School Aid

The Assembly provides $1.8 billion dollars in school aid, with $1.4 billion for Foundation Aid.

The Assembly rejects the Executive Budget proposal to eliminate the Foundation Aid formula.

The Assembly provides for a four-year phase-in of total Foundation Aid.

The Assembly provides $15 million for grants to school districts with large ELL populations to improve graduation rates and $10 million for support services for homeless students.

Both the Senate and Assembly fully fund expense based aid in the amount of $291.4 million.

Both the Senate and Assembly provide $1 million to the East Ramapo school district.

The Senate provides for approximately $1.3 billion in school aid, with $906.3 million in Foundation Aid.

The Senate proposal also provides $25 million for the salaries of STEM teachers in non-public schools, as well as $7.7 million for the cost of immunizations in non-public schools.

Millionaires’ Tax

The Assembly proposes an extended and expanded income tax surcharge on the state’s highest earners, and establishes four new brackets with the highest bracket at 10.32 percent for incomes over $100 million.

The Senate proposal does not address a personal income tax surcharge.

Carried Interest

The Assembly proposal does not address the carried interest loophole.

The Senate proposal does not address the carried interest loophole.
**Power Plants and Tax Certiorari**

The Assembly provides building aid for districts with tax certiorari payments greater than 100 percent of their budget, up to their building aid ratio.

The Senate provides $4.8 million dollars in additional support for three school districts with tax certiorari issues (North Rockland, Liverpool and Panama) and the authority for ESDC (UDC) to issue bonds, up to $369 million, for districts with tax certiorari issues.

**Special Education Waivers**

The Assembly rejects the Executive Budget proposal to allow school districts to apply for a special education waiver.

The Senate accepts the Executive Budget proposal to allow school districts to apply for special education waivers with minor technical changes.

**School Vouchers and Tax Credits**

The Assembly does not include any school voucher or tax credit proposals.

The Senate proposes the “Education Affordability Act,” which would provide tax credits made to local educational organizations and not-for-profits, would create a tax credit for parents who educate their children at home, and would provide a tax credit for educators who purchase supplies. Over three years, the tax credit would cost the state $675 million.

**Community Schools and Receivership**

The Assembly accepts the Executive Budget proposal to increase community school funding by $50 million as a set-aside in Foundation Aid and creates a separate funding stream, Community School Aid, moving forward. The Assembly funds community schools in the amount of $150 million.

The Senate and Assembly call for the immediate availability of the $75 million grant for persistently struggling schools to affected school districts in their turnaround efforts.

The Senate eliminates $75 million in community school funding and redirects it for Foundation Aid funding.

**Professional Development and Teacher Centers**

The Assembly restores $14.26 million in funding to Teacher Centers.

The Senate proposal does not address funding for Teacher Centers.
The Senate and Assembly proposals include $2 million for the Mentor Teacher Intern Program (MTIP).

The Senate and Assembly proposals include $368,000 for National Board Certification. The Assembly proposal also rejects $400,000 for Excellence in Teaching from the Executive Budget proposal and reallocates this funding to the National Board Certification program, with an emphasis on English language learners (ELLs) and special education instructors.

The Assembly rejects the proposal to allow schools to use Textbook Aid for professional development.

The Senate proposal accepts the proposal to allow schools to use Textbook Aid for professional development.

The Senate proposal allows the commissioner of education to develop a waiver program for school districts to streamline and consolidate staff training requirements.

**Charter Schools**

The Assembly rejects the Executive Budget proposal to increase the charter school tuition formula and further rejects the proposal to provide building aid to the charter industry.

The Assembly puts forth a number of proposals that seek to impose some level of transparency, fairness and accountability upon the charter school industry. Specifically these new initiatives would: authorize the auditing of educational management organizations; take into account the finances of charter schools prior to providing financial assistance for the lease or purchase of space; ensure the uniform enrollment of students with disabilities and those living in temporary housing and hold charters accountable if they do not enroll comparable populations of these students as neighboring schools; streamline suspension and discipline of charter school students; institute consistency in the charter schools approval process; disclose compensation paid to each person serving as a charter executive; disclose individuals, entities or corporations who provide gifts over $1,000; ensure charters conform to and are reporting finances according to accepted accounting principles; require charters to provide to the New York City chancellor or superintendent of the respective district, the names of students who withdraw from the charter school; require charters to provide the New York City chancellor or superintendent with a copy of its wait list to ensure they serve the same populations as neighboring school districts; provide that charters placed on probationary status for any reason must notify the parents and applicants of the school, and the state education department must identify on its website, the charter’s remedial action plan; and provide charter school parents a process by which a complaint can be brought against the charter school and made available on the school’s website.

