



LEGISLATIVE BRIEFS...

August 2011

Governor Vetoes Pension Borrowing Plan for School Districts

Anticipating passage of a property tax cap and a three-year spike in pension costs, controversial legislation allowing school districts to borrow up to \$1 billion to cover soaring pension and operating costs, without voter approval, was passed by the State Legislature in June. For districts in dire financial circumstances, lawmakers believed this would be a helpful fiscal tool. Bonds issued for this purpose would not have been tax exempt and would have a high interest rate, leaving districts to pay close to double the actual pension costs up to 15 years after incurring them. To avoid future tax increases to cover the debt this would incur, Governor Cuomo vetoed the borrowing plan.

For more information: <http://www.legislativegazette.com/Articles-c-2011-07-18-79294.113122-Cuomo-vetoes-school-borrowing-legislation.html>.

State Legislature Supports “Concussion Awareness Management Act” for Students

The Act directs the commissioners of education and health to adopt and implement rules and regulations for the treatment and monitoring of students with mild traumatic brain injuries; requires school personnel to receive training in mild traumatic brain injuries; requires providing information (pamphlet) on mild traumatic brain injuries to parents of pupils participating in interscholastic sports or who have suffered a mild traumatic brain injury; requires written consent of and acknowledgment of receipt of such pamphlet by parents prior to participation in interscholastic sports; and provides for the establishment of concussion management teams to implement provisions.

New York State PTA was contacted by the Governor's Office to provide input on this legislation. We noted that, annually, half a million children and youth visit emergency rooms for traumatic brain injury. New York State PTA strongly supports this legislation, as we have been advocating for guidelines and monitoring in the form of a state tracking system, as well as education of staff and families regarding head injuries, since 1997. A state tracking system and return to play protocol would enable school systems to collect, analyze and monitor information related to the circumstances of head injuries, medical treatment to control those injuries, and the cumulative effects on youth who sustain head injuries.

Coincidentally, our state Resolutions Committee has recommended moving forward our 1997 New York State PTA resolution, *Head Injuries*, for reaffirmation at our upcoming state convention in November. The resolution states that the New York State PTA:

- seek and support legislation establishing a state tracking system for head injuries in all children and students and a record that would follow each child and student from year to year.
- seek and support legislation establishing guidelines for return to play after a concussion.
- urge local school districts and community athletic organizations to include the addition of head injuries on health summaries and yearly physical forms.
- local units and councils educate their community on the dangers of head injuries.

Provisions within S3953-B clearly address these actions. Do you know your school district policy regarding concussions?

Check out the details of this legislation: <http://m.nysenate.gov/legislation/bill/S3953B-2011>.

For Sample Guidelines and Policies: <http://www.nysphsaa.org/safety>.

Will There Be Real Mandate Relief?

While there is no significant relief of school cost drivers in sight, Governor Cuomo claims reducing state mandates among his key priorities and that the mandate relief package passed this session begins to give schools and local governments greater flexibility, improves services and saves taxpayer money. Toward this end he has also established a combined Legislative and Executive Mandate Relief Council to refer unfunded mandates to the Legislature and agencies for modification or repeal.

To learn more:

http://www.syracuse.com/news/index.ssf/2011/07/how_new_york_state_mandate_rel.html.

NYS School Boards has created a “playbook” for dealing with school district fiscal realities that lawmakers are looking at – to download, go to:

http://www.nyssba.org/clientuploads/nyssba_pdf/GRPlayBook.pdf.

Teacher/Principal Evaluation Implementation Plans (APPR) Due September 1!

Creating a statewide evaluation system for teachers and principals linked to student performance was mandated by a law (Education Law section 3012-c) passed as part of New York’s successful Race to the Top application. Starting this September, the new system must be implemented for classroom teachers of English Language Arts (ELA) or math in grades 4-8, and their respective building principals. Do you know where your district is in this process?

For details:

http://www.nyssba.org/index.php?src=news&submenu=on_board&srctype=detail&category=On%20Board%20Online%20July%2018%202011&refno=1815.

Proposed Flexibility Provisions Draw Controversy with Reauthorization of ESEA (NCLB)

The National Educators Association suggests that the Elementary and Secondary Education Act (ESEA/NCLB) flexibility proposals before the House Education and Workforce Committee is flawed and dilutes the federal role of protector of funding for some of the nation’s most vulnerable students. If enacted, the NEA contends that instead of providing the kind of flexibility that would benefit schools, children and families, the “State and Local Funding Flexibility Act” would compromise the civil rights of low income, English Language Learners (ELL) and Native American students.

Conversely, the National School Boards Association is urging members to support this legislation, claiming it would allow school boards to re-direct federal funds from some education programs to support other initiatives that would help increase student achievement and help serve the students with the greatest needs.

National PTA has concerns that deregulation would diminish accountability and that districts would be free to opt out of the section 1118 reservation for family engagement.

- <http://www.nea.org/home/46304.htm>
- <http://schoolboardnews.nsba.org/2011/07/nsba-supports-esea-flexibility-bill-in-house>