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MEMORANDUM IN OPPOSITION
S.4423 (Hoylman-Sigal) / A.6063 (Lunsford)

The Lower Hudson Education Coalition (LHEC), representing public school districts across Dutchess, Orange, Putnam, Rockland, and Westchester counties, must respectfully oppose S.4423/A.6063 in its current form. While we fully recognize the importance of ensuring an appropriate legal pathway for individuals who have suffered profound losses due to negligence, this legislation creates sweeping and unpredictable liability exposure for school districts that could have severe consequences for the stability of New York's public education system.

As drafted, the bill exposes school districts to unknown and uncapped civil damages for grief or emotional anguish associated with incidents occurring on school grounds or related to school activities. The breadth of this language creates a liability environment that is neither defined nor reasonably constrained, dramatically expanding the kinds of claims that could be brought against school districts and school personnel. Such exposure goes well beyond what districts are currently insured or financially structured to withstand.

It is particularly important to understand the ripple effects this legislation would create under New York's school district insurance framework. Nearly every district in the state—participates in reciprocal insurance arrangements. Under these agreements, a significant liability judgment against one district is effectively shared across the entire pool. This means the cost of a single large claim anywhere in the state would be distributed to hundreds of districts that had no involvement in the underlying incident. As a result, S.4423/A.6063 does not merely expose an individual district to substantial litigation risk; it exposes the entire statewide network of reciprocal districts to potentially dramatic premium increases.

Those rising insurance costs flow directly into school district budgets, which are already tightly constrained by the New York State Property Tax Cap. Steep increases in premiums could force districts toward or beyond their allowable levy limit, requiring supermajority voter approval to pierce the cap. Failed budget votes can result in contingency budgets that mandate cuts to programs, staffing, and services. In such scenarios, students ultimately bear the burden as academic offerings, extracurricular activities, mental-health supports, and other essential services are reduced. At a time when districts are already grappling with increased student needs and rising operational costs, destabilizing their insurance environment threatens their ability to provide safe, high-quality educational opportunities.

The scale of potential liability created by the bill is also alarming. Litigation following catastrophic events in other states demonstrates how extraordinary these claims can be. After the tragedy in Uvalde, the school district faced a $27 billion lawsuit—an amount surpassing New York State's entire Foundation Aid annual appropriation. Nothing in this legislation prevents similar suits in New York. A single large verdict could bankrupt a district, forcing extraordinary state intervention or leaving local taxpayers responsible for insurmountable financial burdens, all while students experience significant and long-lasting disruption.

For these reasons, LHEC urges lawmakers to reconsider the structure of S.4423/A.6063. There is a clear path to ensuring victims receive meaningful remedies without creating unlimited, unpredictable financial exposure for school districts statewide. Any legislation that expands liability must be carefully calibrated to avoid undermining the financial stability of school districts or compromising student programs and services.

In its current form, S.4423/A.6063 presents unacceptable risks to school district solvency, to local taxpayers, and most importantly, to the educational opportunities available to New York's students. The Lower Hudson Education Coalition therefore opposes this legislation and strongly encourages the development of a more balanced and sustainable approach.