The Assembly includes language to make the charter industry subject to provisions governing general public works projects and prevailing wage requirements.

The Assembly does not include the Executive Budget’s modified charter school transition aid proposal.
The Assembly provides $1.25 million in support for the conversion of charter schools in New York City ($1 million) and Buffalo ($250,000).

The Senate accepts the Executive Budget proposal to unfreeze the charter school tuition formula, (estimated cost of $120 million), provides statewide building aid (estimated cost of $103 million) to the charter industry and eliminates the statewide cap on charter schools.

The Senate provides new reimbursement payments to charter schools for nurses, security guards, custodians, food service workers and “other necessary support personnel” employed by the charter school in the amount of ten percent of the charter school basic tuition paid, if such staff is not otherwise provided by the school district (estimated cost of $124 million).

The Senate proposal provides the following to the charter industry in New York City: total facility rental costs, including but not limited to, lease payments, maintenance, costs of capital improvements, costs of occupancy, security, insurance and real property taxes or an increase of 30 percent, from 20 percent, of the charter school’s basic tuition for the current school year; and the co-location site or alternative space must be sufficient to accommodate all of the charter’s school grades at a given school level, as defined by the school, to be educated at a single location.

The Senate eliminates the authority of the New York City Department of Education to oversee pre-K contracts with charter schools.

The Senate accepts the Executive Budget’s modified charter school transition aid proposal.

The Senate proposal does not include any transparency or accountability measures for the charter industry.

**Pre-K and K Funding**

The Assembly Budget proposal consolidates the Priority Full-Day and Expanded Half-Day Prekindergarten program into Universal Prekindergarten and assures districts that they will not lose money. The consolidated Prekindergarten funding level would be $416 million.

The Assembly proposal also increases funding to $50 million for expanded 3- and 4-year old Prekindergarten via SED, rather than an RPF process.

The Senate proposal consolidates Prekindergarten programs and removes the half-day penalty contained in the Executive Budget proposed. The Senate amends the grant levels to ensure that: programs will not lose their current level of funding during consolidation; and the State will provide funding once several federal funding streams end in 2018-19.
Contracts for Excellence

The Assembly eliminates the Contracts for Excellence program in 2017-18 and thereafter.

The Senate continues the Contracts for Excellence program in 2017-18 unless all schools are in good standing.

Tax Cap

The Assembly proposal requires PILOTs and BOCES Capital to be exempt from the tax cap, as well as establishing a zero percent minimum cap, to prevent negative tax caps.

The Senate proposal would make the tax cap permanent and extend its current provisions to include New York City.

BOCES and CTE

The Assembly increases reimbursement for BOCES teachers’ salaries from $30,000 to $52,000 over four years and phases-in Special Services Aid reimbursement for ninth graders.

The Senate increases reimbursement for CTE teachers’ salaries from $30,000 to $50,000 over four years.

The Assembly creates a new rate for Preschool Special Education programs in integrated settings by requiring stakeholder input and extending the deadline to October 1, 2018.

The Senate creates an alternative reimbursement methodology for Preschool Special Education programs to be established by the commissioner of education and approved by the director of budget no later than October 1, 2017, and takes effect in 2018-19.

The Assembly rejects BOCES piloting two “Recovery High Schools.”

The Senate accepts BOCES piloting two “Recovery High Schools.”

4201, 4410, 853 and Special Acts

Both the Senate and Assembly provide an increase of $2.3 million to 4201 schools.

Both the Senate and Assembly proposals direct the state education department to develop a new rate methodology for 4410s.

The Senate and Assembly also restore $903,000 to the Henry Viscardi School and $903,000 for the School for the Deaf.
The Assembly provides $2 million for Teacher Turnover Prevention. The Assembly provides $5 million, the Senate $10 million, in capital funding for Special Act, 4201 and 853 schools. The Assembly also proposes a four percent increase to the rate for Special Act, 4410 and 853 schools.

**After School Programs**

The Assembly accepts the Executive Budget proposal and modifies it to allow the state education department to administer the program, increases eligibility and allows the state education department to allocate funding based on need, rather than an RPF process.

The Senate rejects the provisions contained in the Executive Budget proposal.

