



New York State  
School Boards  
Association

# 2024 Proposed *Resolutions*



# INTRODUCTION

The proposals contained within this booklet have been submitted by member boards or the NYSSBA Board of Directors for consideration during the 2024 Annual Business Meeting. They do not represent official positions of NYSSBA, unless and until they are adopted by voting delegates during the 2024 Annual Business Meeting.

Proposals advanced by the NYSSBA Board of Directors do not represent positions of the Board, nor should their advancement be considered endorsement by the NYSSBA Board. Proposals advanced by the Board of Directors are done so because the Board of Directors has identified an issue, generally by way of a resolutions survey sent to all members, on which they seek the membership's input.

The proposals are organized by sunsetting positions recommended for re-adoption by the Resolutions Committee, followed by new proposals recommended by the Resolutions Committee and last by proposals not recommended by the Resolutions Committee. Proposed resolutions in each of the three groups are listed in the order in which they were received by NYSSBA Governmental Relations Department.

**No individual board, including the NYSSBA Board of Directors, can adopt a formal position statement or change the Association bylaws. Only by way of a vote of the delegates at the Annual Business Meeting can the Association adopt a formal position statement or change the bylaws.**

To view NYSSBA's current position statements, please see the link below.

[NYSSBA 2024 Position Statements](#)



TO: School Board Members and Chief School Administrators  
FROM: Susan Kurkowski, Resolutions Committee Chair  
DATE: September 4, 2024

On August 13, 2024, the Resolutions Committee met virtually to discuss the proposed resolutions that were received by the July 12, 2024 deadline. In this book, you will find details regarding the Resolutions Committee's votes to recommend or not recommend the proposed resolutions. At the direction of our Board of Directors, the DEI committee provided its comments on the resolutions from a lens of equity. Their comments in the categories of support, oppose or no position were considered by the Resolutions Committee in making their assessments. The comments of the DEI Committee have been included as well.

All proposed resolutions contained in this book will be considered for a vote at **4pm on October 10, 2024** during the New York State School Boards Association's Annual Business Meeting. Each NYSSBA member board is eligible to appoint one member to participate in the business meeting and vote on their behalf.

Within this booklet you will find the following information:

- NYSSBA Board of Directors
- Resolutions Committee Members
- Listing of Proposed Resolutions
- Proposed Resolutions Recommended for Adoption
- Proposed Resolutions Not Recommended for Adoption
- Information on Amendments, Rebuttals and Late Resolutions
- Information for the Voting Delegates

All member boards wishing to suggest amendments to the submitted resolutions, offer rebuttals to the not recommended resolutions or offer endorsements of proposed resolutions in time for inclusion in the Voting Delegates' Guide must do so by 5pm on September 20, 2024. Such actions must be submitted via email to [advocacy@nyssba.org](mailto:advocacy@nyssba.org). Amendments and other late resolutions must be received by NYSSBA by 5pm on October 8, 2024 to be eligible for consideration during the Annual Business Meeting.

## NYSSBA Board of Directors

President .....	Sandra H. Ruffo
1st Vice President/Area 3 .....	Christine Schnars
2nd Vice President/Area 2 .....	Rodney George
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Director, Caucus of Black School Board Members .....	Sylvester Cleary
NSBA Director – National Black Council of School Board Members .....	Michael A. Jaime

## Resolutions Committee Members

Area	Name	School District/ Organization Name
1	Leslie Tobin	Lockport City
2	Elizabeth Peck	Avon
3	Mary Myers	Randolph Academy
4	Randal Kerr	Newark Valley
5	Jennifer Jones	Hamilton
6	John Fairchild	Beekmantown
7	Sridar Chittur	Albany City
8	Susan Kurkowski ( <i>Chair</i> )	Oneonta City
9	Joseph Flaherty	Minisink Valley
10	Sarah Carrier	Croton-Harmon
11	Jeanne D'Esposito	Malverne
12	Robert Sweeney	Eastern Suffolk BOCES
13	William Manekas	NYCDOE
Big 5	Lawrence Scott	Buffalo
Caucus of Black School Board Members	Jimel Williams	WSWHE BOCES
<b>Board Liaison:</b>	Sandra Ruffo	Broome-Tioga BOCES

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**PROPOSED RESOLUTIONS  
RECOMMENDED BY THE RESOLUTIONS COMMITTEE  
FOR ADOPTION**

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# **PROPOSED RESOLUTIONS RECOMMENDED BY THE RESOLUTIONS COMMITTEE FOR ADOPTION**

*All resolutions with an asterisk (\*) indicate a 2019 sunset resolution being considered for renewal.*

## **PROPOSED RESOLUTION 1\***

Submitted by the *New York State School Boards Association Board of Directors* (6/15/24)

**RESOLVED**, that the New York State School Boards Association support the full restoration of state and local tax (SALT) deductibility.

### **RATIONALE**

In late 2017, the Tax Cuts and Jobs Act was signed into law. This federal tax code change included a number of provisions, notably a new cap on the federal income tax deductibility of state and local taxes (SALT) of \$10,000. Designed as a way to fund the tax cut, the new cap disproportionately impacts higher tax states like New York.

Historically, the federal government has recognized the predominance of the lowest level of taxation. State and local taxes, including school property taxes, have been fully deductible for federal taxpayers, effectively preventing double taxation. The SALT cap now levies against any state and local taxes over \$10,000.

This cap negatively impacts school taxpayers, particularly in high tax areas of the state. In the past, full deductibility of SALT lessened the impact of school property taxes. Every additional dollar in school property taxes could increase the offset of a taxpayer's federal income tax liability. The new cap places a greater burden on school districts as they must now consider additional financial constraints amongst their taxpayers. In addition, school districts represent the only level of government that requires direct voter approval of budgets. This means any frustration from voters regarding levels of taxation – whether directed at the federal, state or local governments – can only be expressed through the school budget vote.

The SALT cap is currently set to sunset on December 31, 2025. However, Congress has the ability to extend the cap or make it permanent.

Full deductibility of SALT treated taxpayers in all states equally. The federal government should reverse this unnecessary financial burden on school districts and taxpayers by repealing the \$10,000 SALT cap.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 2\***

Submitted by the *New York State School Boards Association Board of Directors* (6/15/24)

**RESOLVED**, that the New York State School Boards Association support legislative action in the regulation of vapor products including consumption, manufacturing, distribution and advertisement.

### **RATIONALE**

Vaping, or E-cigarette use, among teens has risen dramatically amongst the current generation of students. As of November 2023, 7.7% of all middle and high school students reported using e-cigarettes, compared to 1.6% who used cigarettes. Considered an epidemic by the FDA, school districts are working to find effective ways to discourage vaping and educate students and their parents on the dangers of vaping. Advertising that portrays vaping in a positive light and the flavors, such as bubble gum, mango, coconut, cotton candy, etc. is enticing to youth.

Although e-cigarettes were developed in part to help adult smokers cut their tobacco-use and to provide a "healthier" alternative, no study has yet been conducted that can provide information on the long-term effects of e-cigarette use. However, vaping has been linked to nausea, eye irritation, vomiting and serious side effects such as "popcorn lung",

seizures and cancer. Most types of e-cigarettes, including the most popular brand Juul, contain nicotine. One Juul pod contains roughly the same amount of nicotine found in 20 cigarettes (or one pack). Nicotine is highly addictive and can cause brain changes leading to compulsive use of e-cigarettes. Adolescents are particularly vulnerable to the adverse effects of nicotine because their brains are still developing. Teenagers who vape are at a higher risk of smoking tobacco cigarettes compared to non-users. Over 30% of adolescents who vaped started smoking traditional tobacco cigarettes within six months.

Since vaping devices are small and can resemble flash drives or pens, there has been an increase of students who vape within the confines of the school buildings. Districts have taken to installing detectors in school bathrooms to try to find students who are vaping. In addition to ensuring students are properly educated about the dangers of vaping, districts have to reconsider consequences associated with vaping to discourage student use.

Some steps have been taken at the state level to limit access to vaping products by children. A new law was signed in 2023 that prohibits a number of activities related to e-cigarettes. These include prohibiting suppression of research into the health consequences of e-cigarettes by developers, prohibiting marketing of e-cigarettes on any item other than an e-cigarette itself or at the point of sale, and prohibiting e-cigarette brand sponsorship of sports or entertainment events.

