



2018-19 SUMMARY OF NEW YORK STATE ENACTED BUDGET

The 2018-19 Enacted State Budget totals \$168.3 billion. This spending plan closes a state budget deficit of \$4.4 billion without the adoption of a significant number of proposals to raise state revenue. The following is a summary of the major provisions of the enacted state budget.

Pre-K-12

School Aid

- The enacted budget increases public school aid by \$859 million, or 3.41 percent. The Foundation Aid portion of this aid is \$618 million, with a set-aside for community schools of \$215 million. Expense-based aid, which includes BOCES, is funded at \$240 million.

Annual Professional Performance Review (APPR)

- NYSUT will continue to strongly advocate for statutory changes that will return teacher evaluations to local control without any state mandates.

School Spending Reporting

- The proposal in the executive budget to approve school building-level spending plans was modified in the enacted budget. Specifically, DOB and SED will no longer approve the actual spending plans, instead, they will only determine whether the newly required reports on school building-level spending within the school district are complete and satisfactory. Reporting, on a form developed by DOB and SED, will begin with NYC in the 2018-19 school year, followed the next school year for high-needs districts, and finally in 2020-21, for all schools receiving state funding. Failure to submit a full or complete report by a school district will result in the withholding of the yearly increase in school aid.

Cap on Expense-Based Aid

- NYSUT defeated the proposal to cap expense-based aid by two percent per year.

Charitable Funds

- The enacted budget creates two types of educational charitable funds: one on the state level and one on the local school district level. NYSUT advocated strongly to ensure that the state-level fund shall only benefit elementary and secondary education in public school districts. State residents may also contribute to the SUNY or CUNY foundations. An individual who makes a contribution to the state fund, or the SUNY or CUNY foundation will be eligible for an 85 percent credit against their income tax. A donation to the local school district charitable fund may be used (up to a 95 percent credit) against a resident's school tax levy.

Summer School Special Education

- NYSUT defeated the proposal to reduce state reimbursement for summer school for special education students. This will save school districts approximately \$70 million, statewide.

State Revenue

- The enacted budget does not include a high earner income tax plan, nor does it close the carried-interest loophole.
- In addition, many of the Executive Budget revenue proposals were not adopted.

Receivership

- The enacted budget did not address Receivership. NYSUT will continue to seek the repeal and/or modification of this punitive statute.

Charter Schools

- NYC charter schools received a direct grant payment program of \$22.6 million to be distributed on a per pupil basis. Based on 2017-18 enrollment figures, that \$22.6 million equates to approximately \$200 per child.
- Statewide, charter schools received an additional \$81 million. Of this amount, \$75 million is for operating aid, and \$6.1 million is for facilities aid.

Pre-K and Full-Day Kindergarten Funding

- An additional \$15 million was allocated for competitive grants to expand access to pre-kindergarten to three and four-year-olds, with preference for high-needs school districts.
- If a district converts to full-day kindergarten, the district will now receive two additional years of partial payment, rather than the current single year. In the first year after conversion, the district will receive 65 percent of their aid. In the second year, the district will receive 35 percent of their aid.

Special Schools

- The enacted budget provides a \$2.3 million increase in funding to 4201 schools.
- There is a \$903,000 allocation for the Henry Viscardi School and a \$903,000 allocation for the New York School for the Deaf for the 2018-19 school year.
- The enacted budget provides \$8 million for Special Act schools facing any closure of intake, (e.g., Cedar Knolls) due to the actions of a state agency. These schools will be held harmless for the reduction and their tuition will be made whole.
- The enacted budget includes \$17.2 million to help cover the costs associated with a higher minimum wage for Special Act, 853, 4410 and 4201 schools.
- NYSUT will continue to pursue funding parity for 853, 4201, Special Act schools and public 4410 programs during the rate making process.

School Vouchers and Tax Credits

- No back-door voucher schemes were included in the enacted budget.

Tax Cap

- The enacted budget did not amend the Tax Cap law.

Final Cost Reports

- Final cost report penalties for school districts were decreased from 0.6 percent to 0.4 percent, and the requirements to enter the ten-year recovery period were eased.

Taxing State Lands

- NYSUT advocated strongly on this issue and the proposal to cap state tax payments on state lands was not included in the enacted budget.