**Mayoral Control**

The Assembly extends mayoral control of New York City’s schools for seven years – until June 30, 2024.

The Senate does not address mayoral control of New York City’s schools.

**Other Programs**

**English Language Learners**
The Assembly provides $15 million for English language learner (ELL) programs.

The Senate proposal does not address additional funding for ELLs but provides flexibility in hiring dual certified teachers in an effort to comply with Part 154.

**Students in Temporary Housing**
The Assembly includes school district funding of $10 million for students in temporary housing.

The Senate proposal does not address additional funding for students in temporary housing but does create a process to allow students who are in temporary housing to continue to attend school prior to displacement.

**Annual Internal Audit Functions**
The Senate amends the internal audit functions for school districts from once annually, to once every five years.

**Fiscal Notes on Certain Educational Costs**
The Senate requires that the Regents receive a fiscal note on the annual estimated cost of regulations or amendments by DOB prior to enactment.
Prevention of Child Abuse and Sexual Exploitation
The Senate requires the commissioner of education to make recommendations to the Regents, in relation to instruction regarding the prevention of child sexual exploitation and child abuse in the curriculum for kindergarten through eighth grade.

Higher Education

Excelsior Scholarship Program
The Assembly proposal includes the Excelsior Scholarship program with modifications to: allow a student to take 12 credits in two semesters; expand the program to include disabled students; require only two-thirds of a PELL grant to count towards this program; allow students to re-establish eligibility in the program; raise the maximum income to $150,000 – to be phased in by 2020-2021.

The Senate does not include this proposal in their budget.

SUNY/CUNY 2020
The Assembly authorizes a $200 per year tuition increase and includes the enhanced maintenance of effort (MOE) to cover mandatory costs.

The Senate does not include the tuition increase, but does include the enhanced MOE in their proposal.

Foundations
The Senate and Assembly reject the Executive Budget proposal to use ten percent of CUNY Foundation funding for student assistance. The Assembly rejects the Executive Budget provisions to authorize an inspector general to oversee foundations and their affiliates. Per the Senate resolution, they accept the proposal and will consider modifications to the Executive Budget Good Government Ethics Reform Bill which includes the inspector general provisions.

The Assembly does include language to require the foundations and their affiliates to: annually report detailed information; comply with Freedom of Information Laws (FOIL); provide open access to their meetings; and adopt financial controls to prevent fraud, abuse and conflicts of interest.

Performance Based Funding
Both the Senate and Assembly maintain the set-aside of funds for performance-based funding at CUNY and SUNY.

Cap on Tuition and Fee Increases
Both the Senate and Assembly reject the provisions contained in the Executive Budget proposal to cap tuition and fee increases.
DREAM Act
The Assembly includes the DREAM Act and establishes the DREAM Fund to create scholarships for DREAMERs.

The Senate rejects the DREAM Act provisions contained in the Executive Budget proposal.

Opportunity and Child Care Funding
The Assembly restores and expands funding for SEEK, College Discovery, HEOP, STEP, CSTEP and EOP. The Assembly restores funding to CUNY LEADS, CUNY Pipeline, ASAP, SUNY/CUNY child care centers, ATTAIN Labs and EOCs. The Assembly includes language to direct a study by CUNY and SUNY on ways to ensure that students maintain their opportunity program funding while transferring to another campus.

With the exception of the Graduate Achievement and Placement Program and SUNY/CUNY child care centers, the Senate does not restore the cuts to these programs that were made in the Executive Budget proposal.

Murphy Institute
The Assembly provides $750,000 in funding for the Murphy Institute.

The Senate fully restores the $1.1 million cut to the Murphy Institute.

TAP Reform
Both the Senate and Assembly included proposals to allow TAP to be accessed by part-time students attending community colleges.

The Assembly proposes to raise the maximum award by $335 for a total of $5,500 in the 2017-2018 fiscal year and further proposes to increase the maximum award to $6,500 in four years.

The Senate allows TAP to be used for graduate school and creates an enhanced TAP grant. The enhanced grant would go to students who maintain credit (30 credits within an academic year) and GPA requirements and who commit to live and work in New York for three years after graduation. An enhanced TAP award would raise the maximum TAP award to $5,500. Students from families with incomes up to $100,000 would be eligible for the enhanced TAP in 2017-18 and the income threshold would increase to $125,000 in 2019-20.

SUNY Hospitals
Both the Senate and the Assembly restore the hospital subsidy by $18.6 million.