The epidemic of vaping has reached our schools and it is incumbent on districts to work quickly to ensure the future health of our students. NYSSBA should support legislation that will regulate the manufacturing, distribution, age allowance and marketing of vaping products.

### **DEI Committee Review: Support**

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### **PROPOSED RESOLUTION 3\***

Submitted by the *New York State School Boards Association Board of Directors* (6/15/24)

**RESOLVED, that the New York State School Boards Association take a leadership role in encouraging school boards to develop successful strategies for integrating respect for differences into the educational experience. In carrying out this mission, NYSSBA shall encourage school boards to:**

- **Ensure that the importance of acceptance of others who are unique and different because of racial, ethnic, gender, sexual orientation, gender identity, disability status or religious differences is part of the curriculum.**
- **Invite discussion among students, parents, staff and the community about how hatred and bigotry based on race, ethnicity, gender, sexual orientation, gender identity, disability status and religion endanger the pluralistic and diversity principles for which this nation stands.**
- **Involve students, parents, staff and the community in developing and supporting educational practices which invite understanding and acceptance of others' differences and which aim to eradicate hatred and bigotry.**

### **RATIONALE**

The Association has affirmed publicly its belief in the importance of re-evaluating policies and procedures through a lens of equity and inclusion in order to promote educational opportunities that help all students thrive. NYSSBA has had a similar position statement on the books for fifteen years.

NYSSBA understands the value of engaging in difficult conversations involving race, gender and cultural diversity. Our state faces various hurdles that it must address in order to improve educational equity for all students. NYSSBA assists its members by providing best practices for diversifying the teaching and administrative workforce so that students are exposed to role models of different races and backgrounds, and district-wide decisions are made with consideration of various viewpoints.

NYSSBA is currently engaged in a number of initiatives to address racial and gender inequities in education. In December 2020, NYSSBA's Board of Directors created a Committee on Diversity, Equity & Inclusion (DEI) to

“support efforts to facilitate the elimination of the current barriers which exist in New York State that preclude all students from being provided with equitable educational opportunities and outcomes.” Last year for the first time, the DEI Committee met to discuss and prepare brief commentary on select proposed resolutions prior to NYSSBA’s annual Business Meeting. The commentary was used to provide the Resolutions Committee and voting delegates insight on the proposals through a DEI lens.

## **DEI Committee Review: Support**

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### **PROPOSED RESOLUTION 4**

Submitted by the *Plattsburgh School Board* (6/14/24)

**RESOLVED, that the New York State School Boards Association work with the New York State Educational Conference Board and its supportive members, to call on the New York State Legislature to improve Tier 6 in the current retirement systems for school employees and that we seek support and legislation to establish Tier Equity for Tiers 5 and 6 to be more aligned with Tiers 1 through 4.**

#### **RATIONALE**

When Tier 6 was established in the Public School retirement systems in 2012 many legislators and state public school organizations knew that changes needed to be made before it came time for workers to retire using Tier 6 calculated benefits. That time is now.

#### **Looking at the Differences**

Specifically looking at Tier Equity in the New York State Teachers Retirement System:

- A teacher must work to age 55 in Tiers 1-4, 57 in Tier 5 and age 63 in Tier 6
- In a sample district, a teacher retiring in 2022 with a three year Final Average Salary of \$88,687 (Tiers 1-5) and \$85,630 (Tier 6 five year FAS), at age 55 and 30 years of service would receive the following annual retirement benefit:
  - a. Tier1-Tier 4     \$53,212
  - b. Tier 5             \$32,816
  - c. Tier 6             \$22,606

#### **Teacher Pool and Maintaining Teachers**

This inequity, a substantial reduction in retirement benefits and the change in retirement age to 63, is drastically decreasing the number of individuals studying to become teachers and for many teachers already in Tier 6 are resigning and changing jobs.

#### **Some Effects of Longevity to age 63**

The average age of retirement of employees in NYSTRS from 2017-18 to 2021-22 with 30 or greater years of service was 59 years and 8 months with just over an average of 33 years of service. These numbers were very consistent over that period of time. These numbers are average so there are many retiring at age 55 and with 30 or more years of service.

- A mandated longer career for employees to work in a school district will drive a demand for more years at higher salaries in negotiations.
- A mandated longer career from age 55 to age 63 will require many school employees to stay in the profession longer than they are able to sustain high quality service.
- A mandated longer career to age 63 will make it financially impossible for any local school district to negotiate and offer a retirement incentive when such is necessary for either financial or staffing needs.
- A mandated longer career to age 63 will make negotiating individual separation agreements nearly impossible. These last two items would be a big loss of local autonomy for Boards of Education.

## **DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 5**

Submitted by the *Orange-Ulster, Putnam-Northern Westchester, and Rockland BOCES Boards and Highland Falls-Ft Montgomery and Washingtonville School Boards* (06/28/24)

**RESOLVED, that the New York State School Boards Association support legislation that would increase the BOCES Career and Technical aidable salary cap by connecting aid more closely with the actual cost of providing such services.**

### **RATIONALE**

The current \$30,000 BOCES Career and Technical aidable salary cap, enacted in 1992, would be \$65,789 in today's dollars. Component districts sending students to Career and Technical education at BOCES are not receiving the intended BOCES aid based on inflation and current salary levels.

Student interest in Career and Technical Education in New York State has been growing and is a vital contributor to the state's economy. Many students are able to leave high school with high paying jobs without the burden of college tuition. Other students leave high school with college credits to continue their education. With an increased salary cap, districts would be able to allow more students to benefit from Career and Technical Education.

Legislation to increase the cap has been introduced in the legislature routinely each year since 2015 without final action. The Regents have emphasized the importance of career education. Funding should follow this emphasis.

A current NYSSBA resolution focuses on expanding CTE education programs, not the salary cap. A specific salary cap resolution emphasizes the need to increase funding for current programs.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 6\***

Submitted by the *Orange-Ulster, Putnam-Northern Westchester, and Rockland BOCES Boards and Highland Falls-Ft Montgomery, Marlboro, Nassau and Washingtonville School Boards* (06/28/24)

**RESOLVED, that the New York State School Boards Association support legislation to eliminate the limit on BOCES District Superintendent compensation.**

### **RATIONALE**

Legislation in 2019 raised the allowable BOCES District Superintendent compensation to a maximum of approximately \$208,000. Currently, Component Superintendent compensation in some areas of New York State averages between \$217,968 and \$277,975 according to NYSSBA's report in June 2023. Those amounts are certainly higher at this time.

In order to retain and recruit competent leaders for BOCES statewide, it is essential to eliminate the cap and allow BOCES boards the flexibility to compensate District Superintendents according to regional Component Superintendent compensation levels.

**DEI Committee Review: No Position**

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## PROPOSED RESOLUTION 7

Submitted by the *Hewlett Woodmere School Board* (6/28/24)

**RESOLVED**, that the New York State School Boards Association supports legislation to amend the current civil service system to modernize exam materials and increase the frequency of exam administration.

### RATIONALE

The existing system hampers districts from hiring employees based on their organizational needs. The following reforms are proposed to enhance the efficiency and effectiveness of school district operations:

- Expedite the hiring process by upgrading to an online canvassing system.
- Streamline the civil service examination and certification process
- Update existing exams to reflect the skills and knowledge required for the job.
- Develop clear language and job descriptions to ensure applicants understand the expected roles and responsibilities.
- Create consistent and frequent exam timelines to provide more opportunities for potential employees to take the exams.

These steps could potentially shorten the time needed to fill vacancies and grant school districts more opportunities to hire the high-quality, experienced staff they urgently need.

**DEI Committee Review: Support**

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## PROPOSED RESOLUTION 8

Submitted by the *Baldwinsville School Board* (7/2/24)

**RESOLVED**, that the New York State School Boards Association (NYSSBA) support legislation of the state that would provide for sufficient funding through Building Aid for the construction of a new school that would replace one or more outdated and antiquated schools.

### RATIONALE

Many school districts are faced with the need to update schools that are decades old and have outlived their usefulness as a public school. Changes in educational programs and methods of instruction require major alterations and renovations to these old schools. The age of the school also requires significant upgrades to the core systems of the building such as structural, heating, electrical, and plumbing. The cost of these alterations and renovations can be more than the cost of building a new school when examined over the 30-year period of financing and building aid for a new school.

