

NYSSBA Annual Business Meeting (Oct. 27, 2014) Report from Rose Apgar

Resolutions:

- #1 and #2 Passed as written
- #3 Passed as amended
- #4 and #5 Passed as written
- #6 Passed as amended
- #7, #8, and #9 Passed as written
- #10 Failed (127 Yes Votes vs. 140 No Votes)
- #11 Failed
- #12 Failed
- #13 Failed

Late Resolutions:

- Fairport: One size fits all testing--resolution failed.
- New Hyde Park: To enhance school safety by limiting board of elections to designate public school buildings as polling places—resolution passed.
- South Huntington BOE: Fiscal issues attended to the influx of unaccompanied minors into NYS—resolution passed.
- Middletown School District: Amendment to Proposition #3—supporting RIC's for Data Storage—resolution passed.

Other Business:

- Also, read "On Board" front page and page 6 for more details
- NYSSBA dues increase is less than 1% a year; 658 Board members
- Standardized tests are the law NYSSBA supports
- NYSSBA –salaries are confidential
- The Annual Convention will be in NY City in 2015; Buffalo in 2016; and Lake Placid in 2017

Adjournment

Business meeting concluded at 5:15 p.m.

Respectfully submitted by Rose Apgar
Nov. 12, 2014

**EXPIRING NYSSBA POSITIONS RECOMMENDED FOR ADOPTION
(2009 SUNSETTING RESOLUTIONS)**

1. CULTURAL DIVERSITY

Submitted by the NYSSBA Board of Directors on June 7, 2014.
Originally submitted by the NYSSBA Board of Directors on June 6,
2009.

LOCAL	NYSSBA

- 1 **RESOLVED**, that the New York State School Boards Association take a
2 leadership role in encouraging school boards to develop successful
3 strategies for integrating respect for cultural differences into the
4 educational experience. In carrying out this mission, NYSSBA shall
5 encourage school boards to:
- 6 • Ensure that the importance of tolerance of others who are unique
7 and different because of racial, ethnic, gender, sexual
8 orientation, disability and religiously related reasons is part of
9 the curriculum.
 - 10 • Invite discussion among students, parents, staff and the
11 community regarding how hatred and bigotry based on race,
12 ethnicity, gender, sexual orientation, disability and religion
13 endangers the pluralistic and diversity principles for which this
14 nation stands.
 - 15 • Involve students, parents, staff and the community in developing
16 and supporting education which invites understanding and
17 acceptance of others' differences and which aims to eradicate
18 hatred and bigotry.

RATIONALE

The foundation of public education exists on ideals of pluralism and diversity. We must understand our differences to truly comprehend ourselves and our relationships to one another. Misunderstandings of our cultural differences continue to divide this nation and its educational system. New York State must lead the nation in ensuring that cultural diversity education is integrated into the public education system. Placing students in a position of understanding one another's differences will go a long way to eradicating decades of hatred and bigotry which have thrived on ignorance.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

BYLAW AMENDMENT RECOMMENDED FOR ADOPTION

2. BYLAW AMENDMENT TO ARTICLE 2 – SCHEDULE OF MEMBERSHIP DUES

Submitted by the NYSSBA Board of Directors on June 7, 2014.

LOCAL	NYSSBA

NOTE: Language struck out (-----) and shaded represents proposed deletions to the existing bylaw and underlined language represents proposed additions to the existing bylaw.

- 1 **RESOLVED**, that Article 2 of the bylaws of the New York State School
- 2 **Boards Association** be amended to allow school districts to join the
- 3 **association and pay dues on an annual basis from the date upon which**
- 4 **initial or full payment is received and to delete the now outdated**
- 5 **language regarding the dues freeze that was in effect for years 2011 and**
- 6 **2012.**

As amended October 23, 2010

~~For current members, membership dues for the years 2011 and 2012 shall be frozen at the amount member boards paid in 2010.~~ Beginning in 2013 and continuing in years thereafter the annual dues shall be based upon the amount the member board paid in the previous year plus an adjustment limited to 4% or 120% of the Annual Consumer Price Index (CPI), whichever is lesser.

