



## NYSUT's 2020-21 Summary of the New York State Enacted Budget

### **The Federal CARES Act and Spending Flexibility**

The enacted budget appropriates a total of \$1.2 billion for elementary and secondary education in the Federal CARES Act. The enacted budget also includes language to authorize the director of the budget to adjust and/or reduce appropriations during the 2020-21 state fiscal year if the state budget is out of balance during any three designated periods. These periods extend from April 30th until December 31, 2020. The budget is deemed to be out of balance if state tax receipts are below 99 percent of projected levels or if spending on state operating funds exceeds 101 percent of projections. The director of the budget may reduce appropriations in an across-the-board manner or by taking reductions from specific appropriations. The Legislature will have ten days to prepare and pass its own plan or the plan of the director of the budget assembled will take effect.

According to NYSUT's analysis, any significant reduction in school aid would violate the federal maintenance of effort provision in the Federal CARES Act and would cause the state to lose over \$1 billion in federal dollars currently pledged to public schools in our state.

*The 2020-21 New York State Budget totals \$178 billion. The following is a synopsis of the major provisions of the state's spending plan.*

### **PK-12 EDUCATION**

#### **School Aid**

The enacted budget provides for a \$95 million (0.35%) increase over the 2019-20 school aid amount, for a total of \$27.4 billion. The enacted school aid package includes a freeze on Foundation Aid at the 2019-20 levels for each district.

#### **Expense-Based Aids**

NYSUT was successful in defeating the executive budget proposal to merge up to ten of the expense-based aids categories (BOCES, special services, high tax, charter school transitional, textbook, school library materials, computer software, computer hardware and technology, supplemental public excess cost and academic enhancement) into Foundation Aid. Instead, the enacted budget maintains all existing formulas and funds the scheduled \$95 million increase in these aid categories.

## **School Spending Reporting**

The enacted budget will require school districts to file a report by September 1, 2020, that details building level funding allocations. School districts that contain an “underfunded” high-need school must prioritize that school in the allocation of district resources. The director of the budget will compile a list of “underfunded” schools, by metrics laid out in the enacted budget, by May 2020. School districts that have an “underfunded high-need” school, must submit a plan by September 1, 2020, to the commissioner of education for approval. The failure to file these reports in a timely manner may cause a district to lose their 2020-21 state aid increase.

## **BOCES**

The enacted budget does not merge BOCES aid into any other expense-based aid category. The enacted budget continues to allow BOCES to apply for grants for the advanced courses access program and Pathways in Technology Early College High School (P-TECH).

The enacted budget includes \$3.285 million for school districts and BOCES to fund approved learning technology programs approved by the commissioner of education, including services benefiting nonpublic school students.

## **Community Schools**

The enacted budget continues to provide \$250 million to community school programs and continues the minimum amount of the district set-aside of \$100,000.

The enacted budget also provides \$250,000 for grants to school districts to allow community schools to expand mental health services and capacity of community school programs.

The enacted budget includes \$1.2 million for services and expenses for three community school regional technical assistance centers.

## **Pre-K Expansion**

The enacted budget provides for \$340 million for universal Pre-K expansion.

## **Teacher Centers and Professional Development**

Due to the advocacy of NYSUT and its members, the enacted budget restores \$14.26 million in funding for teacher centers. The enacted budget provides \$2 million for the Mentor Teacher/Intern Program and \$368,000 for National Board Certification.

## **Charter Schools**

The enacted budget does not provide any critical reforms to make charter management operators more transparent and accountable to taxpayers and the public.

The enacted budget increases charter school facilities aid to \$50 million, an increase of 58.7 percent. The executive budget further provides an increase of 6.6 percent, or \$10 million — to \$161 million for supplemental basic charter school tuition, which is reflective of enrollment. While the amount to charters is still increasing, for the 2020-21 school year, charter school tuition payments per pupil will be 5.5 percent lower than scheduled.

The Legislature rejected language to circumvent the cap on new charter schools in New York City by allowing the reissuance of so-called “zombie charters” that had been surrendered, revoked or terminated, to not count against the cap.

### **Rochester Monitor**

As a result of NYSUT’s advocacy, the enacted budget provides \$175,000 to support a monitor for the Rochester City Schools that will be appointed solely by the commissioner of education. The Rochester City Schools also received a lotto spin-up payment of \$35 million to address the current-year fiscal shortfall.

### **Wyandanch and Hempstead School Districts**

The enacted budget includes \$87,500 for the support for each of the monitors appointed in both the Wyandanch and Hempstead school districts.

### **Roosevelt School District**

The enacted budget includes \$12 million for services and expenses for special academic improvement grant programs for the Roosevelt School District.

