

**LHEC End of  
Session Bill Update  
Ostroff Associates**

**APPR De-Coupling**

*A10475/S8301 (Nolan/Marcellino)*

This bill is intended to address serious flaws in the Annual Professional Performance Review (APPR) process for teachers and school principals. This bill was crafted by NYSUT and has been at the forefront of their lobbying efforts.

LHEC issued a memo voicing our support for the underlying intent as well as raising the following concerns:

- The legislation redefines “local control.” We believe that the selection and use of an assessment in a teacher or principal evaluation should be a school district decision and not be subject to the collective bargaining process.
- A new assessment tool should require a research-based approach that includes input from practitioners and stakeholders.
  - This input process is already underway by the New York State Education Department (SED) and we suggest that the Legislature that allow this process to finish and be considered.
- The bill could have the unintended consequence of over-testing of students.
  - This is due to the fact that the grade 3-8 tests are mandated by the Federal Government and thus alternative assessments selected under the proposed collective bargaining process could be in addition to the required State assessments.

**Flanagan Education Package**

This is a political positioning bill, which lays out the Senate Majority’s “wish-list” if there is an education package at the end of session.

This legislation repeals sections 3012-c and 3012-d of the Education law as well as the matrix, the requirement to use any measure of student performance and any link to state aid – however the bill then includes new APPR provisions that require that evaluations be 100% subject to collective bargaining (see 1<sup>st</sup> bullet above).

Further, this bill includes the following provisions:

- Increasing the charter school cap to 560 from 460 and requires that more charters be located in NYC;
- Allowing all “zombie” charters to be reissued;
- Reducing oversight of nonpublic schools – this was done as a study as part of the 2018-19 budget agreement, which is now being reopened;
- Providing the Division of Human Rights oversight over public school students;
- Reducing teacher probationary period from 4 to 3 years;
- Permanently prohibiting standardized test scores from being included in student’s records.

**Governor’s “Red Flag” Bill**

The Governor has put forth a proposal that would prevent individuals, who are determined by a court to be likely to engage in a conduct that would result in serious harm to themselves or others, from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun.

Further, this bill would provide teachers, school officials, family members and police officers the ability to petition judges to do so if they believe someone is dangerous and has access to guns.

Several concerns have been raised related to this bill including:

- The process that is created under this bill is separate from the current process for “mandated reporters,” which specifies that once an individual files the petition, they must notify their supervisor;
- The potential role of a student witness in the proceedings;
- False reporting liability on the district or retaliation from a reported individual.

LHEC has not issued a formal memo on this legislation. However, we are able to engage in discussions with the Governor’s office on technical concerns.

**Regional Cost Study**

*S6310/A8863 (Murphy/Galef)*

This bill directs the education department to study, review and report on the inclusion of the County of Westchester in the Hudson Valley region for purposes of public school foundation aid or whether inclusion in the Long Island/NYC region is more appropriate.

This bill has passed the Senate and was held for consideration in the Education committee in the Assembly. LHEC is supportive of this legislation and we are currently exploring the possibility of including other Counties in the Lower Hudson Valley as part of the Long Island/NYC region, based on certain measures and indexes.

**TRS Reserve**

*S4563/A7353 (Golden/Buchwald)*

This bill would give school districts the option to establish a Teachers Retirement System reserve sub-fund.

Currently, mandated pension contributions for school districts can have a major impact on a school district's budget and the potential to negatively impact student programs and services in years where there is a large increase in the state prescribed TRS employer contribution rate, given the annual tax levy limit.

LHEC issued a memo of support and are working to see this bill passed in the Senate prior to the end of session.

**Special Act Public School Districts**

*S5246/A6514 (Marcellino/Nolan)*

This bill would establish a fiscal stabilization reserve fund as part of the tuition reimbursement methodology for school age programs and to provide an annual growth amount, correlating with New York State personal income growth, in the tuition reimbursement rate for school age programs operated by in-state approved private schools for the education of students with disabilities and special act school districts.

This bill has passed the Assembly in 2017 and is on the calendar, but has not moved in the Senate this year, LHEC has engaged in a discussion with the Senate and voiced our support of this legislation.

*S4530/A5618 (Murphy/Abinanti)*

This bill would require the Commissioner of SED and Commissioner of Social Services to develop separate reimbursement methodologies for tuition and maintenance of approved private schools and special act school districts.

LHEC is in support of this bill and has voiced our support to both the Senate and Assembly, however the bill has not moved in either house of the Legislature.

**Building Aid**

*S.3970 (Seward)/A.3231 (Thiele)*

This legislation would increase the cost threshold from \$100K to \$250K for a school construction project's eligibility for additional building aid. School districts can currently receive a state building aid reimbursement for one \$100K capital outlay project each year – without having to use the state's amortization schedule and pay off the costs over time. This would allow districts to have the money when they need it, but also saves the state money since the reimbursement will not collect interest. The \$100K limit was set during the 2003-04 school year and this would increase it to \$250K to better reflect current construction costs.

This bill passed the Senate this week and is referred to Ways and Means in the Assembly.