~~New members who join in 2013 and thereafter will be placed on the dues schedule, established in 2010 and remaining in effect (set forth below), according to the district's most recent general fund expenditures, as reported to the State Education Department. Their annual dues shall be based upon the amount member boards within the same general fund expenditure range paid in the previous year plus an adjustment limited to 4 percent or 120 percent of the Annual Consumer Price Index (CPI), whichever is lesser.~~

New members who join in 2013 and thereafter will be placed on the dues schedule, established in 2010 and remaining in effect (set forth below), according to the district's most recent general fund expenditures, as reported to the State Education Department. Their annual dues shall be based upon the amount member boards within the same general fund expenditure range paid in the previous year plus an adjustment limited to 4 percent or 120 percent of the Annual Consumer Price Index (CPI), whichever is lesser.

Membership dues are payable by December 31 on an annual basis from the date upon which either initial and/or full payment is received ~~for the following calendar year~~ with a 30-day grace period.

GENERAL FUND EXPENDITURES STARTING RANGE	GENERAL FUND EXPENDITURES ENDING RANGE	ANNUAL DUES 2010
0	1,250,499	1,255
1,250,500	1,500,499	1,380
1,500,500	2,250,499	1,760
2,250,500	2,500,499	1,885
2,500,500	2,750,499	2,005
2,750,500	3,000,499	2,130
3,000,500	3,250,499	2,255
3,250,500	3,500,499	2,375
3,500,500	3,750,499	2,500
3,750,500	4,000,499	2,625
4,000,500	4,250,499	2,755
4,250,500	4,500,499	2,880
4,500,500	4,750,499	3,000
4,750,500	5,000,499	3,125
5,000,500	5,500,499	3,250
5,500,500	6,000,499	3,380
6,000,500	6,500,499	3,510
6,500,500	7,000,499	3,630
7,000,500	7,500,499	3,755
7,500,500	8,000,499	3,880
8,000,500	9,000,499	4,000
9,000,500	10,000,499	4,380
10,000,500	11,000,499	4,625
11,000,500	12,000,499	4,870

12,000,500	13,000,499	5,120
13,000,500	14,000,499	5,375
14,000,500	15,000,499	5,620
15,000,500	16,000,499	5,865
16,000,500	17,000,499	6,115
17,000,500	18,000,499	6,370
18,000,500	19,000,499	6,615
19,000,500	20,000,499	6,865
20,000,500	22,000,499	7,365
22,000,500	24,000,499	7,620
24,000,500	26,000,499	7,865
26,000,500	28,000,499	8,120
28,000,500	30,000,499	8,375
30,000,500	35,000,499	8,625
35,000,500	40,000,499	8,880
40,000,500	45,000,499	9,130
45,000,500	50,000,499	9,380
50,000,500	60,000,499	9,635
60,000,500	70,000,499	9,885
70,000,500	80,000,499	10,140
80,000,500	100,000,499	10,635
100,000,500	125,000,499	10,885
125,000,500	300,000,499	11,395
300,000,500	600,000,499	11,940
600,000,500	AND ABOVE	12,505

RATIONALE

Currently, NYSSBA membership dues are payable by December 31 for the following calendar year, with a 30 day grace period. The proposed language would allow a non-member school district to join the Association with its membership year being calculated from the date payment is first received by NYSSBA. This date will align with the period for which the district receives

member benefits. The proposed amendment will also have the beneficial effect of permitting school districts to be more in control of when they pay their membership dues and will ensure that their membership services and privileges will begin immediately upon paying such dues.

The amendment also seeks to remove the now outdated language regarding the dues freeze which the delegates to NYSSBA's annual meeting had previously voted to put in place for the years 2011 and 2012. The dues schedule established in 2010 remains unchanged. The dues schedule establishes the general fund expenditure ranges used for calculation of annual membership dues. The formula adopted by the delegates for the calculation of dues remains the same, with an adjustment to the dues a member board paid in the previous year limited to 4% or 120% of the Annual Consumer Price Index (CPI), whichever is lesser.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

RESOLUTIONS RECOMMENDED FOR ADOPTION

3. SUPPORTING RIC'S FOR DATA STORAGE

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support the use of Regional Information Centers (RIC's) as student**
- 3 **data storage centers.**

