



2019-20 SUMMARY OF THE NEW YORK STATE ENACTED BUDGET

The 2019-20 New York State Budget totals \$175.5 billion. The following is a synopsis of the major provisions of the state's spending plan.

PK-12

School Aid

- The enacted budget allocates \$27.86 billion in funding for education. This represents an increase of \$958 million, or approximately 3.7 percent over the amount allocated in the 2018-19 New York State Enacted Budget. The school aid is allocated as follows:
 - \$618.4 million increase in Foundation Aid, this includes \$50 million in a community schools set-aside; and
 - \$340 million to fully fund expense-based aids, which includes BOCES.
- The enacted budget also provides: an additional \$3 million for East Ramapo and \$12 million for Yonkers; \$1.2 million each for health services for Buffalo and Rochester; an additional \$1 million for bilingual education; and \$500,000 for a teaching assistant program in the City of Buffalo.
- The enacted budget includes a total of \$15 million (\$5 million each for the executive and each house of the Legislature) to award additional discretionary money to schools, libraries or local not-for-profits.

School Spending Reporting and Funding Equity

- NYSUT was able to severely scale back the executive proposal that would have required school districts with buildings identified as "underfunded" to set aside 10 percent of their Foundation Aid increase to provide equity funding for each building so identified. Instead, NYSUT was successful in amending these provisions to require school districts to report to the commissioner of education, and not the director of the budget, on or before the Friday preceding Labor Day, on how it will prioritize underfunded schools within the district. This watered-down version of the proposal preserves a school districts local control regarding the allocation of their funding.

School Aid Growth Cap

- The enacted budget includes a proposal to cap the growth of school aid on a 10-year rolling average.

Expense-Based Aids

- NYSUT was able to defeat the executive budget proposal to merge 11 expense-based aids into one category called “services aid” and also defeat the proposals to limit such aid to the growth of inflation and to create a new tier in building aid for new projects.

APPR

- NYSUT secured the enactment of our hard fought APPR legislation in the budget and was successful in removing harmful language that would have tied school districts’ Foundation Aid increases to the negotiation of a new APPR by September 1, 2019. Fixing the state’s broken teacher evaluation system is a significant victory for educators, parents and students. The language in the enacted budget is identical to the APPR legislation that was introduced and passed by both houses of the Legislature.

Standardized Tests and Student Permanent Records

- The enacted budget makes permanent the provisions of law that prohibit state standardized test scores from being included on a student’s permanent record.

Community Schools

- The enacted budget adds \$50 million in new set-aside funding, for a total of \$250 million to community school programs and services, and raises the minimum amount of each district’s set-aside to \$100,000.
- The enacted budget includes \$1.2 million for services and expenses for three community school regional technical assistance centers.

BOCES

- The enacted budget provides \$1 million to BOCES to help facilitate the implementation of recovery high schools.
- The enacted budget allows BOCES to apply for P-Tech (Pathways in Technology) grants in early college high schools.

Tax Cap

- The enacted budget makes the tax cap permanent.

Charter Schools

- The enacted budget provides a \$24.9 million increase to New York City charter schools for a per pupil funding increase via a direct state grant. The enacted budget also increases charter school facilities aid to \$31.5 million, an increase of \$25.4 million and provides \$151 million for supplemental tuition.

Teacher Centers and Professional Development

- The enacted budget restores \$14.26 million to Teacher Centers.
- The enacted budget also provides:
 - \$368,000 for National Board Certification;
 - \$2 million for the Mentor Teacher Intern Program;
 - \$25 million for Teachers of Tomorrow, which includes \$5 million to attract qualified teachers that have received or will receive a transitional certificate and

agree to teach mathematics, science or bilingual education in a low performing school. Of this amount, \$1 million is provided for matching grants to colleges and universities to support programs to recruit and train math and science teachers. This also includes \$500,000 for the Yonkers and Syracuse City School Districts to increase the number of teachers who teach math, science and related areas and who have a transitional certificate.

- \$1.5 million for the continuation of the Master Teacher Program.

Pre-Kindergarten Expansion

- The enacted budget provides an increase of \$15 million to expand pre-kindergarten programs to three- and four-year-olds.

Student Welcome Grants

- The enacted budget includes \$1.5 million for a refugee and immigrant student welcome program. Of this amount, \$500,000 will be made available to school districts in Nassau and Suffolk counties, for expanded community schools, school supplies for incoming students, training, counseling and family engagement.

Restorative Justice

- The enacted budget includes \$3 million to increase the use of alternative approaches to student discipline through activities including, but not limited to, restorative justice techniques, therapeutic crisis intervention, staff training on alternative discipline and trauma informed education. The commissioner of education will be required to submit a report with recommendations for comprehensive statewide discipline reform, including the use of out-of-school suspensions. This report will be developed in consultation with stakeholders, including educators, civil rights organizations, the governor and the Legislature.