The current allocation method of building aid is based upon a 5-year cycle. It requires a district to schedule capital projects on a 5-year cycle to match the flow of building aid. This means that there could be sizable capital projects over 30 years to upgrade a school to modern standards. If legislation is approved to allow for the building aid for a new school to be calculated based upon a 30-year total of six capital projects then a district would be able to afford the building/construction a new school. This calculation would demonstrate a lower cost of the new building and a savings in building aid for the state.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 9**

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association shall advocate for timely decisions on school aid.

### **RATIONALE**

Budget development is a long process that begins with presentations to our communities in January and February of each year based on the governor's preliminary budget. Often the proposed school aid requires cuts and boards spend countless hours making hard decisions to work within the school aid and tax levy limits. Then when we are close to adopting our budgets, the state budget is passed by the legislature and often our aid is increased, which negates the needed cuts. This is a waste of hours of work and creates more work to adjust the budget. School boards need more reliable and timely decisions for school aid.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 10**

Submitted by the *Onteora School Board* (07/03/24)

**RESOLVED**, that the New York State School Boards Association support hybrid electric busses as an alternative option to the New York State 100% zero-emission electric school bus (or ESB) fleet mandate by 2035.

### **RATIONALE**

There are numerous problems that have been identified that make it extremely difficult to implement a 100% zero-emission ESB fleet. This is especially true for rural districts that have extremely long bus routes, unexpected weather related and other extenuating circumstances, and/or do not have an electric power grid capable of generating enough electric power to charge an ESB fleet. Having an optional alternative of hybrid electric busses would provide a practical solution to make it feasible to reduce school bus emissions in rural school districts.

### **COMMENTS OF THE RESOLUTIONS COMMITTEE**

The Committee wished to make clear their overall opposition the transition and current timeline. They supported this resolution, within the context of NYSSBA's other positions on ESBs, to mean that as long as there is a timeline in place, districts should have the option to comply by purchasing hybrid buses. The Committee noted the technology for hybrid is more developed, logistics are simpler at the district level, ranges are longer, and costs are significantly less than for ESBs.

**DEI Committee Review: No Position**

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## **PROPOSED RESOLUTION 11**

Submitted by the *Onteora and Brewster School Boards* (07/03/24)

**RESOLVED**, that NYSSBA urge the Governor of New York State, the New York State Legislature, and the New York State Education Department to prioritize the human resources, processes and programs that will ensure school districts can receive necessary building permit within 6 months of submission of capital improvement plans.

### **RATIONALE**

According to NYSED's website, OFP currently has four senior architects, one associate architect, three professional engineers, and one assistant engineer responsible for the state's annual review and approval of over 2,000 school capital projects. As a result, districts seeking approval for vital projects that impact student and staff health and safety (including roof replacements, HVAC reconstruction, asbestos removal, structural repairs and security upgrades) are facing a 30+ week backlog.

In addition to the health and safety concerns, due to ongoing construction cost inflation these delays put significant additional fiscal burdens on districts, which forces them to either reduce the scope of their projects or go back to their voters for additional funding. This both burdens school boards and sows doubt and distrust in the public that they will get the results they expect when they approve taxation for school construction projects. These delays also keep a significant number of local construction jobs in our communities in limbo.

**DEI Committee Review: No Position**

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## **PROPOSED RESOLUTION 12**

Submitted by the *Onteora School Board* (07/03/24)

**RESOLVED**, that the New York State School Boards Association support funding for technology and related expenses for smartphone regulation policies, whether pursued by districts voluntarily or mandated by the state.

### **RATIONALE**

There is voluminous research that smartphones are addictive and are not only competing for our students' attention during the school day, but are having a significant negative effect on student mental health. There are also numerous real world examples of measurable improvements in culture and climate in districts that have moved to stricter, more effective means of removing the ubiquitous presence of smartphones during school hours. Such policies can and should be incentivized.

**DEI Committee Review: No Position**

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## **PROPOSED RESOLUTION 13**

Submitted by the *Guilderland School Board* (07/03/24)

**RESOLVED**, that the New York State School Boards Association support legislation at the state level that would allow school districts whose prekindergarten programs are oversubscribed to show enrollment preference to students who are economically disadvantaged and/or are English language learners until such time as the programs become truly universal.

### **RATIONALE**

When New York State began funding the “universal prekindergarten program”, more than two decades ago, the first districts funded were high-need, low wealth districts, to ensure that the investment went first to those districts serving students with the greatest need. However, after initial investments, expansion stalled for many years. When significant State investment in expansion to new districts began three years ago, significant state funds for prekindergarten began to be allocated to average and low need districts. However, even in districts that can launch a program, there are sometimes not enough seats available for the number of eligible students. There can be many reasons for this, including but not limited to: lack of funded seats, inadequate local resources to fund a local share of the program, lack of room within the tax cap to fund the local share, lack of space in district, lack of seats with community-based partners, and lack of staff. These may also be the reasons a district is unable to launch a program at all.

As a result, in districts that are able to launch programs, but do not have adequate seats available, the districts are required by law to hold a random lottery to award the available seats. Countless studies have shown that while all students benefit from early childhood education, access to early childhood education can be game-changing for high needs students. However, districts are not permitted to show enrollment preference to those students who need and would most greatly benefit from the program.

While it would be ideal to have a seat for every eligible student and interested family, accomplishing that is no simple feat. Even if unlimited financial resources for program cost were available, it would not address certain other barriers. Physical space is a real barrier. Even if prekindergarten projects were made eligible for building aid, there is still the need to consider the district’s capacity to cover the local share of that construction. If that barrier could be overcome, districts would still be years away from designing the project, getting voter approval, then SED approval, and actually constructing space.

Prekindergarten attendance is not required. As a result, there will likely always be families who opt not to participate. Lack of transportation and the complications and cost of arranging wrap around care for small children, especially young children, could deter families even though the core program is free.

Building out this program in new communities will take time. During that time and until such time as the universal prekindergarten program is truly universal, with an available seat for every eligible student and interested family, districts should be given the option to take the same approach that the State did, and target available seats where the value to the student will be the greatest.

**DEI Committee Review: Support**

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## PROPOSED RESOLUTION 14

Submitted by the *West Babylon, Hicksville, Locust Valley, Massapequa, Plainedge School Boards* (7/3/24)

**RESOLVED**, that the New York State School Boards Association shall advocate for direct funding assistance to school districts for any student/s who enters a BOCES Career and Technical Education (CTE) program or any affiliated career training program resulting in a post-graduation license or certificate.

### RATIONALE

Absent from the current foundation aid formula is any direct funding for students attending BOCES occupational and career training. If we agree that “not every student is college-bound,” they, too, deserve the same state-funded support as those who choose to attend college for their post-graduation future. Relying primarily on localized school district funding to provide such occupation training can limit student participation and post-graduation career opportunities. This represents a glaring disparity of support for students beyond their high school years. In contrast, the college-bound peers of BOCES students have access to various state and federal financial assistance programs for their career paths, which do not rely solely on direct local tax revenue.

The future of those students choosing a career path before high school graduation should not be limited by the economic constraints of local school districts, nor should the taxpayer, who is already funding various higher education scholarship and tuition programs, be expected to do so again locally.

**DEI Committee Review: Support**

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## PROPOSED RESOLUTION 15

Submitted by the *Saratoga, Amsterdam, Hudson Falls, Niskayuna and South Colonie School Boards* (7/9/24)

**RESOLVED**, that the New York State School Boards Association shall advocate for the NY SWIMS Initiative to be extended and expanded to include additional, enhanced, and targeted state funding specifically dedicated to constructing pools in K-12 schools, and for increased aid for operating, maintenance, and staffing costs associated with these facilities. This enhanced funding should be built into the building aid formulas to promote equitable and year-round access to swimming instruction for all students.

### RATIONALE

While schools are currently eligible for building aid for pools<sup>1</sup> the amount provided is negligible, dependent on Building Aid Units (BAUs), and represents a significant barrier to the construction of pools in schools. Governor Hochul's NY SWIMS Initiative<sup>1</sup> aims to promote equitable access to swimming and prevent drowning by providing funding for municipal pools. However, these pools are only operational for about two months each year, limiting the opportunity for year-round swimming instruction.