RATIONALE

Increasingly, school districts have the need to store large amounts of student data, collected as a part of their general daily operations. At the same time, districts are asked to provide increasing amounts of information to the State Education Department. While some school districts have the capacity to store all their data in house on a server or some other storage system, others do not. In addition there are sometimes occasions where the districts need to allow many to access the data at a single point in time and others where the information is essentially untouched. These different needs and fluctuations mean that sometimes a single onsite server is not the best storage option. To

allow for a safe and secure alternative the state should invest in and support the development and promotion of BOCES RICs as premiere data storage facilities that can accommodate even the most technologically challenging needs. By designing the systems to grow in this way districts and other public entities will always have the option to utilize these public facilities for their data storage needs. BOCES is a proven and trusted partner. Currently there is a regular transfer of information between schools and BOCES.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

4. SUPPORTING STATE AID FOR PROFESSIONAL DEVELOPMENT

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support a dedicated funding stream for professional development and**
- 3 **other supports associated with implementation of the Common Core**
- 4 **Learning Standards.**

RATIONALE

School districts have had varied experiences in trying to translate the Common Core Learning Standards into meaningful curriculum and lesson plans. Some educators have said that they have not been afforded sufficient time to gain a full mastery of the standards or the supports needed to teach them effectively. Meanwhile, due to drastically reduced education funding, professional development resources have been limited, and districts have fewer resources to overhaul curriculum and materials. Even in better-funded districts, the scarcity of quality materials available in the marketplace led many to wait on the promised state-created materials, which have been slow to arrive.

When the transition to Common Core-aligned grade 3-8 assessments began, for some it seemed a sudden and unpredicted change, while others took it as the next step in the implementation process. Even districts moving forward are struggling with inadequate resources to develop curriculum, provide professional development, and communicate with parents and communities. In addition, poor communication about the assessments exacerbated fear and uncertainty for students and their parents, especially after the anticipated first-year drop in grades 3-8 assessment scores.

While in general NYSSBA does not seek categorical aid, the breadth of the changes being enacted at this time requires special attention. School districts must have dedicated resources to prepare their staff, design their own curriculum or customize those materials provided by the state, and truly engage with parents and communities. It is not enough for the state to engage the public on these issues – districts must be the front line of communication and preparation for implementation to be successful. This cannot come at the expense of classroom resources.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

5. SUPPORTING FULL-DAY KINDERGARTEN

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey

LOCAL	NYSSBA

- 1 **RESOLVED, that the members of the New York State School Boards**
- 2 **Association support legislation to provide and sustain funding for full-**
- 3 **day kindergarten for all school districts in New York State.**

RATIONALE

Educators and the public recognize the long-term benefits to students of participation in a full-day kindergarten program. In fact, the vast majority of school districts in New York State currently offer full-day kindergarten programs. According to State Education Department data for the 2011-2012 school year, only 16 school districts, not including special act school districts, reported having no enrollment in a full day kindergarten program. State law should similarly recognize the critical role of kindergarten for a student’s education by instituting in statute full-day kindergarten for all school districts.

Academic and Social Benefits of Full-Day Kindergarten

Significant public discussion has focused on the need for high quality early learning, including both prekindergarten and kindergarten programs. There is little dispute among the educational community or the public as to the positive impact on academic achievement of quality early childhood education programs. With the common core learning standards’ emphasis on critical thinking and analysis, student participation in high quality, full-day kindergarten can only benefit long-term academic success. A full-day program, versus a three-hour half day program, provides increased

instructional time and an opportunity for teachers to use additional teaching strategies with students and implement a comprehensive curriculum.

Just as importantly, participation in full-day kindergarten programs helps children's emotional development and their ability to interact socially with their peers. In addition to the instructional component, a full-day program allows more time for lunch, play and rest. The emotional and social development benefit of full-day programs is particularly important to students who did not participate in a prekindergarten program or do not have a home environment that supports and encourages such development.

Equity

Kindergarten opportunities are not equal across the state. Certainly, there will be variance among programs. However, regardless of district, parents should know definitively that their child has an opportunity to attend a kindergarten program and it is full-day. New York is one of only five states that do not at the very least require districts to offer a kindergarten program at all, according to Education Commission of the States data.

As a result, when districts are forced to make difficult budgetary decisions, eliminating kindergarten or reducing the program from full-day to half-day has been considered. The educational community understands the importance of early learning and its long-term benefits but when budget cuts are required, difficult decisions have to be made. For example, what would benefit students more - full-day kindergarten or a high-quality math program in higher grades with sufficient teaching staff? Unless full-day kindergarten is required and state supported, there will continue to be inequitable distribution of kindergarten offerings across the state largely dependent on the financial means of each district.

