



Dear Superintendents and Board Members in the Lower Hudson region,

The Lower Hudson Education Coalition (LHEC) Steering Committee has been working with Ostroff Associates to monitor all that is happening (and not happening) in Albany. Ostroff's Government Affairs team is actively engaged in conversations and meetings on behalf of the LHEC.

On April 29th, the New York State Assembly and Senate returned to Albany, following a two-week spring break, for the "post-budget" remainder of Session which is scheduled to end on June 19th. Several issues that are relevant to the LHEC districts are likely to gain traction in the coming weeks. We especially want to draw your attention to the following:

### **Schools as Polling Places**

Senator Carlucci and Assemblymember Galef have introduced legislation ([S.5287/A.4743](#)) which would provide school districts the flexibility to refuse their designation as a polling location by filing a written notice of cancellation within 30 days of receiving such designation. This would apply to all elections held in schools, not just the general election which legislation in recent years has targeted. This is especially important now that the state primary has been moved to June, when Regents exams take place.

The bill provides additional recourse by allowing school districts to hold their school board and budget votes at publicly accessible locations within school district boundaries. This legislation does not prohibit schools from being used as polling locations. Rather, it provides school districts with the option to reject their designation if needed, as is currently extended to all other potential venues.

Using schools as polling locations raises not just safety and security concerns, but also program, logistical and calendaring issues. LHEC will monitor the progress of this legislation and will continue to actively support this proposal.

### **Industrial Development Agency (IDA) Reform**

Senator Skoufis, Chairman of the Senate Committee on Investigations and Government Operations, has been looking into IDAs and has proposed legislation to reform these entities along with legislation introduced by Senator Mayer. The following provisions are being discussed, and this will likely result in a negotiated legislative package that is expected to include:

- Providing school districts a formal seat at the table during PILOT negotiations;
- Requiring IDAs to provide a full report on their activities to the local school districts;
- Banning IDA assistance to projects already in development;
- Banning IDA assistance where the project occupant is secret;
- Prohibiting elected officials within the jurisdiction of an IDA from serving on that IDA's board;
- Requiring notification to state legislators regarding upcoming IDA public hearings;
- Closing a loophole that enables IDA "piracy";
- Standardizing the fees that IDAs charge companies for providing assistance in order to bring consistency to the process;
- Requiring "claw backs" of incentives and tax breaks for projects that don't deliver on their promised job totals or other development guarantees;
- Requiring IDA boards to include a representative from organized labor; and
- Improving notification requirements: agendas must be made public for at least three days before a meeting.

LHEC will continue to monitor these proposals and will engage on the specific provisions that relate to school districts.

### **Substantial Equivalency Guidelines for Districts with Private & Parochial Schools**

Under state law, local public school officials have the responsibility to ensure that the education received by

nonpublic school students is substantially equivalent to that received in district public schools. On April 17<sup>th</sup>, 2019, as a result of the NYS Supreme Court striking down the "substantial equivalency" guidelines for private schools which were released by the State Education Department (SED) in November 2018, SED has removed the guidance documents from their website. The Department has stated that they are evaluating next steps and that all currently scheduled trainings have been canceled and no action should be taken under the previously released Updated Guidance and associated materials.

We will continue to monitor and engage as appropriate while the Department decides how they will move forward. It is likely that based on the Court decision, the Department may go through the Regulatory Rulemaking process in New York, which will provide an opportunity for the LHEC to issue formal comments to the record.

### **Limit Paid Leave for Voting Mandate**

On April 25<sup>th</sup>, Senator Mayer introduced legislation ([S.5314/No Same-As](#)) which seeks to align new provisions for time-off for voting with the operations of school districts, charter schools, nonpublic schools and boards of cooperative educational services.

This bill follows the enactment of the 2019-20 New York State budget, which included provisions to allow employees three hours to vote in any election at the beginning or end of their shift. The bill states that school employees shall only be eligible for up to three hours of paid time-off, if such employee does not have "four consecutive non-working hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls."

LHEC will continue to actively monitor this legislation as the provisions which were enacted as part of the budget could potentially have a fiscal impact on our districts (i.e., cost of substitutes, etc.), and we will engage as necessary.

### **Administrative Tenure Credit**

Senator Mayer has introduced legislation ([S.4007/No Same-As](#)) to conform the probationary period for tenured school administrators and supervisory staff who are appointed in another school district to a three-year probationary period rather than four years, to align with the current law for tenured teachers who are appointed in another school district.

A similar bill was vetoed in 2018 by Governor Cuomo based on technical and equal application concerns, which have been addressed in the current proposed legislation. This bill was on the Senate's April 29th "Active List" and was held for further consideration. It is expected that this bill will come back up for a vote prior to the end of Session.

This "credit" had not previously been applicable to administrators and supervisory staff under the law as it was for tenured teachers.

LHEC will continue to monitor this legislation, and has raised concerns with regard to the lack of clearly defined tenure area guidelines for administrators.

### **Update on Westchester Sales Tax Legislation**

On April 9<sup>th</sup>, the New York State Senate and Assembly passed legislation to authorize Westchester County to impose an additional rate of sales and use tax, increasing the current rate of 7.375 percent to 8.375 percent. Due to this increase, school districts in Westchester County are expected to receive additional funding from the County in the 2019-20 School Year.

Several months ago, Westchester County provided districts with estimates of additional revenue due to this increase. These estimates represented a fully annualized amount.

The Legislation has not yet been sent to the Governor for Executive Action. In the event that the Governor signs the bill into law after May 1, 2019, the County will act to implement the increase on September 1<sup>st</sup>. Therefore, based on



the estimates provided to districts by the County, Districts will receive approximately  $\frac{3}{4}$  of the total additional revenue in the 2019-20 school year, increasing to the full annualized amount in 2020-21.

### **Adult-Use Recreational Marijuana**

As part of the proposed 2019-20 New York State Budget, the Governor included language which would authorize Adult-Use Recreational Marijuana in New York State. Ultimately, this was not included as part of the final budget agreement as the Legislature decided that it would be better addressed outside of the budget negotiations. It is likely that this legislation will be negotiated prior to the end of the Legislative Session.

LHEC has not taken a formal position on this issue. However, we will continue to monitor the complex nature of the on-going negotiations and will keep members apprised.

### **Charter Schools**

As the Legislature moves toward the end of session, it has been reported that there is likely to be a negotiation around lifting/removing the cap on Charter Schools in New York City. This could be part of a broader package of legislation being negotiated that would provide cover for members in both houses to vote on this proposal.

While this does not directly impact LHEC member districts, we will continue to monitor these negotiations and will keep members apprised of the status.

### **Other Legislation**

Additionally, the LHEC Steering Committee is reviewing approximately [250 pieces of legislation](#) that may positively or negatively impact districts in the Lower Hudson Valley, and will be actively engaged on many of these bills as the legislative session moves forward. We will continue to update you, and will share advocacy tools as needed so that your district can take action on the key education issues.

### **End Note from the LHEC Steering Committee**

This is the first full year that the LHEC is working with Ostroff Associates, and we are very pleased with their level of commitment, knowledge and interactions in Albany. As we ramp up our communications efforts, we will continue to send LHEC updates and alerts to all the school districts in the four county region (Dutchess, Putnam, Rockland and Westchester). In 2020, only LHEC subscribers will receive these types of communications.

If your district is not currently an LHEC subscriber, we hope you will join the 64 school districts that have already subscribed. Together, the LHEC is stronger and has more resources to advocate on your behalf and to make an impact for the districts in our region.

The LHEC Steering Committee