### **Syracuse STEAM**

The enacted budget provides \$350,000 to support the Syracuse STEAM school for Central New York students in grades nine through twelve. The board of education of the Syracuse City School District will be responsible for the operation, supervision and maintenance of the school and will be responsible for the administration of the school, including curriculum, grading, discipline and staffing.

### **After-School Programs**

The enacted budget restores funding for the Advantage After-School Program to \$33 million from \$28 million and funds the Empire State After-School Program at the current level of \$55 million.

### **School Meal Program**

The enacted budget authorizes \$34.4 million for the school meal program and \$10 million for school lunch programs that purchase at least 30 percent of their food products from New York farmers, growers, producers or processors.

### **Early College High Schools**

The enacted budget allocates \$6 million to expand early College High School programs for students from schools with below average graduation rates. Students entering this program receive both a high school diploma and an Associate’s Degree at no cost to the student or their family.

### **4201 Schools**

The enacted budget maintains flat funding of \$103.9 million for 4201 Schools and continues to provide an additional \$903,000 for both the New York School for the Deaf and the Henry Viscardi School and \$500,000 for both the Mill Neck and the Cleary schools.

## **Minimum Wage Assistance for 4201, 4410, Special Act and 853 Schools**

The enacted budget provides a total of \$17.2 million for increased salaries for staff in 4201, 4410, Special Act and 853 Schools.

## **Special Education Residential Placements**

The enacted budget shifts the cost of special education residential placements from the Office of Children and Family Services (OCFS) to school districts, eliminating the 18.42 percent share for one year.

## **Health Education**

The enacted budget includes \$691,000 for health-related programs including, but not limited to, those providing instruction and supportive services in comprehensive health education and/or AIDS education, of which, \$86,000 is provided to the school health demonstration program.

## **Mental Health**

The enacted budget provides \$10 million for student mental health support grants to school districts pursuant to a plan developed by the commissioner of the office of mental health, in consultation with the commissioner of education.

## **Contract for Excellence**

The enacted budget continues the Contract for Excellence.

## **Supplemental Classroom Instruction**

The enacted budget provides that all public, nonpublic, and charter school students enrolled in elementary and secondary schools in New York City be provided with additional opportunities to supplement classroom instruction including visiting educational and cultural sites and institutions.

## **East Ramapo School District**

The enacted budget provides \$2 million to support the continued turnaround of the East Ramapo School District.

## **Yonkers Schools**

The enacted budget includes \$12 million for Yonkers City Schools.

## **Mahopac School District**

The enacted budget forgives the penalty assessed to the Mahopac School District for an error related to the submission of a final cost report.

## **My Brother's Keeper**

The enacted budget provides \$18 million for My Brother's Keeper to improve outcomes for boys and young men of color.

## **Curriculum on Civic Education and Values**

The enacted budget provides \$1 million for the development of a civics curriculum, the state's shared history of diversity and the role of religious tolerance.

### **Restorative Justice**

The enacted budget provides \$3 million in grants to school districts to increase the use of alternative approaches to student discipline.

### **International Baccalaureate and Advanced Placement**

The enacted budget provides \$7.3 million to subsidize advanced placement and the International Baccalaureate exam fees for low-income students.

### **Special Education “Mandate Relief”**

The enacted budget does not include language to allow school districts, BOCES and private schools to petition the State Education Department for flexibility in complying with certain special education requirements.

### **Non-Public School Aid**

The enacted budget provides non-public schools with \$195 million in support. The enacted budget also provides \$30 million for STEM instruction and \$15 million in capital for security in non-public schools and community centers.

### **Bilingual Education and English Language Learners**

The enacted budget provides up to \$18.5 million in competitive grants for bilingual education for school districts, BOCES, colleges and universities. These funds can be used for educational programming and to conduct self-assessments to identify areas that need to be strengthened.

## **HIGHER EDUCATION**

### **SUNY State-Operated Campuses**

The enacted budget provides flat funding of \$730 million for SUNY state-operated campuses.

### **SUNY Capital Funding**

The enacted budget provides \$550 million for state-operated campuses and provides \$46 million, in a block appropriation, for SUNY Community Colleges.

### **SUNY Community College Base Aid**

The enacted budget maintains the state base aid per Full Time Equivalent (FTE) student at \$2,947.00. However, the overall base aid amount is reduced by approximately \$22.7 million due to reductions in enrollment. Unlike the 2019-20 enacted budget, this budget does not provide that community colleges shall receive at least 98 percent of the base aid funding they received in the last fiscal year.

Rental aid for leased space is maintained at last year’s level, for a total of \$11.6 million.