Drownings in New York State have reached record highs, with 230 lives lost in 2021 and more than 1,000 from 2017 to 2021<sup>2</sup>. Drowning is the leading cause of death among children aged one to four years old and the second-leading cause of death for children aged 5 to 14 in the United States. Equitable and widespread access to safe swimming opportunities is essential for developing foundational swimming and water safety skills to prevent drownings. 45% of Hispanic/Latino children and 64% of African American children have little to no swimming ability<sup>3</sup>. According to a 2022 study published in American Academy of Pediatrics, almost three-quarters of White children take swimming lessons, but less than half of Black and Latino children do. Black children are five and a half times as likely as White children to drown in swimming pools and the study suggests that poor swimming skills in both children and their parents, lack of early training, and lack of lifeguards may be important factors<sup>4</sup>. More than a third of adults in the U.S. can't swim the length of a pool and if a parent does not know how to swim, there is only a 19% chance that a child in their household will learn to swim<sup>3</sup>.

School districts are well-positioned to provide comprehensive K-12 swimming programs that ensure every student, regardless of background, has the opportunity to learn to swim throughout the entire year. Teaching every child to swim is a critical life skill that enhances student safety, particularly in a state like New York with abundant water bodies. Swimming promotes a balanced lifestyle, offering rehabilitative benefits and a form of exercise that individuals of all ages can engage in, countering the increasing screen time that children face today. All students in New York State should graduate high school with basic swim skills and swimming ability, along with First Aid, CPR, and water safety skills built into their education. This would also increase the number of trained lifeguards, of which there is a national shortage<sup>5</sup>.

Many school districts lack adequate pool space, especially during the winter months, underscoring the need for swimming facilities within schools. During the COVID-19 pandemic, swimming was one of the few activities allowed for on-site enclosed spaces<sup>6</sup>, highlighting the necessity for consistent, reliable, and accessible swimming facilities within schools.

The establishment of school pools provides benefits beyond the swimming program, including rehabilitation for other sports teams through aquatic therapy, which aids recovery and maintains fitness levels, increasing the number of trained lifeguards, instruction in first aid and CPR, and a space for community pool use 12 months of the year. By securing additional, enhanced, and targeted state funding for school pools, and increased aid for operating expenses for schools with existing pools, equitable and year-round access to swimming instruction can be realized. This enhanced funding should be built into the building aid formulas to promote equitable and year-round access to swimming instruction for all students and communities. The Building Aid Units (BAUs), the current number of physical education instructional spaces available in each school, and the total student enrollment should not be factors in determining state building aid for constructing a new pool. The number of teaching stations should also not determine if a district qualifies for additional physical education teaching space, including a new pool. This will advance the goals of the NY SWIMS Initiative and foster a culture of health, safety, and well-being for future generations and all communities.

<sup>1</sup> <https://www.nysed.gov/sites/default/files/programs/facilities-planning/building-aid-guidelines-07-28-2004.pdf>

<sup>2</sup> <https://www.governor.ny.gov/news/governor-hochul-unveils-fourth-proposal-2024-state-state-ny-swims-new-york-statewide>

<sup>3</sup> <https://www.usaswimming.org/foundation>

<sup>4</sup> <https://publications.aap.org/pediatrics/article/148/2/e2021052227/179784/Prevention-of-Drowning>

<sup>5</sup> <https://americanlifeguardassociation.com/the-reasons-for-the-lifeguard-shortage-and-how-to-address-them/>

<sup>6</sup> <https://www.governor.ny.gov/sites/default/files/atoms/files/SportsAndRecreationMasterGuidance.pdf>

## DEI Committee Review: Support

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### PROPOSED RESOLUTION 16

Submitted by the *Huntington School Board* (7/10/24)

**RESOLVED, that the New York State School Boards Association supports legislation at the state level to allow school districts to provide an “opt out”/ declination to transportation services.**

### RATIONALE

The intent of this legislation is to maintain all current transportation services for children who require it while recognizing that many families consistently choose not to utilize bussing services. While their reasoning may vary, many decide to drive their children to/from school, carpool independently, or have higher grade level children who are able to drive themselves. As a result, many districts see near empty buses arriving at and departing from their schools. With rising transportation costs, (and limited availability of service providers), along with the unknown potential fiscal impact of the electric bus mandate looming, it seems prudent to explore real ridership within each district. This flexibility will allow districts to better analyze transportation needs and associated expenditures. This proactive approach offers the potential for districts to consolidate and optimized routing, offer additional busing for extra-curricular activities, and examine the feasibility of establishing in-house busing fleets.

## DEI Committee Review: Oppose

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## **PROPOSED RESOLUTION 17**

Submitted by the *Port Washington School Board* (7/10/24)

**RESOLVED, that the New York State School Boards Association advocate for the State Education Department to review and revise the NYSESLAT exam/criteria to ensure a realistic, fair, and accurate annual assessment of each student’s English language proficiency and service needs, eliminate double testing, and ensure exam administration causes minimal disruption to delivery of services to students.**

### **RATIONALE**

Under ESSA, school districts are annually required to measure the English language proficiency of their ELLs. NYS uses the 4-part NYSESLAT. There are many issues with the NYSESLAT. First, the four tests (one each for Speaking, Listening, Reading, and Writing) are given within a 1.5 month testing window. The overall test and testing window should be shortened to minimize student stress and anxiety, especially for special education ELLs and newcomers, and minimize disruption to valuable instruction time when the student takes the test and/or ELL teachers are pulled to administer the tests to other students. (Moreover, the NYSESLAT testing window overlaps with the grades 3-8 assessments, for which ENL support staff are routinely pulled from their classrooms to proctor, further disrupting instruction time.) Second, the NYSESLAT doesn’t accurately measure language acquisition and progression; rather, the reading and writing components in particular measure cognitive ability and content knowledge, and are based on U.S. academic standards. ELL students from less rigorous educational backgrounds, and those with interrupted formal education, who can otherwise demonstrate language progression, are unequipped to succeed on such a content-based exam, especially if it contains culturally-biased cultural references or language nuances. Moreover, because the NYSESLAT is content-based, testing out of ELL status has become difficult, causing some students to remain unnecessarily in ELL status, and missing out on other academic opportunities and services. Even ELLs who were born in the U.S., and are proficient English speakers, have difficulty testing out due to the content barrier.

Third, the NYSESLAT doesn’t properly assess special education ELLs. There is no alternative assessment / flexible evaluation method (or exemption for those with more severe disabilities a la the grades 3-8 tests), so no way to account for the varied needs and diverse ways these students demonstrate English language proficiency, leading to inaccurate results. Many special education ELL students can score at a Commanding level in speaking and listening, but are stuck in the program due to a reading or writing disability that is agnostic to language. Alternative assessments that align with a student’s disability and capabilities are needed, as are appropriate and sufficient accommodations. Fourth, because ELL services by law are given priority over special education services, there is an ongoing priority struggle between ELL services and special education services for special education ELLs. This conflict needs to be re-evaluated, and different exit criteria for special education ELL students explored, so they are not prevented from receiving needed special education services. A special education ELL student who needs more special education services in order to test out, but who isn’t receiving those services because ELL services take priority, are in a Catch-22. Similarly, steps need to be taken so that the content and format of the NYSESLAT does not misalign with the goals and assessments within a special education ELL student's IEP, resulting in conflicting educational priorities. Fifth, ELL students are subjected to double testing. After being enrolled in school for one year, ELL students in grades 3-12 must also take the NYS ELA exams, even though the purpose of the NYSESLAT is to measure English language proficiency, and no evidence shows that double testing will make ELLs English proficient. Moreover, ELL students who enter the system during the NYSESLAT testing window take the NYSESLAT after having just taken the NYSITELL identification exam; double testing needs to be eliminated. Sixth, some students do not test well and cannot achieve Commanding or Expanding levels or score a 3 or 4 on the grades 3-8 ELA. Factors that present artificial barriers to exiting the program should be eliminated, and alternative ways to exit the program should be provided.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 18**

Submitted by the *Port Washington School Board* (7/10/24)

**RESOLVED, that the New York State School Boards Association advocate that the State Education Department refrain from administering the NYSITELL and NYSESLAT exams in the computer-based format until those tests have been properly vetted and field-tested to support that the computer-based format is appropriate, beneficial, valid, and reliable.**