The Senate includes provisions to ensure that the hospitals continue to receive the state match required for Disproportionate Share Hospital program funding.

The Assembly includes language to create an enhanced safety net payment to hospitals serving a large population of Medicaid and uninsured patients. The language specifically includes the three SUNY hospitals.
Capital Plan
The Assembly includes language to require the governor to annually submit a five-year capital plan for SUNY and CUNY to cover 100 percent of the annual critical maintenance costs which may include new infrastructure. The Assembly also adds $100 million to CUNY and $180 million to SUNY for capital.

The Senate withholds $75 million for CUNY and $150 million for SUNY in capital funding to be allocated subject to a resolution adopted by a roll-call vote.

Community College Funding
The Assembly increases base aid by $100 per FTE.

The Senate Resolution provides for an increase of $50 per FTE student in base aid and forecasts a reduction of ten percent in enrollment based on their rejection of the Excelsior Scholarship Program. The Senate also proposes a SUNY study on the effectiveness of FTE funding with a report due by December 2017.

Pre-Paid Tuition Accounts
The Senate includes a proposal to allow SUNY, CUNY and other institutions to establish pre-paid tuition accounts.

College Affordability Planning Committee
The Senate includes a proposal requiring independent colleges and not-for-profit degree granting entities to create an internal committee to reduce student costs.

SUNY Telecounseling Pilot Program
The Senate includes language allowing the SUNY Board of Trustees to identify up to five campuses to work with the SUNY academic health centers to create a telecounseling network pilot program to provide mental health counseling services.

CUNY- Hunter College Building Sale
The Assembly did not include the proposed sale of the Master of Fine Arts building at Hunter College.

The Senate accepts the Executive Budget proposal.

Public Protection and General Government – Article VII

IRMAA
Both the Senate and Assembly rejected the Executive Budget proposals that sought to eliminate the reimbursement of the Income Related Monthly Adjustment Amount (IRMAA), as well as the proposal to institute a freeze in Medicare Part B premium support, and instead restores $5.4 million to cover these costs.
NYSHIP
Both the Senate and Assembly rejected the Executive Budget proposal to implement differential health care premiums based on years of service, and instead restores $3.4 million to cover these costs.

Pensions and Labor

Buy American Program
The Assembly modifies the Executive Budget proposal to expand the existing “Buy American Program” by limiting the expansion to steel and iron in large-scale construction projects undertaken by any public authority. The Assembly rejects the Executive Budget proposal to expand the program to other types of state procurement contracts.

The Senate modifies the Executive Budget language to expand the existing “Buy American Program” by limiting the expansion to steel and iron in large-scale construction projects in New York City and the projects undertaken by the Metropolitan Transportation Authority. The Senate rejects the Executive Budget proposal to expand the program to other types of state procurement contracts.

Partial Payment of Unemployment Benefits
The Assembly modifies the Executive Budget proposal in relation to the partial payment of unemployment benefits, allowing individuals who are partially unemployed to earn 50 percent of the maximum unemployment benefit or $100, whichever is greater, before receiving a reduction in their overall benefit.

The Senate modifies the Executive Budget proposal by adjusting the rates employers’ pay into the state’s unemployment insurance fund and rejects the proposed expansion to the existing benefits for partial employment.

Ethics and Government Reform

Election Law and Ethics Proposals
Both the Senate and Assembly addressed the Executive Budget proposals to amend various election laws and impose legislative ethics reforms.

The Senate stated they are open to modifications to the proposal as part of the budget negotiation process.

The Assembly rejects the proposals, but adds their own election law and campaign finance law provisions.

The Assembly rejected the Executive Budget proposal to amend the Freedom of Information Law (FOIL) to include provisions making proposed terms of any new collective bargaining agreement open to the public before being voted on by an employee organization.
The Senate accepted these provisions but again noted they are open to modifications to the proposal as part of the budget negotiation process.

**Local Government Consolidation Plans**

Both the Senate and Assembly rejected the Executive Budget proposal that would have required county governments to work with municipal officials and other local leaders to establish “County-wide Shared Services Property Tax Savings Plans.”

These plans would have required municipalities to generate reoccurring savings for taxpayers by increasing shared services, joint purchasing and shared use of government equipment such as highway vehicles. These plans would have been placed before the voters on the November 2017 ballot. If the voters rejected a plan, it would have been revised and resubmitted for another vote in November of 2018.