NYSSBA shall produce and widely recommend the adoption of a board policy, or language to be added to the existing policy related to child abuse, stating that the adopting district will encourage and facilitate all school personnel, including those who are mandated reporters and those who are not, to participate, once every three years, in a **course or workshop** that presents information related to **signs of child abuse** and the responsibilities of reporting it. (2020)



NYSSBA's Governmental Relations team

is the voice for its nearly 670 member school boards.

Our full time staff actively represents our members before State and Federal policy makers.

Our staff works tirelessly to advance legislative and regulatory changes that position our state's educational system to best serve our students.

Contact NYSSBA's Governmental Relations team at 800.342.3360 or 518.783.0200.



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