Funding for high-need programs (\$1.69 million), contract courses (\$1.88) million and low enrollment colleges (\$940,000) is maintained at last year’s levels.

Funding for childcare centers is maintained at last year’s level of \$2.1 million.

The executive budget provides \$3 million in funding for the SUNY Apprenticeship Program and eliminates the SUNY Family Empowerment Community College Program.

### **Educational Opportunity Program (EOP)**

The enacted budget provides \$32.2 million in funding for the Educational Opportunity Program. This maintains the level set in last year's enacted budget.

### **Educational Opportunity Centers (EOCs) and ATTAIN Labs**

The enacted budget continues to fund these programs at \$62 million, which represents the amount set in last year's budget.

### **Mental Health Services**

The enacted budget restores funding at the level of \$500,000 for SUNY tele-counseling services.

### **SUNY Hospitals**

The enacted budget does not restore the state subsidy for the SUNY hospitals.

The enacted budget provides DSH support for the three SUNY hospitals (Downstate, Upstate and Stony Brook) in the amount of \$460 million. DSH payments are provided to offset the costs associated with uncompensated care provided by these hospitals.

The enacted budget provides \$150 million in capital funding (\$50 million for Upstate, \$50 million for Downstate and \$50 million for Stony Brook) for alterations, improvements, services and expenses incurred by these hospitals prior to April 1, 2020.

### **SUNY Set-Aside Funding**

The enacted budget continues to set aside \$18 million in state aid to be allocated to state-operated campuses per an approved plan of the SUNY Board of Trustees. The language stipulates that a portion of these funds are to be used to support new classroom faculty.

### **SUNY Open Educational Resources (OER)**

Funding in the amount of \$4 million is set-aside from the system administration appropriation to expand the Open Educational Resource Initiative to help reduce and/or eliminate the costs of textbooks for students. This funding is targeted towards high-enrollment courses, including general education courses.

### **CUNY Senior College State Funding**

The enacted budget provides relatively flat funding for CUNY's senior colleges at \$552.2 million. Fringe benefits are increased by \$50.7 million.

### **CUNY Capital Funding**

The enacted budget provides \$284 million for CUNY senior colleges and provides \$64.3 million for CUNY community colleges.

## **CUNY MTA Commuter Mobility Tax**

The enacted budget provides flat funding of \$5.5 million for the MTA commuter mobility tax.

## **CUNY Set-Aside Funding**

The enacted budget continues to set aside \$12 million in state aid to be allocated to senior colleges per an approved plan of the CUNY Board of Trustees. The language stipulates that a portion of these funds may be used to support new classroom faculty.

## **CUNY Open Educational Resources (OER)**

Funding in the amount of \$4 million, within the CUNY Senior College Operating Account, is set aside to expand the Open Educational Resource Initiative to help reduce and/or eliminate the costs of textbooks for students. This funding is targeted towards high-enrollment courses, including general education courses.

## **CUNY Community College Base Aid**

The enacted budget maintains the state base aid per Full Time Equivalent (FTE) student at \$2,947.00. However, the overall base aid amount is reduced by approximately \$3.6 million due to reductions in enrollment. Unlike the 2019-20 enacted budget, this budget does not provide that community colleges shall receive at least 98 percent of the base aid funding they received in the last fiscal year.

Rental aid for leased space is maintained at last year's funding level of \$8.9 million.

Funding for contract courses/workforce development is maintained at last year's level of \$1.9 million.

Funding for ASAP is provided for at last year's level of \$2.5 million.

Funding for childcare centers is restored to last year's \$1.7 million level.

## **Search for Education, Elevation and Knowledge (SEEK)**

The enacted budget continues to fund this program at \$28 million.

## **CUNY School of Labor and Urban Studies (Formerly the Joseph Murphy Institute)**

The enacted budget provides \$3.7 million to fund this program.

## **SUNY and CUNY Family Empowerment Community College Pilot Programs**

The enacted budget does not include the Family Empowerment Community College Pilot Programs.

## **Tuition Assistance Program (TAP)**

The enacted budget provides \$1 billion in TAP funding. The Legislature rejected the executive budget proposal that would have expanded the Excelsior Scholarship Program by increasing the income threshold from \$125,000 to \$150,000. The Legislature also rejected the executive budget proposal to expand the Enhanced Tuition Award Program (E-Tap).

## **Tuition Assistance to Part-Time Students**

Funding for this program is maintained at last year's level of \$14.4 million.

## **Part-Time Scholarship Program**

The enacted budget maintains funding at \$3.1 million to support the Part-Time Scholarship Program established in last year's budget.