Moreover, for some students, kindergarten is their first school experience, depending on whether they had the opportunity to participate in a prekindergarten experience. Not all school districts offer universal prekindergarten or have sufficient space in their programs. Many parents are unable to send their child to prekindergarten programs even when available, due to practical concerns such as employment schedules or transportation.

Cost

There is no question that even with already existing transitional aid for conversion to a full-day program, unless the state allocates additional aid, districts would incur additional personnel, equipment and possibly building space costs associated with going from a half day kindergarten program to a full day program. Nevertheless, these additional costs will be offset in part by savings incurred from mid-day bus transportation runs to take half-day kindergarten students home. It should be noted to that while schools are not

daycare providers, half-day kindergarten programs are problematic for some families given parent employment schedules.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

6. SUPPORTING INCREASED FUNDING FOR PRE-KINDERGARTEN

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support additional funding earmarked for pre-kindergarten programs.**

RATIONALE

The state must provide districts with additional funding for prekindergarten programs so that all students regardless of district or family wealth have an opportunity for a solid educational foundation. There is little dispute among the educational community or the public as to the positive impact on long-term academic achievement of quality early childhood education programs. Participation in prekindergarten also can benefit students' emotional and social development. Additionally, prekindergarten programs can level the playing field for all students. This is particularly important to students who do not have a home environment that supports and encourages child development and early learning.

Increased state funding for prekindergarten would make such programs more affordable for school districts. Districts have had back to back years of reduced state aid, decreased federal funding and a property tax cap limiting their ability to raise local revenue. As a result, districts have been forced to cut personnel and educational programming. Without increasing state funding for prekindergarten, some districts may make cuts to their prekindergarten programs to sustain the quality of their K-12 program.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

7. OPPOSING EDUCATOR BONUSES

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association oppose**
- 2 **state funded and designed educator bonus programs.**

RATIONALE

Current law makes no provision for a state pay scale or bonuses for educators in New York State. Instead, salary and benefits are considered terms and conditions of employment and are the subject of collective bargaining. Determining base pay, as well as step and lane increases, bonuses and what criteria might be used to award said bonuses should be addressed only in the context of such negotiations. Allowing the state to essentially offer bonuses or salary enhancements directly to district employees circumvents that process. When employees, and their authorized representatives have the option to negotiate and alter a fundamental aspect of their employment such as total compensation, employers are placed at an inherent disadvantage in their own negotiations.

Moreover, state funds should flow directly to school districts, to be incorporated into their budgets, thus allowing locally elected school boards to determine how best to use state resources to serve their entire community.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

8. SUPPORTING CAP RELIEF FOR DISTRESSED DISTRICTS

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support allowing fiscally distressed school districts to exceed the**
- 3 **property tax cap with a simple majority vote.**

RATIONALE

The property tax cap (enacted in 2011) was accompanied by the expectation that increases in state school aid would be made available to cover the increasing costs of providing a quality public education. This expectation was based on the experience of other states (most notably our geographic neighbor, Massachusetts) that had implemented various local tax levy restrictions. It was also accompanied by promises of reduced costs through “significant mandate relief.”

Since the enactment of the tax cap in New York State, however, the level of state school aid has not kept pace with the rising costs of public education even though, ironically, many of these costs have been driven by state mandates. The fiscal pressures on local tax levies have not been relived. Local funding is turned to as the only way to stave off programmatic cuts created by the shortfall of state funding. Over seventy percent of school districts statewide received less state funding in 2013-14 than they received in 2008-09. The Gap Elimination Adjustment (GEA) which remains at 1.6 billion dollars is a reflection of the reduced annual funding level provided by the state.

The New York State Comptroller in 2014 identified eighty-seven school districts that are in some form of fiscal distress. Through no fault of their own, these districts have been severely impacted by inadequate state funding and/or a shrinking tax base, while incurring the costs of new educational standards and requirements. Additional flexibility to raise educational funding during these difficult times is helpful to those districts that have been objectively identified as fiscally distressed.

The ability to raise tax levy above the formulated tax cap amount has proven to be most difficult. Of the small percentage of school districts that proposed a budget above the cap (4.1%) last year only 25 percent garnered the required supermajority for approval. Allowing fiscally distressed districts to exceed the cap with a simple majority would provide these fiscally vulnerable districts with a greater likelihood of receiving the funds that they truly need to recover their financial viability.