### **RATIONALE**

Both the New York State Identification Test for English Language Learners (NYSITELL), which is the English language proficiency identification assessment for ELLs (English Language Learners), administered within ten school days of a student's enrollment, and the New York State English as a Second Language Achievement Test (NYSESLAT), which is administered annually to ELLs to measure language acquisition and progression, are currently paper-based assessments. However, NYSED is poised to convert both to computer-based assessments in Spring of 2026. Over the years there has been conflicting evidence on which assessment -- paper-based or computer-based -- is the appropriate, valid, reliable way to assess native English-speaking general education students. The issue is generating concern among school districts w/r/t assessing ELLs who hail from education systems that are very different from the U.S. system in terms of rigor, opportunity, access, literacy, etc., and especially students who have experienced interrupted formal education. School districts have newcomers from education systems that offer little to no computer experience or literacy. These students may not have had as many -- or even any -- opportunities to learn how to use a computer efficiently or effectively. Requiring these students to test via computer, when they are not sufficiently educated in the basic computer skills and literacy needed to take computer-based assessments, is setting these students up for failure (and misidentification) at the outset. A computer-based test would be difficult -- if not impossible -- for such a student and accordingly would not provide an accurate ENL level. In addition, having to record one's voice (for the Speaking component of the computer-based assessment) may not accurately reflect an ELL student's abilities: 1) many ELLs are not familiar with recording their voices onto a computer, so it can be stressful and cause an inaccurate score, and 2) students may not speak that clearly because they are nervous, which may lead to lower scores. Finally, for the same reasons as above -- limited education opportunity and access to computers, interrupted formal education, etc. -- using computer-based testing will hinder the ability of ELLs and special education ELLs to exit the program. Giving a computer-based test to students who will likely struggle with computer literacy skills is irrational.

**DEI Committee Review: Support**

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## **PROPOSED RESOLUTION 19**

Submitted by the *Ossining School Board* (7/11/24)

**RESOLVED, that the New York State School Boards Association will advocate for any publicly funded study of the foundation aid formula, performed by any organization, to be required to be performed with transparency and meaningful public engagement.**

### **RATIONALE**

In the spring of 2024 Governor Kathy Hochul ordered a study of the current Foundation Aid formula to be completed by the Rockefeller Institute by December 2024. The Rockefeller Institute is a SUNY-sponsored think tank. Given the short period of time over which the study is expected to take, there may be too short a window for public comment or feedback, if such an opportunity will exist at all. Education stakeholders should be kept abreast of the research process, and what information Rockefeller institute, or any other organization conducting similar research in the future, is using to draw their conclusions. Once this study has taken place, should any other study be conducted in the future, the same commitment to transparency and involvement by education stakeholders should apply.

**DEI Committee Review: Support**

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## PROPOSED RESOLUTION 20

Submitted by the *Ossining School Board* (7/11/24)

**RESOLVED**, that the New York State School Boards Association will advocate for additional state and/or federal funding for the education of ELL (English Language Learner) students in a manner that meaningfully reflects the increased costs associated with the instructional needs of these students and includes the regional cost index in its analysis of funding.

### RATIONALE

ELL students require educational resources mandated by New York State such as but not limited to: ELL/TESOL certified staff, high school credit recovery, small group instruction, and NYSESLAT testing. These unique needs add to the cost of educating students who are ELLs. Schools across the state continue to experience an increased number of students who require direct English language instruction. New York State should, in its foundation aid formula or otherwise, recognize the increased cost associated with the education of these students and fund school districts accordingly.

**DEI Committee Review: Support**

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## PROPOSED RESOLUTION 21

Submitted by the *Shenendehowa School Board* (7/11/24)

**RESOLVED**, that the New York State School Boards Association (NYSSBA) shall advocate for the upward modification of the inflexible, restrictive per-pupil expenditure limits for the State Universal Prekindergarten (UPK) program, currently set at \$5,400, to mirror the same provisions allowable for the use of Statewide Universal Full Day Prekindergarten (SUFDPK).

### RATIONALE

The UPK funding formula is unduly restrictive, leading to hundreds of thousands of dollars being unspent regionally in school districts. SUFDPK is a separate fund source that allows for greater flexibility and a higher expenditure rate of \$7,000 or \$10,000 per pupil based on the certification level of the teacher of record.

An adjustment in the UPK per-pupil expenditure rate to match SUFDPK will be cost neutral, since the funds are allocated every year but remain unexpended, and will exponentially benefit our youngest, most vulnerable learners.

For years, the UPK per-pupil amount has not been adjusted to reflect rising costs and/or regional cost differences. Absent an adjustment to align with current price indices, tens of millions of dollars allocated for the provision of vital Pre-K services go unexpended on an annual basis across the State of New York. This is not about the availability of funds or even a call for additional funds; it is about updating the thresholds for payment to service providers. Greater flexibility for use of funds to adjust for actual program cost will preserve universal access. The restrictive per-pupil cost allocation needs to be increased to attract more and better quality providers.

An adjustment to the per-pupil expenditure amount to Pre-K providers will lend to program expansion and more seats/space available for our youngest and most vulnerable learners, as well as allow for the hiring of New York State certified teachers at rates comparable in K-12 schools. This will support an exponential improvement in the quality of the Pre-K learning experience.

While many schools are allocated State UPK allocation, the per-pupil rate of \$540 a month or \$5,400 across 10 months is cost prohibitive for Pre-K providers to expand program capacity (more seats) and to hire and retain highly qualified and certified personnel.

As an example, for the 2023-2024 school year, the Shenendehowa Central School District was allocated \$1,344,600 with pupils listed as 249. This divided by 10 months of school, gives a per-pupil rate of \$540 a month or \$5,400 across 10 months. Similarly, the Federal UPK Allocation received \$988,200 with 183 pupils listed, translated to a per-pupil amount of \$5,400. The district, after aggressively seeking out providers, was only able to fill 177 seats. This means the

district was actually only able to use/expend \$955,800 out of a total \$2,332,800, leaving \$1,377,000 unexpended, on the table, not to be used for the benefit of our students and providers who really need it. This scenario plays out in hundreds of school districts across the State, lending to missed opportunities to educate our youngest learners.

The current formula does not allow for funds to be used beyond the \$5,400 for supplies, additional instructional resources, or any other relevant costs related to the provision of a high- quality Pre-K program. Furthermore, the New York State Education Department has demanded that local school districts take on greater responsibility and accountability of the curricula and assessment measures used by Pre-K providers. However, the current funding arrangement does not allow for funds to be used to cover any such costs related to the enhancement and alignment of curriculum and assessment amongst Pre-K service providers.

School districts and Pre-K providers are steadfastly committed to the provision of early learning opportunities for students and are simply requesting greater flexibility to expend funds that are already allocated. The establishment of per-pupil rate commensurate with current costs indices, and with built-in flexibility of regional cost of living differentials, allows for the education of future generations of learners across all communities - urban, rural, and suburban.

It is hard to fathom why the State and the legislature would rather have our youngest students miss out on valuable educational experiences because of a failure to simply adjust the rate to make it financially feasible for providers to service more children. School districts have been put in an untenable situation of being unable to provide vitally needed Pre-K education, while yet sending millions of dollars back, unexpended.

In sum, the formula for UPK funds should be modified to mirror the same provisions allowable for the use of SUFDPK, allowing for greater flexibility and a higher per-pupil expenditure rate of \$7,000 or \$10,000 per-pupil based on the certification level of the teacher of record.

### **DEI Committee Review: Support**

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#### **PROPOSED RESOLUTION 22**

Submitted by the *Nassau BOCES Board* (7/12/24)

**RESOLVED, that the New York State School Boards Association oppose the proposed amendments to Sections 135.1, 135.4 and 135.5 of the Commissioner of Education’s Regulations related to Mixed Competition and extra-class athletic activities.**

#### **RATIONALE**

The New York State Department of Education’s commitment to fostering equity and inclusivity within school sports programs is commendable. Despite these intentions, there are concerns regarding the proposal to remove the phrase “significant adverse effect” from the regulations governing mixed competition in school sports. The potential unintended consequences of this amendment could impact female athletes, who have historically faced challenges in obtaining equal opportunities in sports. The removal of this critical phrase could decrease participation opportunities for female athletes, particularly in sports without male equivalents, such as flag football, field hockey, gymnastics and volleyball. Allowing unrestricted mixed competition without considering significant adverse effects can inadvertently lead to disparities in fair competition and increase the risk of injuries, compromising the safety and well-being of female athletes. Instead of these proposed amendments, the implementation of objective criteria to assess potential adverse impacts on female participation in sports is advocated. This approach aligns with models used by other state athletic associations, such as the Pennsylvania Interscholastic Athletic Association, which could serve as a feasible template for New York. It is suggested that the standards for implementing these criteria be set through board policy, consistent with state and federal regulations, and administered by district athletic directors rather than by high school principals to maintain consistency and fairness across all districts. The New York State School Boards Association is urged to consider these points and oppose the proposed amendments, thereby ensuring that sports programs continue to promote inclusivity without compromising fairness and safety.

