



LOWER HUDSON EDUCATION COALITION

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LHEC ADVOCACY AGENDA 2021

Since 1976, the Lower Hudson Education Coalition (LHEC) has been a leading regional public education advocacy voice and resource for the 77 public school districts in Dutchess, Putnam, Rockland, and Westchester counties. Our districts educate over 239,000 students and encompass more than 1.7 million community members.

FUNDING PUBLIC EDUCATION

Fiscal Flexibility: *To ensure that the tax levy cap calculation does not negatively impact school districts in a time of low inflation and unexpected costs due to the COVID-19 pandemic, adjustments to the formula would reduce unintended consequences of specific formulaic requirements.*

- **Set the tax levy cap growth factor at 2%** for the 2021-22 school year budget. During the COVID-19 pandemic, it is anticipated that the base inflation number for 2020 will be less than 0.2%. With the lack of increase in foundation aid provided in the FY2021 State budget combined with additional costs due to COVID-19, school districts face a fiscal crunch.
- Amend the tax cap formula to **account for enrollment growth**.
- Add a **floor to the tax cap calculation of zero** so that school districts will not face a negative tax levy cap.
- Reduce the negative impact of PILOTs on school district revenues by **including PILOTs in the tax base growth factor**.
- Amend the tax cap formula to reduce the impact of **annual changes in use of reserves or transfer to capital**.
- Limit the impact on school districts of large tax certioraris by allowing for **smoothing of substantive tax adjustments** through the levy calculation.

Administrative Flexibility: *In 2011 when the Property Tax Cap was first enacted, school districts and local governments were promised mandate relief to ensure the ability to comply with the tax cap. However, in the years since, meaningful mandate relief has failed to materialize for school districts. Considering the COVID-19 pandemic and the significant fiscal pressures that both the state and school district budgets are facing, increasing administrative flexibility would provide significant assistance to local school districts' ability to manage an unsustainable cost burden.*

- Amend Chapter 157 of the Laws of 2020, **to remove the requirement that interest be paid on funds** used during the pandemic.
- **Authorize transportation aid** to be applied when buses are used to provide students with access to school services, such as device delivery and meals, even if students are not on board the bus at the time of use.
- **Amend the 'Wicks Law'** to increase the project cost threshold and to allow districts to enter into Project Labor Agreements for school construction work.
- **Reduce the distance required for districts to provide out-of-district transportation for private and parochial school students** from 15 to 5 miles.
- **Promote procurement flexibility** by permitting districts to determine which BOCES to contract with for non-instructional services.
- **Require a complete fiscal note**, prepared by a New York State actuary, to accompany each education-related bill, prior to the passage of legislation.
- **Establish an 'Education Mandate Relief Redesign Team'**. Similar to efforts undertaken by the State in 2011, this redesign team should be tasked with reviewing ways to reduce the costs of unfunded mandates by determining how school districts may be given greater ability to control costs.

Foundation Aid and Regional Cost Index: *In order to provide school districts with adequate and representative state aid, updated data inputs and adjustments to the current formula are needed. Due to the formula being “frozen” since 2008, almost 50% of the districts in the Lower Hudson Valley receive less than three-quarters of Foundation Aid, compared to 22% of districts statewide. Additionally, the State should establish a new “MTA Region” comprised of counties served by the MTA to better reflect similar operational costs.*

- Establish a **new MTA Region** to include the LHEC counties with the current NYC/Long Island grouping, which would more accurately reflect the significantly higher costs for staffing, district operations and higher cost of living in our communities compared to northern counties in the Hudson Valley.
- Use **updated school district data** to ensure that increasing student needs, changes in enrollment, recent poverty data, appropriate regional costs and special education needs are reflected. Outdated data used in the 2007 Foundation Aid formula does not reflect changes in student demographics and increased cost of living in the Hudson Valley.

High Cost of Special Education Services: *Concern regarding costly legal battles related to compensatory services for special education students are an added financial burden when schools need funds to make sure operations continue during the pandemic. Additional modifications to the special education process would reduce the burden on districts while maintaining needed services for special needs students.*

- **Establish a limit on the costs of compensatory special education services** to account for service restrictions during COVID-19 school closures.
- **Establish a cap on school district contributions to out of district placements** to the comparable BOCES rate for a similar program by amending Education Law 3602 to reflect the tenets of IDEA.
- **Establish a cap for school district financial responsibility for reimbursement of parental legal fees** in special education legal challenges.