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.

Final Cost Reports and Transportation Contracts

- The legislative "one-house" proposals to expand the commissioner's authority to offer amnesty for final cost report and transportation contract filing issues were not included in the enacted budget. NYSUT will continue to pursue the enactment of stand-alone legislation to address these situations.

Power Plant Closures and Affected School Districts

- The enacted budget does not include any programs for school districts affected by power plant closures.

Debt Payments for Tax Certiorari

- The legislative “one-house” proposals to allow building aid to be used for debt payments to satisfy tax certiorari judgments, including the North Rockland School District were not included in the enacted budget. NYSUT will continue to pursue the enactment of stand-alone legislation to address these situations.

Mayoral Control

- The enacted budget includes extending mayoral control of the New York City schools by three years with additional parental representation.

Early College High Schools

- The executive budget provides \$9 million to expand Early College High School programs.

Special Schools

- The enacted budget provides a total of \$17.2 million for increased salaries for staff in 4201, 4410, Special Act and 853 Schools.
- The enacted budget provides \$103.9 million to support 4201 Schools and allocates \$30 million in new capital funding to address health and safety projects at these schools. The enacted budget also provides \$903,000 for both the Henry Viscardi School and the New York School for the Deaf. The enacted budget further allocates \$500,000 for the Mill Neck Manor School.
- The payment rate for Special Act and 853 Schools, as well as 4410 Programs, is not set in the enacted budget. NYSUT will continue to advocate for parity and justice for these programs in the rate setting process.

Direct Care Workers

- The enacted budget provides for a two percent raise for direct care staff, direct support professionals and clinical staff, starting on April 1, 2020.

Contract for Excellence

- The enacted budget continues the Contract for Excellence unless all schools in the district are identified to be in good standing.

Smart Start

- The enacted budget provides \$6 million for the Smart Start computer science and engineering program.

After-School Programs

- The enacted budget adds \$10 million to the Empire State After-School Program, \$2 million of which, will be made available to Nassau and Suffolk counties and \$8 million for the rest of the state, for a total of \$55 million.
- The enacted budget restores \$5 million to the Advantage After-School Program for a total of \$22.3 million. \$10.7 million is also added for the minimum wage increase that was enacted in 2016.

Mental Health Services for Middle Schools and Junior High Schools

- The enacted budget includes \$1.5 million to be used for services and expenses of school mental health programs pursuant to a plan developed by the commissioner of education and approved by the director of the budget. Such plan shall provide grants to school districts for middle or junior high schools to support student mental health or school climate through activities including, but not limited to, school mental health centers, teacher training and support, school-wide anti-bullying programs, school climate surveys and tools and resources for school and family engagement.
- The enacted budget provides \$500,000 to support the school mental health technical assistance center.

Special Education “Mandate Relief”

- NYSUT defeated the executive budget proposal to allow school districts, BOCES and private schools to petition the State Education Department for flexibility in complying with certain special education requirements.

Health Education

- The enacted budget provides \$691,000 for services and expenses of the Health Education Program, which will be available for health-related programs including, but not limited to, those providing instruction and supportive services in comprehensive health education and/or acquired immunodeficiency syndrome (AIDS) education.
- The enacted budget also provides \$86,000 for the program previously known as the School Health Demonstration Program.

Non-Public School Aid Increase

- The enacted budget provides \$195.1 million to non-public schools; increases the reimbursement program for STEM instructors to \$30 million (a total of \$50 million over three years); provides \$25 million in capital for security in non-public schools and community centers; and allocates an additional \$15 million for health and safety projects at non-public schools.

Out of Balance Budget

- If the budget is out of balance by \$500 million or more, the enacted budget authorizes the director of the budget to prepare a plan of funding cuts that will be submitted to the legislature. The plan will not exceed one percent of estimated disbursements and the legislature will have 30 days to either prepare its own plan to balance the budget, or the director of the budget's plan will take effect. This provision would allow the director of the budget to cut funding for a number of programs, including school aid.

REVENUE

Extending the Surcharge on High Income Earners

- The enacted budget provides for the extension of the surcharge on high income earners for an additional five years, until 2024.

Tax on Internet Purchases

- The enacted budget imposes a tax on internet purchases.

Tax on Real Estate

- The enacted budget provides for a tax on real estate transfers over \$2 million in New York City.

Congestion Pricing

- The enacted budget created a commission to implement a congestion pricing program for an area south of 60th Street in Manhattan that will begin no earlier than 12/31/20.

Carried Interest Loophole

- The enacted budget does not close the carried interest loophole.

Legalize and Decriminalize Recreational Marijuana Use

- The enacted budget did not include this proposal.

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 \$650 million for state-operated campuses and provides \$37.6 million for SUNY Community Colleges.