A STATEMENT IN SUPPORT OF THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

9. SUPPORTING COMMON CORE TEACHER CERTIFICATION ALIGNMENT

LOCAL	NYSSBA

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support changes in the certification examinations for teachers in New**
- 3 **York State to align with the Common Core Learning Standards.**

RATIONALE

Since the adoption of the Common Core Learning Standards we have asked our students to move toward proficiency on these more rigorous standards. At the same time we have asked that teachers already in the field adapt their content knowledge and teaching practices on the job to accommodate new content and skills. As more teachers are being trained and certified by the state of New York, we should be expecting no less from our prospective teachers.

When hiring a certified teacher in New York, boards of education should be confident that their certification is confirmation that candidates have demonstrated the content knowledge and pedagogical skills needed to properly teach their students.

Moreover, some teacher preparation programs have expressed reluctance to update their own courses and approaches to directly address the changes required by Common Core aligned instruction. So long as candidates can successfully achieve certification and therefore employment (without addressing these changes) some programs will likely remain unmotivated to change; and districts will struggle to find teachers prepared to teach to the new standards.

Altering New York's certification exams to align with the Common Core would benefit school districts by increasing the pool of teachers prepared to master these standards in the classroom. At the same time, such a change would help ensure that new teachers are getting the education they need and deserve by incentivizing teacher preparation programs to properly prepare their student to pass the new certification exams and then be successful in the classroom.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

10. SUPPORTING THE USE OF STUDENT PERFORMANCE IN APPR

Submitted by the NYSSBA Board of Directors, on June 7, 2014, upon the recommendation of the Resolutions Committee, based on the results of the Member Resolutions Survey.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association**
- 2 **support the continued use of student performance data in the Annual**
- 3 **Professional Performance Reviews.**

RATIONALE

In 2010, legislation was enacted that fundamentally changed the way that educator and principal evaluations are conducted in this state. Rather than a two tier scale with little ability for feedback and real examination of effectiveness, the state adopted a 4 tier system that increased observations, feedback and incorporated a measure of student performance. Since the enactment of this law, opponents have fought relentlessly to roll back the new evaluations and revert to the old system which did not include a student performance measure.

School districts have long sought more sophisticated measures of performance for their employees. Having a tool that allows them to assess the most important factor of an educator's job performance, their ability to demonstrate growth of student performance year over year is one of the most valuable additions they could make. This information allows districts to identify the areas in which each educator excels and where educators may need some additional assistance. This information will help districts identify those educators and principals who are best suited to take on leadership and mentorship roles. Incorporating student performance is the key to the validity of this information, as it provides an objective measure that gives context to the subjective measures inherent in observations.

There is no responsibility of a school and its employees that is more central to the mission of the organization than to ensure that students are learning. Allowing districts to measure and review that growth is a critical tool that will allow them to better accomplish this goal.

**A STATEMENT IN SUPPORT OF THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

The Resolutions Committee believes that support for the resolution is thoroughly expressed in the rationale.

RESOLUTIONS NOT RECOMMENDED FOR ADOPTION

11. AFFORDABLE CARE ACT

Submitted by the Shenendehowa School Board on July 23, 2014.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association shall**
- 2 **seek modification of the Affordable Care Act to eliminate penalties**
- 3 **imposed on employee health insurance when the premiums exceed a**
- 4 **threshold established by the law.**

RATIONALE

Beginning with 2018, current federal law implements a forty percent penalty on all employee provided health insurance coverage that exceeds set premium thresholds. The penalty payable by employers adds to the cost of operating private sector businesses and providing public services. While employers may seek to negotiate reductions in health coverage to avoid incurring this penalty, there is scant likelihood that negotiating reductions in coverage will be successful. Since the penalties are paid by the employer, employees have little motivation for agreeing to such reductions. Further, employers out of genuine concern for their employees' health or enlightened self-interest may be reluctant to reduce the quality of health coverage offered to their employees.

The Affordable Care Act provides a "grandfather clause" that allows exemption to the penalty for pre-existing and unchanged coverage that may otherwise exceed the penalty threshold. However, employers seeking to reduce the impact of increasing health insurance premiums have negotiated or otherwise implemented cost-saving changes. Employers who took steps to reduce costs, whether to remain competitive or as good stewards of public resources, will ironically be penalized for their efforts by loss of their grandfather protection; thus they will be subject to the penalty.