APPR Adjustments: *The onerous requirements of the APPR evaluation system are exacerbated during the pandemic when districts are developing new remote and hybrid instructional models and ensuring the necessary professional development is available.*

- **Suspend the APPR process** during the pandemic to ensure that excessive time and costs are not required of districts and that teachers are given time to learn new modes of instruction.
- **Eliminate the need for growth scores** in the APPR and tenure process, as the use of these scores was suspended for the past few years and state testing is uncertain.

State Cost Sharing: *New York State continues to push additional costs onto local property taxpayers rather than paying for their share of education-related costs. For example, the federal government provided CARES Act funding to help school districts cover COVID-19 related expenses, yet the state clawed back those funds through the “pandemic adjustment”, leaving high needs districts most deprived of the money intended as COVID relief.*

- Enact legislation to **adjust the state aid calculation to offset the required CARES Act allocation of aid to non-public schools**. An example is the East Ramapo CSD, which was required to allocate 70% of CARES Act funding to the large private school population in their district.
- **Reverse the cost shift** imposed in the FY2021 Enacted Budget, transferring the state’s 18.424% share for residential placements for special education students to school districts outside of New York City. This cost districts throughout the state an unanticipated \$25 million and raised the share of local school districts for placements for our neediest students to 56.848%.

SPECIAL ACT PUBLIC SCHOOL DISTRICTS

Special Act Public School Districts (SASD): *SASDs are public school districts that provide specialized services to some of NYS's most challenged students whose individual needs cannot be met in their home district. Measures are needed to ensure the fiscal and programmatic stability of Special Act public school districts.*

- Permit SASDs to establish an **unappropriated reserve fund**, like all other public-school districts.
- Authorize the designation of COVID-19 related expenses as **direct care costs** for tuition rate-setting.
- Award Special Act School Districts an **interim plus tuition rate** at the beginning of every fiscal year, to permit districts to budget using approved growth rates. With an interim plus rate, SASDs can continue to sustain and expand their high-quality educational programs while accounting for the cost of new mandates as well as the rising costs of TRS, ERS and healthcare.
- Provide SASDs with **additional funding for increased safety and security** as part of the implementation of Raise the Age, to address the placement of youth offenders in SASDs by the Courts.

ENHANCED COMPLIANCE MECHANISMS

Compliance Mechanisms: *Relief and established notification requirements are needed for districts as they work to comply with the ever-increasing requirements from NYS.*

- Require NYSED to have clear **notice obligations to Superintendents** on compliance issues.
- Authorize the **use of corrective action plans** to allow districts to comply with deficiencies without the burden of paying financial penalties to NYS.
- Support legislation that provides **forgiveness of building and transportation aid paperwork errors**.
- Ensure **substantial equivalency determinations** are undertaken by NYSED, not local school districts.

STUDENT MENTAL HEALTH, SAFETY & EDUCATIONAL ACCESS

Mental Health: *Prior to the COVID-19 pandemic, there was a clear increase in social-emotional and mental health needs of students, which has only been exacerbated. Public school districts need new flexible funding to provide appropriate services, programs, and facilities to address increased mental health needs.*

- Make significant resources available **to support and expand mental health services for students** provided both in-person and remotely, due to the rise in trauma, social disconnection, isolation, stress and fear.

Student Safety: *Funding and support is essential for school safety requirements and to ensure facilities, protocols and equipment are available to protect the physical health of students and staff in school buildings during the COVID-19 emergency.*

- Authorize **more funding for COVID-19 related expenses**.
- Provide additional **flexible resources for school safety**, including funding for staffing, security upgrades, professional development and training.

Educational Access: *Educational equity during the pandemic requires that all students have access to devices and broadband at home as well as in school buildings.*

- Provide **more funding for devices** so that each student in NYS has school and home access to the proper technology needed for schoolwork.
- Ensure all students have **home-access to broadband** service that is sufficient for synchronous school learning at an affordable cost.