After-School Programs

- The enacted budget provides Advantage After-School programs with \$22.3 million, an increase of \$2.5 million.
- Funding for the Empire State After-School program was increased by \$10 million, for a total of \$45 million. Of this increase, \$2 million is reserved for high-need school districts on Long Island or areas identified by OCFS, DCJS, county executives and state and local police. The remaining \$8 million is targeted for areas with high rates of student homelessness.

Non-Public Schools

- The enacted budget provides \$15 million to non-public schools, day care centers and community center safety projects.
- A \$15 million grant program to provide reimbursement for STEM teachers' salaries at non-public schools was also included in the enacted budget. This represents a \$10 million increase from last year.
- The enacted budget includes an additional \$7 million to comply with the state's immunization program.

- SED will now have the authority to judge if a school is “substantially equivalent,” based on guidelines set forth in the enacted budget, while taking into account the entirety of the curriculum and instructional hours.

Teacher Centers and Professional Development

- The enacted budget funds Teacher Centers at \$14.26 million and provides funding for the following programs: Mentor Teacher Intern Program – \$2 million; National Board Certification – \$368,000; and Teachers of Tomorrow – \$25 million.

NYS Teacher Loan Forgiveness Program

- The enacted budget provides \$1 million for the creation of a loan forgiveness program for certified teachers who are: employed full-time in an elementary or secondary school; have outstanding student loan debts; and either teach in a shortage subject area, in a hard to staff district or the applicant is economically disadvantaged.

Community Schools

- The enacted budget continues to fund community schools through a Foundation Aid set-aside that increases from \$150 million to \$200 million.
- The enacted budget requires school districts to maintain \$150 million in a Foundation Aid set-aside to enable community school conversion for low performing schools.
- The enacted budget also adds \$50 million in new funding for districts to transform school buildings into community hubs to deliver co-located or school-linked services.
- In addition, funding in the amount of \$1.2 million is allocated for services and expenses for three community school regional technical assistance centers.

BOCES

- The enacted budget included provisions to allow BOCES to contract with non-component districts and Big 5 School Districts to participate in a Recovery High School program to educate students with substance abuse issues.

Prohibition of Breakfast and Lunch Shaming

- The enacted budget requires all public schools, including charter schools and non-public schools that participate in the National School Lunch Program or school breakfast program, to develop a plan to address breakfast and lunch shaming of students. Plans must be submitted to the commissioner of education by July 1, 2018, or 60 days after enactment of the budget. The plan, which must be published on the school’s or school districts’ website, would provide an explanation of how staff will be trained to ensure that the policy is carried out correctly and how affected parents and guardians will be provided assistance in establishing eligibility for free or reduced-price meals.

School Breakfast Program

- The enacted budget requires public elementary schools and secondary schools (except charter schools) with at least 70 percent of students eligible for free or reduced-priced meals, to offer all students a school breakfast after the instructional day has begun. Each public school determines the breakfast service delivery model, which may include, but not be limited to, breakfast in the classroom, grab and go breakfast and breakfast served in the cafeteria. Time spent by students consuming breakfast would be considered instructional time when students consume breakfast in the classroom during instruction. In determining a service delivery model, schools must consult with teachers, parents, students and members of the community. A waiver may be granted by the commissioner of education if there is a lack of need for the program, or if it causes economic hardship for the school.

Special Education “Mandate” Relief

- NYSUT defeated the proposal to allow for special education “flexibility.”

Educating Children in Foster Care

- The enacted budget conforms state law to the federal Every Student Succeeds Act (ESSA) regarding the education of children living in foster care. Specifically, state law now requires that the best interest of the child shall be the determining factor in any decision regarding where a child living in foster care shall be educated. In addition, it requires local social service agencies to consult with the guardians of such children and other educational stakeholders.

Health Initiative in Public Schools

- The enacted budget authorizes all elementary and secondary schools serving students in grades six through twelve to provide, at no cost, feminine hygiene products in the restrooms of school buildings. No state allocation was provided for this initiative.

Mental Health Services for Community Schools

- The enacted budget provides \$250,000 to create enhanced mental health support grants for wrap-around health services. This allocation shall be used to improve school climate, combat violence and bullying and support social-emotional learning in community schools.