### **DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 23**

Submitted by the *Albany School Board* (7/12/24)

**RESOLVED, that the New York State School Boards Association opposes efforts to establish additional school closure holidays without commensurate adjustments to the school calendar.**

### **RATIONALE**

We commend the State of New York for promoting diversity, equity and inclusion through the establishment of additional school closure holidays that recognize the broadening religious and cultural observances of our state's families. In addition, public school districts throughout New York also have expanded local observances through the addition of holidays that recognize the unique makeup of the communities they serve.

Whether celebrated statewide or in local communities, Asian Lunar New Year, Diwali, Juneteenth, Eid el-Fitr, Eid el-Adha, Rosh Hashana and Yom Kippur, among others, represent the rich and expanding tapestry of cultures and perspectives that makes our state vibrant and strong. However, with the state's traditional school calendar from September through June, recognizing important religious and cultural needs of our communities also creates challenges to meet required days of instruction and deliver critical professional development for teachers and staff.

In consideration of school districts' needs to meet these vital goals for students and families, NYSSBA should oppose efforts to establish additional school closure holidays without commensurate adjustments to the school calendar.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 24**

Submitted by the *Patchogue-Medford School Board* (7/12/24)

**RESOLVED, that the New York State School Boards Association that the New York State School Boards Association (NYSSBA) advocates for the minimization of field testing and school district decision-making rights to refuse to participate in field testing without penalty from the New York State Education Department.**

### **RATIONALE**

Field testing can place unnecessary stress on students, as they are subjected to additional assessments that do not contribute to their academic progress. Minimizing field testing can help reduce this burden and promote a healthier and more positive learning environment. Field testing takes away valuable instructional time that could be better spent on teaching and learning activities that directly benefit students. By minimizing field testing, school districts can maximize the time dedicated to meaningful instruction and student engagement. Field testing can be costly for school districts, involving expenses related to administration, materials, and staff time. By reducing or eliminating field testing, school districts can allocate their resources more effectively to support core educational priorities and initiatives. School districts are best positioned to understand the needs and challenges of their students and educators. Granting school districts the authority to eliminate field testing without penalty empowers them to make decisions that align with their unique educational goals and priorities. Excessive field testing may not always lead to significant improvements in assessment quality or educational outcomes. By minimizing field testing, school districts can focus on more targeted and impactful assessment strategies that better serve their students and educators.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 25**

Submitted by the *Yonkers, Albany, Buffalo, Mount Vernon, New York City, Rochester, Syracuse and Utica School Boards* (7/12/24)

**RESOLVED**, that the New York State School Boards Association supports and upholds the Mission of the Conference of Big 5 School Districts, promoting a more equitable and adequate funding system and the delivery of a high-quality education to all children. Central to this Mission is the belief that all children can succeed and should be afforded appropriate support and educational opportunities throughout their lives. NYSSBA shall promote and advocate for fiscal and programmatic priorities that are aligned with this Mission.

### **RATIONALE**

The Conference of Big 5 School Districts represents the city school districts of Buffalo, New York City, Rochester, Syracuse, Yonkers, Albany, Mount Vernon, and Utica. The Big 5 Member school districts combined enroll 43% of New York State's public school students including 67% of the State's English Language Learner pupils and 50% of its special education students. The Conference's school districts have high rates of student mobility, homelessness and students living in temporary shelters and the percentages of pupils with Extraordinary Needs are: Buffalo 87%; NYC 77%; Rochester 91%; Syracuse 87%; Yonkers 73%; Albany 73%; Mount Vernon 65%; and Utica 85%. The Conference of Big 5 School Districts has adopted the following key State Aid priorities: 1. A Foundation Aid formula that is transparent, predictable and equitable and distributes funding in a manner that is reflective of unique student needs. The Big 5's large city school districts are heavily reliant on State funds and have no ability to raise local revenue given their fiscal dependency, and Albany, Mount Vernon and Utica are limited by the tax cap imposed upon independent school districts. 2. Limiting charter school expansion in saturated school districts. The current charter school funding system, and the proliferation of charter schools in some of the State's neediest communities, has drained resources and destabilized traditional public schools. 3. Expanded funding for career and technical (CTE) programs. The \$3,900 per pupil formula-based funding cap for CTE programs, under Special Services Aid for the Big 5 school districts and Albany, must be increased and reimbursement expanded to include 9th grade students. 4. Increased school health and mental health services funding. Each of the Big 5 school districts provide valuable health and mental health services to their students. However, funding for these services is inadequate and has been frozen for many years. 5. Provision of additional funding for English Language Learners (ELLs). Sixty-seven percent of all English Language Learners are educated in the Big 5. Expanded resources are needed to support additional bilingual teachers, translators and critical support services.

**DEI Committee Review: Support**

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# PROPOSED RESOLUTIONS

## NOT RECOMMENDED BY THE RESOLUTIONS COMMITTEE

### FOR ADOPTION

#### PROPOSED RESOLUTION 26

Submitted by the *Hewlett Woodmere School Board* (6/28/24)

**RESOLVED**, that the New York State School Boards Association supports legislation to eliminate Regents Exam Testing at the high school level in favor of State Final Exams that comply with ESSA (Every Student Succeeds Act) regulations in 10-11th grade for ELA (1 exam), Math (1 exam), and Science (1 exam).

#### RATIONALE

1. New York is one of only seven states that still require students to pass exams to receive a high school diploma. The other are Illinois, Louisiana, Massachusetts, Texas, Virginia, and Wyoming. 2. ESSA provided guidance to states to reduce standardized testing when it was introduced by President Obama in 2015.

#### EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee acknowledged the current work the New York State Education Department and Board of Regents are undertaking in response to the Blue Ribbon Commission's recommendations for amending the state's graduation requirements. Noting that state level conversations have focused on the importance of multiple pathways to a high school diploma that could include Regents exams, the Committee voted against recommending a blanket elimination of such exams. Furthermore, some recognized the value of Regents exam results to inform whether educators are effectively teaching in accordance with NYS standards.

**DEI Committee Review: Oppose**

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#### PROPOSED RESOLUTION 27

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association shall **ADVOCATE** for a cap on BOCES budget increases.

#### RATIONALE

School districts are limited to a 2% tax levy cap. They are under great pressure to meet all the demands on their budgets from mandated expenses, one of them the BOCES administration fee. BOCES should be subject to a cap on their budgets as their member districts.

#### EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee found that such a cap could be problematic for districts and BOCES, as it would not reflect the realities of increasing costs and labor scarcity. The Committee also found that school district oversight of BOCES' budgets is a sufficient level of local control, paired with district ability to opt-out of services. The Committee also felt that such a cap would have a disproportionate impact on disadvantaged students as well as students with special needs.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 28**

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association shall **ADVOCATE** for the new **Foundation Aid** formula to be voted on by the **NYS LEGISLATURE** and not through regulatory actions of **NYSED**.

### **RATIONALE**

NYS is a vast state, and each region has its own set of challenges and circumstances. Our elected officials should be the ones to determine the aid formula with input from their constituents.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee noted that the New York State Education Department does not possess the authority referenced in this resolution. Rather, the state constitution provides the state legislature with the authority to change state law and direct funding of schools. The Committee also felt there was a lack of a clear reasoning for this resolution, given current state constitutional powers.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 29**

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association **ADVOCATE** for the **REPEAL** of the **2019 law that removed the religious/moral exemption to immunization**.

### **RATIONALE**

All medical interventions have side effects, and the government should not force families to accept a risk that they do not believe is in the best interest of their child in order to receive an education. These decisions are best left to the parents in consultation with their family physician.

**Rationale 2:** Medical exemptions are not a reliable counter as physicians are routinely discouraged from writing an exemption.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee found value in continuing to uphold longstanding student vaccination requirements, in the health and safety interests of students. The Committee further noted that they generally agreed with the sentiments and votes from 2022 and 2023 when similar resolutions were not recommended by the Resolutions Committee and voted down by delegates at the Business Meeting.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 30**

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association shall **ADVOCATE** for **LOCAL CONTROL** of education administration to the **County Executive** or school board when appropriate.