## **BUNDY Aid**

The enacted budget maintains funding for this program at \$35 million.

## **Higher Education Opportunity Program (HEOP)**

The enacted budget continues funding for this program at \$35.5 million.

## **Liberty Partnership Program**

The enacted budget continues to fund this program at \$18.3 million.

## **C-STEP**

The enacted budget continues C-STEP funding at \$11.8 million.

## **STEP**

The enacted budget continues STEP funding at \$15.7 million.

## **Student Loan Debt Relief Industry**

The enacted budget includes language to regulate the student loan debt relief industry to stop deceptive and abusive practices. The Department of Financial Services shall create operating standards and practices for student debt consultants. The proposal sets civil penalties for consultants who violate the new standards.

## **We Teach NY**

The enacted budget allocates \$3 million for the We Teach NY Program to address the teacher shortage in identified subject areas. Funding will be prioritized to:

- Recruit teacher candidates as incoming college freshmen in hard to staff subject areas;
- Award funds to school districts partnering with a higher education institution;
- Require that school districts provide mentors and paid internship opportunities for teaching candidates; and
- Require that teachers will be guaranteed a job opportunity at the end of the program if they meet all the requirements.

## **SUNY and CUNY Capital Matching Program**

The enacted budget allocates \$500 million (\$200 million for SUNY and \$300 million for CUNY) towards the state share of a new 2:1 strategic needs capital matching program. The program is meant to support new construction and/or major renovations of SUNY and CUNY academic buildings. For every two dollars invested by the state, campuses must contribute one dollar. The budget language does not indicate if there are restrictions on how matching funds are provided.



### **Excepted Benefit Student Health Insurance Policies**

The enacted budget conforms New York’s student health insurance laws with the requirements set forth in the Affordable Care Act (ACA). The language clarifies that New York law does not prohibit the issuance of policies that offer certain “excepted benefits” such as dental, vision, intercollegiate sports injury coverage and travel (abroad) insurance to institutions of higher learning.

### **Research Tobacco Products**

The enacted budget provides that accredited colleges, universities or hospitals that receive research tobacco products must file an annual report detailing all such products they have received within the preceding calendar year. Anyone who willfully fails to file such report will be subject to a civil penalty.

### **Start-Up NY**

The enacted budget extends the filing deadline for campuses, universities or colleges to accept applications from businesses seeking to receive tax benefits through participation in the Start-Up NY program from December 31, 2020, to December 31, 2025. A report evaluating the effectiveness of the Start-Up NY program must be completed and delivered to the governor and the Legislature prior to December 31, 2025.

### **SUNY Non-Resident Undergraduate Tuition Increases**

The enacted budget authorizes the SUNY Board of Trustees to raise non-resident undergraduate rates of tuition by not more than 10 percent over tuition rates for the prior academic year for certain doctoral degree granting SUNY institutions. These institutions include, the State University of New York College of Environmental Science and Forestry, Downstate Medical Center, Upstate Medical Center and the College of Technology at Utica-Rome/State University Polytechnic Institute. The increases are authorized for a four-year period beginning with the 2021-2022 academic year.

### **SUNY Curing Alzheimer’s Health Consortium**

The enacted budget establishes, within the State University System, the Curing Alzheimer’s Health Consortium. The consortium will be tasked with identifying genes that predict an increased risk for developing the disease and will be directed to collaborate with research institutions within SUNY and the Department of Health to develop therapeutic treatment and cures.

### **Foster Youth College Success Initiative**

The enacted budget expands the Foster Youth College Success Initiative to provide for supplemental housing and meals for foster children during intersession and summer breaks. The program is further expanded to provide for medical expenses including primary care, behavioral health, vision and dental care that is not already or otherwise covered by the student’s health plan.

## **LABOR**

### **Sick Leave for all Employees**

The enacted budget includes provisions that will require private employers to provide five-to-seven days of sick leave to all their employees. The amount of sick leave provided, and whether the leave is paid or un-paid, varies according to size and or earnings of the employer.

## **Union Protections to Combat against the Janus Decision**

NYSUT fought for the inclusion of provisions in the enacted budget to ensure that public employers keep unions up to date on new hires and member statuses. These changes will also require public employers to provide employee organizations with access to new employee orientations if the employer conducts such orientations. The new budget language will also indemnify public employers, unions and the Comptroller from liability for deducting, receiving or retaining dues or agency shop fees prior to the Janus decision.

## **Gig Economy**

Protections for workers in the “Gig Economy” were omitted from the enacted budget.

## **Buy American**

At the urging of NYSUT, the executive budget made the "New York Buy American Act" permanent. This act provides that all public works use steel made in the United States of America.