My Brother’s Keeper

- The enacted budget provides an allocation of \$20 million to continue the My Brother’s Keeper initiative to improve outcomes for boys and young men of color.

Waiver of Student Fees

- The enacted budget authorizes the waiving of fees for low income students to take advanced placement and international baccalaureate exams.

School District Grants for Advanced Courses Access Program

- The enacted budget provides grants for the Advanced Courses Access Program and authorizes the commissioner of education to develop such programs for school districts with very limited advanced course offerings. This program will establish advanced placement courses or other equally rigorous advanced courses in subjects including but not limited to English, history, science, mathematics, engineering, computer science or world languages.

School Safety

- The enacted budget provides \$2 million for this program, including DASA. The Supportive Schools Grant and Technical Assistance Program promotes safe and supportive school environments, free from bullying, harassment and discrimination. Up to \$300,000 of this appropriation shall be available for the New York Center for School Safety.

Higher Education

SUNY State-Operated Campuses

- The enacted budget provides \$729 million in operating aid for SUNY state-operated campuses.

SUNY Capital Funding

- The enacted budget restores \$200 million to state-operated campuses for a total of \$550 million. An additional \$35 million was included for SUNY community colleges for a total of \$74.2 million. The additional funding for community colleges is allocated for the following programs: Fashion Institute of Technology (\$20.4 million state share for the new academic building); Nassau County Community College (\$12.95 million for various projects); and Ulster County Community College (\$2.3 million for a public safety facility). Educational Opportunity Centers received a \$10 million capital appropriation.

SUNY Community College Base Aid

- NYSUT defeated SUNY's new funding methodology proposal.
- The enacted budget does, however, include an additional \$12 million in base aid funding which equates to an FTE increase of \$100 per student. Rental aid for leased space is maintained at last year's level for a total of \$11.6 million. Graduate Achievement and Placement program (GAP) funding, which was funded at \$1.5 million last year, was not restored.
- 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 enacted budget provides \$3 million in funding for the SUNY Apprenticeship Program.
- Funding for child care centers was increased by \$1.1 million for a total of \$2.1 million.

Educational Opportunity Program (EOP)

- The enacted budget restores \$5.3 million in funding, for a total of \$32.1 million.

Educational Opportunity Centers (EOCs) and ATTAIN Labs

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

SUNY Hospitals

- The enacted budget provides \$92 million in funding for the SUNY hospital, which will be allocated from the federal Care Restructuring Enhancement Pilot Program.

SUNY Hospitals Capital Funds

- A total of \$255.8 million in capital funding is provided to the SUNY hospitals; approximately \$90 million of which has been allocated to SUNY Upstate and \$86 million to Stony Brook. In addition, an unspecified appropriation of \$78.6 million is provided.

SUNY Stony Brook Eastern Long Island Hospital Affiliation Escrow Fund

- The enacted budget creates an escrow fund for the SUNY Stony Brook Eastern Long Island Hospital Affiliation in the joint custody of the New York State Comptroller and SUNY Chancellor. This account will be available without fiscal limitation and will consist of funds generated through patient revenue, federal reimbursement and other associated revenues – including rent payments. Funding from this account can only be used for operational expenses incurred by the Stony Brook at Eastern Long Island Hospital.

Enhanced Safety Net for Public Hospitals

- The enacted budget provides \$50 million for the Enhanced Safety Net Hospital Program to provide eligible public hospitals, including those operated by SUNY hospitals, with an additional adjusted Medicaid rate. This adjusted rate is to offset the costs of providing critically needed health care services by safety net hospitals. In order to qualify for the additional payment, public hospitals must meet specific criteria regarding services rendered to Medicaid or medically uninsured patients.

Health Facility Transformation Program-Statewide III

- The enacted budget provides \$475 million for the creation of a new transformation program to provide funding to support capital projects, debt retirement, working capital or other non-capital projects that facilitate health care transformation activities, including mergers, consolidations, acquisitions or other activities.

SUNY Set-Aside Funding

- The enacted budget continues to set aside \$18 million in state aid to institutions to be allocated to state-operated campuses per an approved plan of the Board of Trustees. In prior years, this money was set aside for performance-based initiatives. The enacted budget also stipulates that a portion of these funds may 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 will help SUNY expand existing Open Education Resources.