### **RATIONALE**

NYS is vast, with 62 counties, each area of the state has differing needs and challenges. NYC's Mayor is given the authority to manage NYC schools, all counties throughout the state should be afforded the same opportunity. Local government is the most responsive and informed on issues affecting their communities.

## EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee felt that this change would minimize the authority, autonomy, and effectiveness of school boards. The Committee noted the current separation of powers among local governments, and between the state and local governments.

**DEI Committee Review: Oppose**

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### PROPOSED RESOLUTION 31

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED, that the New York State School Boards Association shall OPPOSE any legislation or NYSED regulation MANDATING comprehensive “K-12 gender and sexuality education”.**

#### RATIONALE

Recent legislative actions have been moving towards MANDATING sexual and gender education. Taking curriculum decisions away from Boards of Education undermines their authority and disenfranchises the voters of the school districts.

We also note the last two years have seen increasing support for this resolution as school boards are willing to voice their opposition. For clarification, any school district that wants to enact comprehensive K-12 gender and sexuality education would be free to do so. The opposition is to the MANDATE that districts adopt one.

## EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee recognized NYSSBA’s current position statement to oppose legislative curriculum mandates. Furthermore, the Committee upheld that one of the central roles of the State Education Department is to streamline curriculum and learning standards to ensure uniform expectations for all students, and acknowledged that NYS standards are age-appropriate.

The Committee further noted that they generally agreed with the sentiments and votes from the last two years, when similar resolutions were not recommended by the Resolutions Committee and voted down by delegates at the Business Meeting.

**DEI Committee Review: Oppose**

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### PROPOSED RESOLUTION 32

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED, that the New York State School Boards Association oppose any legislation or NYSED regulation that would allow biological males to participate in female athletics.**

#### RATIONALE

The Board of Regents has introduced amendments to Mixed Sports Competition, eliminating the “adverse effect” clause which allows school districts to deny biological males to try out for biological female only sports teams if there would be an adverse effect to biological female participation and/or opportunity. If the regulation takes effect in September 2024 as planned, we need to advocate to repeal this regulation.

## EXPLANATION OF THE RESOLUTIONS COMMITTEE

The Committee had concerns with the specific wording of this resolution. They acknowledged that not all students feel that the gender assigned to them at birth most accurately portrays who they are. The Committee voted to recommend Resolution 22 for adoption which focuses more specifically on the recently proposed regulations that would change participation in some school sports.

**DEI Committee Review: Oppose**

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### **PROPOSED RESOLUTION 33**

Submitted by the *Massapequa, Hicksville, Oyster Bay- East Norwich, Locust Valley and Plainedge School Boards* (7/2/2024)

**RESOLVED**, that the New York State School Boards Association shall oppose any legislation or NYSED regulation that would mandate any recommendations from the Blue Ribbon Commission including mandating the culturally responsive-sustaining education framework.

#### **RATIONALE**

School boards must be allowed the autonomy and local control over curriculum in our schools. Any MANDATE from state education regarding content to be taught in our schools would violate local control and disenfranchise the voters in the school district.

#### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee recognized that the State Education Department's Blue Ribbon Commission put significant time into a review of current learning standards and that school districts across the state had already begun the work of weaving the main principles of NYSED's Culturally Responsive-Sustaining Framework into their policies, procedures and instruction. They noted the Commission included a school board member. They felt that it was important that NYSSBA be supportive of efforts currently underway to make schools as inclusive as possible.

**DEI Committee Review: Oppose**

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### **PROPOSED RESOLUTION 34**

Submitted by the *Onteora School Board* (07/03/24)

**RESOLVED**, that the New York State School Boards Association urges NYSED to rescind the unnecessary early dismissal mandate.

#### **RATIONALE**

This mandate has lost the effect of preparing an entire county for a simultaneous emergency and further contributes to disruption in the school day. NYSED requires all school districts to test early dismissal drills once per year no more than 15 minutes prior to the normal student dismissal time, in order to intentionally stress the emergency systems, and adequately prepare for emergencies. The Facilities Planning webpage for NYSED calls for notification with at least one week notice to all parents and guardians.

However, all school districts do not use the same date within a county and often give more than one week's notice, given it's published in the school calendars. Any disruptions to academic teaching time, child care schedules and administration preparation should be avoided whenever possible.

#### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee acknowledged the importance of emergency planning and stressed the value in students being exposed to the early dismissal process each year. They also noted that disruption to class time is minimal.

**DEI Committee Review: No Position**

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## **PROPOSED RESOLUTION 35**

Submitted by the *Sullivan West, Eldred, Fallsburg, Liberty, Livingston Manor, Massapequa and Roscoe School Boards and Sullivan BOCES Board (7/8/24)*

**RESOLVED, that the New York State School Boards Association supports legislation that would grant judges the ability to require bail in cases of violent threats against school districts and/or staff and/or students at school districts.**

### **RATIONALE**

New York State has made several changes to the criminal law regarding monetary bail policies. These changes have eliminated the ability of judges to use their discretion to set monetary bail for various criminal offenses, which means criminal offenders are released without any option to impose bail.

Sullivan West Central School District along with other schools in this country have faced threats which require increased security, closing of schools, cancellation of sports, extracurricular activities, and increased social emotional services. There should be a higher standard for threats made against schools, as schools should always be a safe place for children and faculty. Currently, those that threaten violence in a school setting in New York State are released the very same day as they made that threat, many times before classes are over.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee raised concerns that bail restrictions lead to inequity in many cases, and that this proposal was not in alignment with NYSSBA's advocacy and equity goals. Lastly, the Committee felt that this is a highly charged political issue, too outside of the scope of NYSSBA's advocacy, and that NYSSBA would not benefit from becoming engaged on this subject.

**DEI Committee Review: Oppose**

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## **PROPOSED RESOLUTION 36**

Submitted by the *Newark School Board (7/10/24)*

**RESOLVED, that the New York State School Boards Association shall work to develop state law that requires school boards conduct at least three member trainings during each school year, on topics determined by the board and other relevant stakeholders.**

### **RATIONALE**

Many times, board members need refresher on the roles and responsibilities of being a board member or special training when a board is taking on an new initiative unfamiliar to the membership. Training would also would give the public view into what a school board members' roles and duties are the limitations of being school board member. The training schedule would be developed at agenda meetings with the board president with input from board or by recommendation of school attorney. The training subjects should be part of the law/regulation. The training may be done by board president, board member, superintendent, school attorney or outside consultant. Board members who are not in attendance at the meeting the training is held must review the material and discuss it with the board president or superintendent. The training could be as simple as doing a book review of a book all board members read on school boardmanship going over some scenarios. Having the school attorney review current laws, superintendent/board responsibilities or important policies. An outside consultant from educational organization, school staff member or recognized trainer could give a program in person or virtually.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

The Committee felt that it was inappropriate for NYSSBA to be requesting mandates, both as a general matter, and in relation to other NYSSBA position statements rejecting unfunded mandates. The Committee noted that while boards cannot require additional training beyond what is currently statutorily required, any efforts to increase voluntary training of board members should be at the district level.

**DEI Committee Review: No Position**

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## **PROPOSED RESOLUTION 37**

Submitted by the *Patchogue-Medford School Board* (7/12/24)

**RESOLVED**, that the New York State School Boards Association advocates for 30-40 minutes, per day, of recess time being officially recognized as an alternative form of instructional time in elementary schools and counted towards mandated minutes. Schools then can allocate adequate time for recess each day to ensure the social and emotional well-being and the whole child development of their students.

### **RATIONALE**

Recess is more than just a break from academic instruction; it is a critical component of a child's development and their social and emotional well-being. Recess provides children with the opportunity to engage in physical activity, which is essential for their physical health and well-being. Regular exercise during recess helps children develop gross motor skills, coordination, and overall physical fitness. During recess, children interact with their peers, learn to negotiate, resolve conflicts, and develop important social skills. These social interactions are crucial for building relationships, empathy, and communication skills. Unstructured play during recess allows children to use their imagination, creativity, and problem-solving skills. It helps them develop critical thinking skills, enhance their cognitive abilities, and improve their academic performance. Recess provides children with a much-needed break from academic pressures and allows them to relax, recharge, and reduce stress. It promotes emotional well-being, resilience, and mental health among students. Research has shown that children who have regular opportunities for physical activity and play during recess demonstrate improved behavior in the classroom, better focus, and increased attention span. By recognizing recess as instructional time, schools can prioritize the holistic development of children and create a more supportive learning environment that nurtures their well-being.