## **Prevailing Wage**

The enacted budget expanded the prevailing wage statute to cover various types of building and construction projects that total over \$5 million and are built with at least thirty-percent public funds.

# **ELECTIONS**

## **Restricting Employee Time Off to Vote**

Language was included in last year’s budget that provided all employees in New York State with up to three hours of leave time to cast their ballot in most elections. The enacted budget amended these provisions by reducing this leave “from up to three hours” to “not more than two hours off without loss of pay.” The enacted budget also stipulates that if an employee has four consecutive hours off, either before or after work, during the hours the polls are open, on any of the days the polls are open, they are not eligible for time off to vote during the scheduled work day. Additionally, employees who are eligible to take time off to vote, and plan on taking such time, must notify their employer no less than two working days, but no more than ten working days, before Election Day.

## **Manual Ballot Recounts**

The enacted budget will now require the New York State Board of Elections to conduct a manual recount for elections where the margin of victory is twenty votes or less; 0.5% or less; or less than 5,000 votes in elections where one-million or more ballots have been cast.

## **Public Financing of Elections**

The enacted budget codifies into law the 2019 Public Financing Commission’s report by establishing an opt-in, matching funds public financing system for future statewide and state elections beginning in 2024, lowering both the primary and general election campaign contribution limits for statewide and state legislative races and significantly increasing the ballot requirements for third party lines to appear on future ballots.

## **Other Election Changes**

The enacted budget requires every SUNY and CUNY campus website to make absentee voter information and absentee ballot request documents available on their campus websites; provides local boards of elections with additional flexibility in determining voter eligibility when re-canvassing; and allows the State Board of Elections to remove from the ballot names of Presidential candidates who have withdrawn from the race.

## **HEALTH & SAFETY**

### **Standard Medicare Part B reimbursement and Income Related Monthly Adjustment Amounts (IRMAA) for NYSHIP retirees**

NYSUT was successful in advocating for the removal of executive budget provisions that would have ceased standard Medicare Part B reimbursement and Income Related Monthly Adjustment Amounts (IRMAA) for NYSHIP retirees. NYSUT was also able to defeat a proposal to cap Medicare Part B Reimbursement at \$144.60 for NYSHIP retirees.

### **NYSHIP Retiree Health Insurance Premium Sliding Scale**

NYSUT was able to defeat provisions that would have implemented a graduated health insurance reimbursement system for civilian state employees retiring on or after October 1, 2020, whereby retirees would contribute a greater share toward health insurance costs.

### **Small Group Employer**

The enacted budget provides a one-year extension of the definition for “small group employer” as being between 1-50 employees in New York State. Since 2015, New York State has allowed school districts, BOCES and other municipal groups to remain in their consortiums, however, on December 31, 2022, this extension will expire.

### **Medicaid Global Cap**

The enacted budget allows for the Medicaid Redesign Team II (MRT) to make additional cuts under the Medicaid global spending cap. Emergency federal aid (F-MAP/Coronavirus2) is available to the state to help offset any reductions in Medicaid in the enacted budget at the discretion of the executive. The additional MRT cuts may total approximately \$2.5 billion and the amount of F-MAP/Coronavirus2 aid is \$5.2 billion to New York State and the counties and \$1.5 billion to New York City.

### **Prescription Drugs**

The enacted budget created a method to control prescription drug costs in New York by capping the co-payments of insulin for insured patients at \$100 per month and established a Drug Accountability Board to investigate spikes in prescription drug costs/price gouging.

### **School Safety Plans**

The enacted budget includes \$24.344 million for extended day programs and school violence prevention programs consistent with the purposes of school safety plans.

## **SOCIAL JUSTICE**

### **Banning the “Pink Tax”**

The enacted budget prohibits gender-based pricing discrimination for substantially similar goods and services. To further meet this objective, the enacted budget requires certain businesses to post price lists for standard services and to post a notice that gender-based price discrimination is prohibited under state law. Businesses that violate this law will be subject to civil penalties.

### **Gestational Surrogacy**

The enacted budget will allow for the practice of paid gestational surrogacy, which establishes a surrogate’s Bill of Rights that includes the right of surrogates to make their own health care decisions and allows surrogates to have access to comprehensive health insurance and independent legal counsel of their choosing — all paid for by the intended parents.

### **Toxic Chemicals in Children’s Products**

The enacted budget regulates the use of harmful chemicals (referred to as chemicals of concern and high-priority chemicals) in children's products as well as expands and updates those types of children’s products.

## **REVENUE**

### **Legalize and Decriminalize Recreational Marijuana Use**

This proposal was not included in the enacted budget.