SUNY Graduate Diversity Fellowships

- Funding for this program was increased by \$600,000 for a total of \$6.6 million.

CUNY Senior College State Funding

- The enacted budget provides \$547 million in operating aid for CUNY senior colleges.

CUNY Capital Funding

- The enacted budget includes \$284 million for CUNY Senior Colleges and provides \$48.4 million for CUNY community colleges.
- Language regarding the sale of buildings, adopted pursuant to the 2017-18 Enacted Budget is once again adopted in the 2018-19 enacted budget. This language states that up to \$60 million in funding from the sale of CUNY property may be used to support senior college expenses.

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 Board of Trustees. In prior years, this money was set aside for performance-based initiatives. The enacted budget language also 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 will require CUNY to expand the existing Open Education Resources targeting high-enrollment courses.

CUNY Community College Base Aid

- The enacted budget includes an additional \$6 million in Base Aid funding, which equates to an FTE increase of \$100 per student. 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 child care centers is increased by \$902,000 for a total of \$1.7 million.
- The Accelerated Study in Associates Program (ASAP) was restored at \$2.5 million.

CUNY Pipeline

- The enacted budget restores \$250,000 for the CUNY Pipeline at the Graduate Center.

Firefighters and Fire Officers Attending CUNY

- The enacted budget allows NYC firefighters and fire officers enrolled in a program leading to a Baccalaureate Degree or higher to take one course at no cost at a CUNY senior college if the course is related to their employment.

Search for Education, Elevation and Knowledge (SEEK)

- A restoration of \$4.6 million was allocated to this program for a total of \$28 million.

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

- The enacted budget provides an additional \$1.5 million for the newly merged CUNY School of Labor and Urban Studies.

Tuition Assistance Program (TAP)

- The enacted budget provides a total of \$1.09 billion in funding for the Excelsior Scholarship Program and the Enhanced Tuition Award Program.

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.

BUNDY Aid

- Funding in the amount of \$24.5 million was included in the enacted budget to restore funding for BUNDY Aid for a total of \$35 million.

Enhanced Tuition Award Program (E-TAP)

- The enacted budget sets aside \$22.9 million for the second phase of E-TAP.
- The enacted budget expands the E-TAP program to include for-profit granting programs. Financial eligibility requirements are also amended to account for changes to an applicant's adjusted gross income from the qualifying year due to a death, permanent physical or mental disability, divorce or separation.
- The 50 percent matching requirement for the E-TAP program has been changed and would not be required for those institutions that reduced tuition by more than 15 percent over the six years prior to the academic year in which the award is to be applied. If an institution meets this requirement, they are exempt from providing the matching award for any year in which a recipient receives an E-TAP award.

Higher Education Opportunity Programs (HEOP)

- The enacted budget restores funding for HEOP in the amount of \$5.9 million for a total of \$35.5 million.

Liberty Partnership Program

- The enacted budget restores \$3 million for this program, for a total of \$18.3 million.

Science and Technology Entry Programs (STEP)

- The enacted budget restores \$2.6 million to this program, for a total of \$15.7 million.

Collegiate Science and Technology Entry Programs (C-STEP)

- Funding for C-STEP is increased by \$1.9 million for a total of \$11.9 million.

Excelsior Scholarship Program – Second Year Phase-In

- Pursuant to the 2017-18 Enacted Budget, the Excelsior Scholarship Program will be expanded to include families with a maximum income of \$110,000, up from \$100,000.
- A total of \$118 million has been set-aside to fund this program.
- The enacted budget amends financial eligibility requirements to account for changes to an applicant's adjusted gross income from the qualifying year due to a death, permanent physical or mental disability, divorce or separation.
- Additional amendments included in the budget would exclude any grants, scholarships or awards used exclusively for non-tuition expenses from being counted against a student's Excelsior Scholarship Award.

DREAM Act

- The enacted budget does not include the DREAM Act.

Student Debt

- While the enacted budget did not include provisions to regulate student loan servicers, it did include language prohibiting the suspension of professional licenses, certificates or the registration of individuals who are behind or in default on their student loans.