### **EXPLANATION OF THE RESOLUTIONS COMMITTEE**

While the Committee acknowledged the benefits of recess, they also recognized the academic demands schools are required to meet in a limited amount of time. They ultimately decided against recommending a resolution that could lead to taking more time away from the instructional day.

**DEI Committee Review: Unable to reach a position/decision**

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# INFORMATION ON AMENDMENTS, REBUTTALS, ENDORSEMENTS AND LATE RESOLUTIONS

Proposed resolutions were submitted to NYSSBA by July 12, 2024 (and reviewed by the Resolutions Committee on August 13th). No additional bylaw amendments can be proposed at this time. Amendments, rebuttal statements to proposed resolutions not recommended by the Committee, endorsements, and late resolutions to be included in the Voting Delegates' Guide must reach NYSSBA's Governmental Relations Department by 5 p.m. on September 20, 2024. They must be submitted via email to [advocacy@nyssba.org](mailto:advocacy@nyssba.org) with a subject containing the number of the proposed resolution and if it is an amendment, rebuttal or endorsement. Below you will find details regarding each option.

## Amendments:

Amendments to a proposed resolution must be submitted using the NYSSBA Amendment Request form found [HERE](#) and emailed directly to Danielle Grasso at [advocacy@nyssba.org](mailto:advocacy@nyssba.org). Amendments cannot be submitted to proposed bylaw amendments.

## Rebuttals:

Rebuttals may be submitted for proposed resolutions not recommended by the resolutions committee. Rebuttals must be sent via email to [advocacy@nyssba.org](mailto:advocacy@nyssba.org) and should include the resolution number, text of the originally submitted resolution, the name of the school district submitting the rebuttal, and must be signed by the Board President.

## Endorsements:

A member board can endorse a proposed bylaw amendment or resolution of another member board by emailing [advocacy@nyssba.org](mailto:advocacy@nyssba.org). The email must include the names of both the endorsing district and submitting district, and the text of the originally submitted resolution. The endorsing board(s) will be listed alphabetically with the proposed bylaw amendment or resolution.

## Late Resolutions:

Members may attempt to advance resolutions that were not considered by the Resolutions Committee. These "late" resolutions may be considered at the Business Meeting under "Other Business." At that time, a motion to suspend the bylaws for the purpose of considering a particular late resolution may be offered. A motion to suspend the bylaws is required to be moved, seconded and adopted by a two-thirds vote for every late resolution. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded. To be approved, a simple majority of those present and voting is required. If the motion to suspend the bylaws fails, the resolution cannot be considered. Late resolutions must be submitted using the NYSSBA form found here:

- [Late Resolution Submission Form](#)

\*All late resolutions and amendments must be submitted by **5 p.m. on October 8, 2024**, via email at [advocacy@nyssba.org](mailto:advocacy@nyssba.org) in order to be eligible for consideration during the Annual Business Meeting.

## **INFORMATION FOR THE VOTING DELEGATES**

The voting delegates at the Annual Business Meeting vote on a slate of officers for the Association, including a President, a First Vice President, a Second Vice President, and a Treasurer. They debate and vote on changes to the Association's bylaws and resolutions that will establish the Association's positions on various legislative and policy matters. Voting delegates must be registered for the Annual Business meeting by their district clerk using only NYSSBA's voting delegate registration form. Prior to the meeting, the New York State School Boards Association will host a voting delegate orientation that all delegates are encouraged to attend. Below you will find details related to meeting procedures for all voting delegates during the Annual Business meeting.

### **ORDER OF BUSINESS**

The Order of Business for the Annual Business Meeting is the agenda for the meeting. It sets forth the items of business that are scheduled to be accomplished during the course of the meeting.

The meeting will begin promptly at 4:00 p.m. with several procedural items. First, the Association President, who presides throughout the meeting, announces the presence of a quorum. New York State School Boards Association bylaws require 200 members in attendance to achieve quorum.

Following the announcement of a quorum, the President calls for a motion to adopt the Order of Business. The President also calls for a motion to adopt the Proposed Rules of Conduct for the meeting. These rules are prepared to be consistent with the Association's bylaws. The rules describe how delegates must conduct themselves during the meeting, such as setting out the time allotted for discussion of certain items.

### **THE BUSINESS MEETING**

Next, the President will announce the winners of this year's Area Director elections, which were conducted locally in each of the designated areas. According to NYSSBA's bylaws, Area Directors serve for two-year terms. Election of Area Directors in Areas 1, 3, 5, 7, 9 and 11 occur in odd-numbered years. Election of Area Directors in Areas 2, 4, 6, 8, 10 and 12 occur in even-numbered years. This year, election results will be announced for Areas 2, 4, 6, 8, 10 and 12.

### **ELECTION OF THE NYSSBA OFFICERS**

The Board Officer election is the next item on the Order of Business. Each June, the Board of Directors, which acts as the nominating committee for the delegates to the Annual Business Meeting, nominates a slate of officers who stand for election at the Annual Business Meeting. These individuals are automatically placed in nomination.

Once this occurs, the President, or his or her designee, calls for other nominations from the floor. If there are no such nominations, the vote is taken by hand at the time. If there is a nomination from the floor, the vote is also taken by ballot after such individual accepts the nomination. The President then announces the winner.

### **ADOPTION OF RESOLUTIONS**

The next item is the Report of the Resolutions Committee. The Resolutions Committee is a standing committee of the Association created by Article 9 of the Association's bylaws. The Committee chair reports directly to the delegates rather than the Board of Directors. The Resolutions Committee is appointed by the President upon recommendation of the Area Directors. The Committee has one member from each Association area, one representative from the Conference of Big 5 School Districts and one member from the Caucus of Black School Board Members.

The Chair is designated by the President from among those appointed to the Committee. In accordance with Robert's Rules of Order, once the Chair moves adoption of a bylaw amendment or resolution recommended for adoption by the Resolutions Committee, no second is required.

The Resolutions Committee Chair first moves recommended bylaw amendments. Each recommended bylaw amendment will be debated and voted on separately. Any amendment to the bylaws must have the approval of a two-thirds majority of those present and voting. In accordance with Article 17 (2) of the bylaws, bylaw amendments may not be proposed or amended from the floor of the Business Meeting. Thus, all proposed bylaw amendments had to be submitted by July 12, 2024, and all amendments to the bylaws must be sent to each member board by a date that will allow each member board time to review them in advance of the Annual Business Meeting.

The Resolutions Committee Chair next moves those existing NYSSBA positions that have been recommended for adoption. These previously approved resolutions are established NYSSBA positions that are scheduled to sunset if they are not renewed. Because these resolutions have been previously approved by voting delegates, these resolutions can be moved via consent agenda (where several resolutions may be voted on en masse). Delegates may remove any resolution from a consent agenda simply by making a request at the time the resolution is called for consideration. No second or vote is required. Resolutions removed from the consent agenda are considered under the "Resolutions Recommended for Adoption" portion of the meeting.

After the consent agenda has been considered and voted on, delegates will next be asked to address newly recommended resolutions individually. The Resolutions Committee Chair moves each resolution recommended for adoption by the Committee. Each recommended resolution is presented and voted upon separately. The Resolutions Committee Chair will move those resolutions recommended by the Committee for adoption; a second is not needed. Resolutions require approval by a simple majority of those present and voting for passage.

Following consideration of the report of the Resolutions Committee consisting of those bylaw amendments and resolutions recommended for adoption, the President shall provide voting delegates the opportunity to move any of the "not recommended" bylaw amendments and resolutions. (Since the Resolutions Committee Chair will not move items that were not recommended, each motion requires a second by a voting delegate).

## **OTHER BUSINESS**

At the end of the Annual Business Meeting, the President will open the floor to Other Business. Other Business may include a motion to suspend the bylaws for the purpose of considering a particular resolution that was submitted after the July 12, 2024, submission deadline. This motion requires a second and a two-thirds majority vote of the delegates before the resolution may be considered. A motion to suspend the bylaws is required to be moved, seconded and adopted for each resolution submitted during Other Business. Once the motion to suspend the bylaws is adopted, the new resolution can be moved and seconded, and a simple majority of those present and voting is all that is required to adopt a resolution proposed under Other Business. If the motion to suspend the bylaws fails, the resolution cannot be considered. In order to be eligible for consideration during Other Business, such resolutions must have been received by NYSSBA by 5pm on October 8 at 5 p.m.



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