



LOWER HUDSON EDUCATION COALITION
450 Mamaroneck Ave, Harrison, NY 10528 • (914) 345-8737 • www.lhec.org • lhec@lhec.org

2022 NYS Advocacy Agenda

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.

Student Mental Health & School Safety: *Funding to provide for school safety and the mental health of students continues to be a critical need for schools.*

- Make significant resources available in schools and communities **to support and expand mental health services for students** due to the rise in trauma, social disconnection, isolation, stress and fear.
- Provide promised resources to the community providers of mental health services, including the **statutory cost of living adjustment and community reinvestment**.
- Ensure additional **flexible resources for school safety**, including funding for staffing, security upgrades, professional development and training.

Foundation Aid Formula and Regional Cost Index: *Along with the State's commitment to fully fund the Foundation Aid formula, updated data inputs and adjustments to the current formula would ensure adequate and representative state aid to local school districts. Additionally, Lower Hudson Valley should have a regional cost index that better reflects the cost of operating in the NYC suburbs.*

- Update **school district data in the Foundation Aid formula** 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 Outdated data used in the 2007 Foundation Aid formula does not reflect changes in student demographics and increased cost of living in the Hudson Valley.
- Amend the **Regional Cost Index of the Lower Hudson Valley** to reflect the high cost of operating in the suburbs of NYC. Either establish a new MTA Region to include the LHEC counties with the current NYC/Long Island grouping, or create a Long Island/Hudson Valley region, similar to the ARPA grant program calculation undertaken by NYSED.

Tax Cap Revisions: *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. It is essential that the Executive and the Legislature consider adjustments to the formula to reduce unintended consequences of formulaic calculations.*

- Allow districts to **apply the unused allowable tax levy** within a subsequent three-year period to balance the needs of schools and the needs of property taxpayers in a given year without facing the current “use it or lose it” requirement of the cap.
- Amend the current formula to exempt **increases in pension contributions** in excess of 10% per year.
- Amend the tax cap formula to account for **enrollment growth**. Due to the COVID-19 pandemic, more families have moved to the suburbs of NYC, creating the expectation of additional enrollment growth.
- Reduce the effects of mathematical incongruities in the **tax cap formula**, such as eliminating negative tax levy caps, including PILOTs in the tax base growth factor, and reducing the impact of annual changes in the use of reserves of transfer to capital.

Funding for Pre-K Programs: *Ensuring all preschool-age children have access to a high-quality pre-K program that their family can afford is a worthy goal. State funding is critical in public school districts which have identified a clear need in their community.*

- Consolidate pre-K grant programs into an ongoing funding stream, with cost inflation factors built in, that can be deployed for 3-year-old programs, as well as 4-year-old programs.
- Allow school districts to determine the local need for public pre-K based on the availability of private programs and the physical space and faculty limitations of the district.

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.*

- Award Special Act School Districts an **interim plus tuition rate** at the start of each fiscal year, to permit districts to budget using approved growth rates that take into account new state mandates, as well as changing programmatic and staffing needs, and increases in TRS, ERS and healthcare costs.
- Provide SASDs with **additional funding for improved security**, given increased Raise the Age placements.

Administrative Relief: *Over the past months, school boards have developed the technology infrastructure to handle virtual meetings and have frequently had greater public attendance at virtual board meetings. Although we expect in person meetings to remain the norm, the ability of boards to meet partially or fully virtually permits needed flexibility for local communities.*

- Make **permanent changes to Open Meetings Law** to allow for continuation of virtual meetings and participation of Board of Education trustees remotely, without requiring public notice of trustee locations.
- Allow schools designated as **polling places** the same "right of refusal" as other locations. Ensure the **timing of primary elections** does not interfere with Regents' exams or use of voting machines for school elections.

Mandate Transparency and Relief: *A thorough review of existing mandates and increased transparency prior to the enactment of new mandates would assist school districts in managing the significant cost burdens of compliance.*

- 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.

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 address deficiencies without the burden of paying financial penalties to NYS.
- Support legislation that provides **forgiveness of building and transportation aid paperwork errors**.

High Cost of Special Education Services: *Modifications to the special education process would reduce the burden on districts while maintaining needed services for special needs students.*

- 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.
- **Shift the burden of proof** on Free and Appropriate Public Education (FAPE) back to parents as it is in most other states and was in New York prior to 2007.