**A STATEMENT IN OPPOSITION TO THE RESOLUTION
FROM THE RESOLUTIONS COMMITTEE**

For school districts, the excise tax creates an important rationale for restrained health care plan costs. Districts that have been tied for years to overpriced plans as a result of an unwillingness to adjust health care plans by staff bargaining units, can now correctly claim that remaining tied to these plans will cost the district additional and needless overpayments of federal excise tax. These excise tax funds would be better suited to instructional purposes. Districts should use the existence of the excise tax to negotiate less costly plans with bargaining units, freeing up savings from the plan and the avoided tax to improve student learning.

Further, the excise tax is an important component of the Affordable Care Act as it provides a mechanism to generally curb the dramatic rise in health care costs in the United States. Employees with generous health insurance plans often "overuse" such benefits, as they are shielded from the true cost of care. The excise tax also helps provide the additional revenue necessary to grow the number of people across the country with access to health coverage. In addition, recognizing the fact that high-cost does not always bring greater benefits, the excise tax threshold adjusts for plans that have high-costs generated by older workers, women or employees in high-risk jobs. Elimination of the excise tax starves the program from needed revenue to expand health care coverage, as well as the incentive to restrain costs.

12. ANNUAL SCHOOL BUDGET ELECTION AND VOTE

Submitted by the Elmsford Union Free School Board on August 1, 2014.

LOCAL	NYSSBA

- 1 **RESOLVED, that the New York State School Boards Association shall**
- 2 **seek legislation that establishes procedures for public school districts**
- 3 **to move the annual school board and budget election to November and**
- 4 **eliminates the public vote on school budgets for such public school**
- 5 **districts that remain at or below the tax levy cap. Public school districts**
- 6 **wishing to exceed the tax levy cap and/or put forward separate**
- 7 **proposals to spend above the cap will hold public elections as per**
- 8 **current state law.**

RATIONALE

The Elmsford Union Free School District Board of Education believes that providing public school districts with the option to move the annual school board election to the general election in November, while eliminating a vote on proposed school budgets that fall within the tax levy cap, is a critical opportunity to save money and provide stability for local public schools. This

proposal would prove to be a valuable cost saving method for public school districts, which often spend upwards of \$10,000 to hold separate elections each spring. As public school districts work to maintain transparency and fiscal restraint, unfunded mandates and new requirements abound from Albany.

With an unwillingness to alleviate these onerous and expensive requirements, this proposal would undoubtedly save districts thousands of dollars while providing relief from the burdens of the government's unfunded requirements. The adoption of the proposed resolution would bring public school districts and their local boards of education in line with the present election and voting requirements. To be sure, school districts would continue to be held to a higher standard as proposals above the tax levy cap would continue to require public electoral support.

It should be noted, this resolution seeks to provide an option for public school districts to move their elections and thus eliminate a qualified budget vote, not to mandate by law a change in election dates. Further, similar measures have been considered and/or adopted with success. We believe that this proposal will prove to be beneficial for the health, longevity and financial stability of school districts throughout the Empire State while equalizing the electoral requirement among governing bodies and deploying resources strategically to save tax dollars.

A STATEMENT IN OPPOSITION TO THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

Shifting the school board and budget vote to November is likely to cause a number of unintended consequences. Coordinating elections with county Boards of Elections would lead to legal complexities, as both entities are governed by different areas of state law. What might at first seem to be a less complicated process, might in the end lead to additional and more stringent election rules that schools would be subject to. Presenting this change as an option could confuse voters, as some districts would still be holding their vote in May while others may have shifted to November.

Additionally, moving the vote date by 6 months will make the budget development process even more difficult than it already is. School districts would either be acting on their budget 7 months before or 4 months after the start of the fiscal year. This fact is complicated by the fact that they would also be acting 6 months before or after the State budget is enacted. As a result districts would not have official state aid projections to use and tax cap figures could not be calculated as currently prescribed by law.

Finally, holding votes at the same time as state and federal elections would likely further politicize school budgets and board positions. The local school vote remains one of the few elections that do not operate within traditional political spheres. Judicial elections, many of which are ostensibly nonpartisan have become increasingly politicized as a result of the placement on the ballot with partisan elections. Moving the election date to November could further compromise the integrity of the process.

