



# LEGISLATIVE BRIEFS...

August 2008

## **Update: Where Are We At the Close of the State Legislative Session?**

The NYS Legislature ended its legislative session on June 25<sup>th</sup> with the Senate and Assembly, and the Governor's office all proclaiming Spring 2008 to be a most productive session for passed legislation. Despite the shortfall of state revenue and the subprime mortgage crisis, Governor Paterson also completed his first one hundred days in office to claims of a "restoration of public trust following political upheaval" and the passage of a responsible, nearly on-time budget.

The Governor reached important agreements with legislators on 26 pieces of legislation that included revoking licenses of teachers convicted of sex crimes, keeping unsafe toys off store shelves and providing incentives for green building. Additionally, the Governor pledged to continue to urge capping of "skyrocketing" property taxes.

For the view from the Governor's mansion:

[http://www.state.ny.us/governor/press/press\\_0625082.html](http://www.state.ny.us/governor/press/press_0625082.html)

## **State Legislative Wrap-up...**

### **State Budget:**

The 2008-09 budget appropriated a record \$21.5B in state aid, including:

- a 3% minimum increase in foundation aid for all districts
- \$202m in high tax aid
- \$851m in BOCES aid
- \$249m in private and \$3.9m in public excess cost aid (special needs)

The budget also included:

- \$100m increase in Pre-K funding
- \$15m transportation aid
- language to provide increased flexibility for eligible programs under the Contracts for Excellence
- language regarding teacher tenure and Regents standards as well as a 2-year moratorium of the use of student performance data for tenure determination
- postponement of middle class STAR rebate
- a 2% cut in state subsidies for school meals

### **Laws:**

**New York State Teacher Day – (Chapter 61 of the Laws of 2008)** - establishes the first Tuesday in May as an annual day of commemoration of NYS teachers.

**Special Education Services for Home-Schooled Students – (Chapter 217 of the Laws of 2008)** – Classifies home-school students as parentally placed private school students for the purpose of establishing eligibility for the provision of special education services by the public school district.

**On-Site Nebulizers – (Chapter 42 of the Laws of 2008)** - a technical amendment which requires that all schools providing health services, in which there is a full- or part-time nurse,

provide and maintain a nebulizer for use by any public or private school student with a patient specific order. This law has not yet taken effect as there has been no appropriation, as required by its effective date.

**Study of Participation in Free and Reduced Meal Programs – (Chapter 172 of the Laws of 2008)** - instructs the Commissioner of Education to establish a study of the methodologies and practices utilized by school districts to identify students eligible for, and provide access to, subsidized meal programs, and report on the best practices being used.

**State Legislation Pending Final Action:**

**Loss of Certification and Automatic Employment Termination of Convicted Sex Offenders - (A.11500-A, Nolan/S.8553, Saland, Passed Both Houses)** - allows the commissioner of education to automatically revoke the certification of teachers who have been convicted of a sexual offense that would require them to register as sex offenders. This legislation would further allow school districts to terminate the employment of these individuals without 3020-a hearings.

**Loss of Certification and Automatic Employment Termination of Administrators and Supervisors- (A.11513-A, Nolan/S.8554, Saland, Passed Both Houses)**- allows the commissioner of education to automatically revoke the certification of school administrators and supervisors convicted of defrauding the government. This legislation would further allow school districts to terminate the employment of these individuals without 3020-a hearings.

**Internet Safety - (A.11256-A, Brodsky/S.7051-A, Saland, Passed Both Houses)** - requires the commissioner of education to develop age appropriate technical assistance and resources for school districts to share with students and parents on safe internet use practices.

**Use of Independent Contractors and Retired Personnel - (A.11743, Sweeny/S.8699, Skelos)**- establishes a specific prohibition against an attorney who is an independent contractor being considered a school district employee and further establishes penalties for the violation of these provisions. In addition, this legislation would establish new reporting requirements for school districts regarding their employment of retired personnel. Finally, this legislation would strengthen provisions of the existing waiver process, to ensure that all efforts are made to seek out appropriately qualified non-retired personnel to fill open positions prior to hiring a public retiree.

For more information and updates:

[http://www.nyssba.org/clientuploads/nyssba\\_pdf/gr\\_LegislativeUpdate08.pdf](http://www.nyssba.org/clientuploads/nyssba_pdf/gr_LegislativeUpdate08.pdf)

**National Report**

Nearly 2000 child advocates and family members attended the 111<sup>th</sup> Annual National PTA Convention held in June in San Diego, California. Delegates were held spellbound by the words of keynote speakers, Drs. Maya Angleou and Sanjay Gupta, and had the opportunity to visit the Parent Expo of over 200 vendors and attend more than 40 workshops. Among the many activities was the presentation and debate of the 2008 resolutions, which included the new resolution, Children Left Unattended In or Around Vehicles.

For more resolutions information:

<http://www.pta.org/documents/2008Conventionresolutions.pdf>