SUNY Community College Base Aid

- The enacted state budget increases the overall base aid amount by \$12 million, which results in an FTE increase of \$100 per student. Language accompanying this additional funding stipulates that no community college shall receive less than ninety-eight percent of the base aid funding that it had received in the 2018-19 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) are maintained at last year's levels.
- The proposed funding cut of \$1 million for child care centers was restored, for a program total of \$2.1 million.
- The enacted budget also restored \$3 million in funding for the SUNY Apprenticeship Program.

SUNY Family Empowerment Community College Pilot Program

- The enacted budget includes a \$3 million appropriation for the establishment of the Family Empowerment Community College Pilot Program. The program will provide a comprehensive system of supports, including priority on-campus childcare for single parents with accelerated study in associate program practices. Funding will be distributed pursuant to a plan approved by the chancellor.

Educational Opportunity Program (EOP)

- The enacted budget provides an additional \$5.3 million for a total of \$26.8 million.

Educational Opportunity Centers (EOCs) and ATTAIN Labs

- Funding for these programs was increased by \$7 million for a total of \$62 million.

Mental Health Services

- The enacted budget restores \$500,000 in funding for SUNY mental health services.

SUNY Hospitals

- The enacted budget does not restore the state subsidy for the SUNY hospitals.
- The enacted budget provides \$60 million in additional DSH support for the three SUNY hospitals (Downstate, Upstate and Stony Brook) for a total of \$460 million. DSH payments are provided to offset the costs associated with uncompensated care provided by these hospitals.
- The enacted budget provides \$100 million in capital funding (\$50 million for Upstate and \$50 million for Stony Brook) for alterations, improvements, services and expenses incurred by these hospitals prior to April 1, 2019.

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.

UAlbany Land Lease Authorization

- The enacted budget includes language that authorizes the State University of New York to lease up to 15,000 square feet of space at the new Emerging Technology Entrepreneurship Complex building at the University of Albany. NYSUT secured labor protection language to ensure that services and functions provided by UUP members would not be contracted out to any of the lessees or contractors occupying the leased space.

Dual Enrollment

- The enacted budget includes language authorizing the SUNY and CUNY Boards of Trustees with the ability to reduce or waive tuition for high school or BOCES students enrolled in one or two college courses at a community or four-year college.

CUNY Senior College State Funding

- The enacted budget provides flat funding of \$554 million for CUNY senior colleges. Fringe benefits are increased by \$47.7 million.

CUNY Capital Funding

- The enacted budget provides \$284 million for CUNY senior colleges and provides \$68.2 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 state budget increases the overall base aid amount by \$6 million, which results in an FTE increase of \$100 per student. Language accompanying this additional funding stipulates that no community college shall receive less than ninety-eight percent of the base aid funding that it had received in the 2018-19 fiscal year.
- Rental aid for leased space is maintained at last year's funding level of \$8.9 million.
- An additional \$225,000 was added to provide financial assistance for the educationally and economically disadvantaged to attend a CUNY community college.
- Funding for contract courses/workforce development is maintained at last year's level of \$1.9 million.
- Funding for ASAP is restored at \$2.5 million.
- Funding for childcare centers is restored and increased by \$902,000, for a total of \$1.7 million.

CUNY Family Empowerment Community College Pilot Program

- The enacted budget includes a \$2 million appropriation to establish the Family Empowerment Community College Pilot Program. The program will provide a comprehensive system of supports, including priority on-campus child care for single parents with accelerated study in associate program practices. Funding will be distributed pursuant to a plan approved by the chancellor.

Search for Education, Elevation and Knowledge (SEEK)

- The enacted budget restores \$4.6 million in funding for a total of \$28 million.

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

- The enacted budget restores \$1.5 million in funding for a total of \$3.6 million.

Tuition Assistance Program (TAP)

- The enacted budget provides \$1.08 billion, which includes:
 - funding (up to \$118.6 million) for the third and final year of a three-year phase-in of the Excelsior Scholarship Program, and expands the program to include families making up to \$125,000;
 - funding (up to \$27 million) for the DREAM Act; and
 - funding (up to \$7.2 million) for the third and final year of a three-year phase-in of 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 restored funding for HEOP by \$5.9 million for a total of \$35.5 million.

Liberty Partnership Program

- The enacted budget restored funding for this program by \$3 million for a total of \$18.3 million.

C-STEP

- C-STEP funding is restored by \$1.9 million for a total of \$11.8 million.

STEP

- The enacted budget restored STEP funding by \$2.6 million for a total of \$15.7 million.

Jose R. Peralta New York State DREAM Act

- The enacted budget includes amendments to the Jose R. Peralta New York State DREAM Act, recently passed by both houses of the Legislature. The amendments change the eligibility requirements.