The school district is an integral part of the community. Public votes on budgets allow residents to have a real voice in the direction of their schools, something that is unique in the world of local governments in this state. Voters do not only get to approve the amount, but can influence the way money is spent. Requiring a budget vote only when a district proposes to exceed the tax cap would severely weaken the public's involvement with their schools. Additionally, this would put even more pressure on a school district to propose a budget below their tax cap. Schools already operate in an environment with the threat of contingency budgets and the burden of the tax freeze. Requiring a budget vote only when a district proposes to exceed the tax cap could further disincentivize schools from proposing the best budget for the district and its students.

13. MEDICARE PREMIUM REIMBURSEMENT UNDER NYSHIP

Submitted by the Manhasset Public School Board on August 1, 2014.

- 1 **RESOLVED, that the New York State School Boards Association seek**
- 2 **legislation exempting school districts from the New York Civil Service**
- 3 **requirement that school districts reimburse school district retirees for**
- 4 **the Income Related Medicare Adjustment Amounts, known as IRMAA.**

LOCAL	NYSSBA

RATIONALE

Section 167-A of the NY Civil Service Law requires that school districts reimburse retirees for their monthly Medicare premiums. IRMAA is the Income-Related Monthly Adjustment Amount applied to Medicare premiums for Medicare beneficiaries who have high incomes. Individual incomes greater than \$85,000 and family incomes greater than \$170,000 are subject to IRMAA. IRMAA adds additional cost to the school district retiree's monthly Medicare premiums. Although not contemplated specifically by Section 167-A, NYS has interpreted this statute to include reimbursement of IRMAA premiums as part of school districts' Medicare premium reimbursement requirement.

IRMAA is an unpredictable obligation because it is subject to change on a yearly basis. In addition, whether a district retiree is subject to IRMAA can also change from year to year because the additional payment is based upon

the retiree's annual income. For example, Retiree A receives a pension in the amount of \$80,000. Retiree A has no additional income in years 1, 2 and 3, however, in year 4 Retiree A takes a part time job earning \$25,000 resulting in total annual retiree income of \$105,000 in year 4. The additional income from Retiree A's part time job triggers IRMAA and requires an additional unanticipated monthly reimbursement from the school district to Retiree A. This is true regardless of whether that part-time income used to calculate this obligation is related to Retiree A's tenure at the school district or not.

The obligation to reimburse IRMAA premiums for retirees earning greater incomes is an unlimited liability and another unfunded mandate which is wholly beyond a school district's control. Moreover, the incremental obligation to reimburse IRMAA premiums forces school districts to divert funds which would otherwise be used for educational purposes to reimburse retirees who are in a high income bracket and able to absorb the additional payment mandated by the federal government. This unpredictable obligation creates more budgetary havoc and uncertainty in a "2% tax cap" environment where limited resources must be tightly accounted for and controlled. IRMAA premiums should be exempt from reimbursement by school districts.

A STATEMENT IN OPPOSITION TO THE RESOLUTION FROM THE RESOLUTIONS COMMITTEE

IRMAA is a supplemental Medicare premium higher income earners must pay. Civil Service Law Section 167-a requires employers participating in the New York State Health Insurance Plan (NYSHIP) to reimburse retired employees who have reached the age of Medicare eligibility for their Medicare premium. This has been interpreted to include IRMAA. (See Matter of United Univ. Professions v State of New York, 36 AD3d 297 (2006).)

Participation in NYSHIP is voluntary. While districts must act in accordance with their collective bargaining agreement, or negotiate changes to that agreement, state law does not require participation in the state insurance plan. Whatever company a district chooses to contract with, that company will have rules and policies that the consumer must comply with to maintain the contract. It is also possible that comparable coverage would be more expensive, not less, if districts used another provider that did not have this reimbursement requirement.

According to the New York State Department of Civil Service, 156 school districts currently participate in NYSHIP's Empire Plan. While the inclusion of IRMAA in the definition of Medicare premium for reimbursement purposes is a cost increase, it's one that all participants in NYSHIP are being required to pay. Should school districts seek to have special status and not comply with the same rules as other participants, districts are left open to the very real possibility that they might lose the option to participate in the state plan at all.