Graduate Level Reporting – Teacher and Educational Leader Programs

- NYSUT defeated the Executive Budget proposal to require graduate level teacher and educational leader programs to report to the State Education Department data regarding demographics and completion of students registered in such programs.

Science, Technology, Engineering and Mathematics Grant Program

- The enacted budget expands eligibility for the NYS Science Technology, Engineering and Mathematics Incentive Program to include undergraduate students attending a private degree granting institution.

Labor, Ethics and Elections

Statutory Protections to Help Mitigate an Adverse Janus Decision

The budget agreement addresses and codifies several important issues to protect a public employee's right to join a union and union members' rights in the public sector once they have joined a union. Specifically, the agreement:

- Requires public employers to provide the names, locations and contact numbers of all new hires and rehires to the employee organization within 30 days of employment.
- Requires public employers to provide time during work hours within 30 days of the above notification for the employee organization to meet with all new hires, without loss of employee leave time.
- Codifies that individuals may sign dues authorization cards via means allowed by state technology law, allowing emails and other electronic means to be accepted.
- Requires employers to begin dues deduction within 30 days of receiving a member's dues authorization card and requires remittance of the dues to the union within 30 days of making the deduction.
- Codifies members who have left service and who return within a one-year period will automatically have their membership reinstated and a member who is placed on voluntary or involuntary leave will automatically have membership reinstated upon return to the public payroll.
- Codifies that the withdraw process from the union may be determined by the dues authorization card.
- Codifies that the union is allowed to offer benefits and services that are above and beyond a negotiated agreement to its members only. In addition, to protect dues paying members from free-riders, the language codifies that the union's obligation to represent non-members is limited to the negotiation and enforcement of the contract. The union is not required to represent non-members in various disciplinary processes when the non-member is authorized to get their own representation.

Increased Election Transparency for Internet Ads and Social Media

- The enacted budget includes internet and social media ads in the current election transparency and disclosure laws governing print and other media ads when such ads are placed or purchased as part of an independent expenditure. These provisions will also now require the New York State Board of Elections to maintain a database of these types of ads along with the purchasers identifying information. Civil penalties will be imposed upon online platforms that fail to comply with the new disclosure laws.
- This approach is intended to combat foreign attempts to influence our electoral process.

Health Care

NYSHIP Retiree Health Insurance Benefits

- The enacted budget rejected the proposal to eliminate the reimbursement of Medicare Part B premium rates for NYSHIP retirees. It also rejected the proposal to modify the Income Related Monthly Adjustment Amounts (IRMAA). However, the enacted budget does preserve NYSHIP retirees' individual (and their dependents) share of their health insurance cost, based upon their years of service and grade-level as a state employee.

Medicaid Global Spending Cap

- The Medicaid Global Spending Cap has increased from \$18.6 billion in FY 2017 to \$19.5 billion (including the Essential Plan) in FY 2018, an increase of 5.2 percent.

Social Justice

Sexual Harassment Reform

The enacted budget agreement includes several reforms to combat sexual harassment in the workplace. These reforms include:

- Requiring every competitive bid made to the state or any public department or agency to include a statement confirming that the bidder has a written policy addressing sexual harassment prevention and provides annual sexual harassment training to all its employees;
- Prohibiting mandatory arbitration clauses and prohibiting clauses in contracts that would limit the ability of an individual to obtain remedies or other legal action related to unlawful discriminatory practices of sexual harassment. The language does exempt collective bargaining agreements;
- Requiring public employees (including those holding elected office) and persons appointed by or in the employment of elected officials, to reimburse the public employer for their proportionate share of personal liability of judgments made against the employer related to sexual harassment;
- Preventing non-disclosure agreements from prohibiting an employee from disclosing any facts or circumstances with regard to sexual harassment claims or actions unless it is the claimant's preference that the agreement contain such a provision;
- Amendments to the Labor Law to create a model sexual harassment policy and requiring all employers to adopt the sexual harassment model policy or one that exceeds the minimum standards; and
- Establishing that an employer may be held liable to a non-employee who is a contractor, subcontractor, vendor consultant or other person employed by such entities if they are sexually harassed at the worksite and the employer fails to take appropriate action.

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