For-Profit College Accountability

- The enacted budget did not include the executive budget proposal to enact the For-Profit College Accountability Act. For-profit colleges would have been required to report their funding sources and demonstrate that they would not receive more than 80 percent of their revenue from taxpayers, including federal grants, loans and the Tuition Assistance Program (TAP). These colleges would have also been required to report on resources spent on salaries of college leadership. School leadership would also have been prohibited from serving on an accreditation board of an organization responsible for oversight of the for-profit college.

Student Loan Servicers

- The enacted budget includes language to license and regulate student loan servicers.

Food Donation and Food Scrap Recycling

- The enacted budget establishes requirements for entities creating more than two tons of food scraps per week, such as SUNY and CUNY, to separate for donation, edible food for human consumption, and the disposal of food scraps at an organic recycler. The donation and recycling provisions are scheduled to beginning January 1, 2022.

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 the school districts provide mentors and paid internship opportunities for teaching candidates; and
 - require that teachers will be guaranteed a job opportunity at end of the program if they meet all of the requirements.

Labor, Ethics and Elections

Statutory Protections to Help Mitigate the Janus Decision

- The enacted budget includes language that will protect union members from organizations that seek to undermine unions following the Supreme Court’s Janus decision. Since the case was decided last year, these organizations have been attempting to obtain personal information through freedom of information policies, in an attempt to disseminate anti-union propaganda designed to erode union membership. Language included in the enacted state budget makes it an improper practice for an employer to release a public employee’s personal information, such as their home address, personal email or cell phone number.
- In addition, the enacted budget includes language that will protect unions from frivolous lawsuits filed by former agency fee payers attempting to collect money paid to unions prior to the Janus decision. This new language clarifies that these cases have no standing in state court.

Reserve Funds for Pension Costs

- The enacted budget also includes language that will allow school districts to set up limited reserve funds for future New York State Teachers’ Retirement System (NYSTRS) pension costs.

Subjecting Collective Bargaining Agreements to the Freedom of Information Law

- NYSUT defeated the executive budget proposal that would have subjected collective bargaining agreements to the Freedom of Information Law, prior to such contract votes taking place.

Elections

- The enacted budget includes several changes to the state election process. For the first time, polling places will be allowed to utilize electronic poll books in place of the large paper books currently used.
- The enacted budget expanded the hours for voting in primary elections to conform with those of general elections — from 6am to 9pm.
- The enacted budget also establishes a system for online voter registration and, going forward, will allow all registered voters in New York State up to three hours of paid leave to vote in any election at the beginning or end of their scheduled work day. Prior to this change, state law allowed for up to two hours of paid leave, but included strict parameters on how the hours worked overlapped with a polling place’s hours of operation. The new statute removes the overlap provisions and only requires workers be a registered voter and give their employer two days notice that they need time off to vote.

Public Campaign Finance

- The enacted budget establishes a commission to set up a voluntary public campaign finance program for the Legislature and statewide public offices. The nine member commission must issue a report on December 1, 2019, and their findings will have the full effect of law, unless modified by the Legislature on or before December 22, 2019.

Health and Safety

NYSHIP Retiree Health Insurance Benefits and Sliding Scale Premiums

- NYSUT was successful in defeating the executive proposal to eliminate the reimbursement of Medicare Part B premium rates for NYSHIP retirees, and the proposal to modify the Income Related Monthly Adjustment Amounts (IRMAA). The enacted budget does, however, preserve NYSHIP retirees' individual (and their dependents) share of their health insurance costs, based upon their years of service and grade-level as a state employee.

Welfare Funds

- NYSUT defeated an executive proposal that may have compromised health care benefits offered through Article 44 employee welfare funds to current and future NYSUT members. The defeat of this proposal will ensure that union welfare funds will retain the flexibility to provide the best benefits in the most cost-effective manner.

Safe Staffing

- The enacted budget requires the Department of Health to conduct a study on staffing enhancements and its impact on patient safety. The study will begin by May 1, 2019, and the results and recommendations will be submitted to the commissioner of health and legislative leaders by December 21, 2019. The study must be conducted in consultation with relevant stakeholders, including the statewide hospital and nursing home associations, direct care health workers, labor representatives and patient and community health advocates.

Medicaid Global Spending Cap

- Medicaid spending under the Global Cap for 2019 equals \$19.6 billion, which represents an increase of \$586 million over the 2018 cap level.

School Safety Plans

- The enacted budget includes provisions to require school districts that employ/retain law enforcement or private security (in response to student misconduct) to develop clearly defined roles and areas of responsibility for those individuals, and such agreements must be written and incorporated in the district's safety plan.

Water Testing

- NYSUT was successful in advocating for additional building aid that will include approved expenses for the testing of potable water systems for lead contamination.

School Building Inspections

- The enacted budget requires the commissioner of education to inspect all public school buildings throughout the state at least once in calendar year 2020 and again in calendar year 2022. School buildings must also conduct building condition surveys every five years.