



NYSUT's Preliminary Analysis of the 2022-23 NYS Executive Budget

On Tuesday evening, Governor Kathy Hochul released the 2022-23 New York State Executive Budget. The \$216.3 billion spending plan represents an increase of 3.1 percent over last year's enacted budget. Below, please find NYSUT's preliminary analysis of her proposal.

PK-12

School Aid

The executive budget provides a total of \$31.28 billion in school aid, a year-to-year funding increase of \$2.071 billion, or 7.07 percent, with an increase of \$1.6 billion, or 8.07 percent, in Foundation Aid. Each district will receive at least a 3 percent increase in their Foundation Aid.

Expense-Based Aids

The executive budget proposal makes no changes to any of these programs and continues them as-is and allows them to operate as enacted.

School Spending Report

The executive budget proposal continues the school spending reporting provisions that were enacted last year by requiring school districts to dedicate a portion of their Foundation Aid increases to address inequities in their most underfunded and neediest schools.

COVID School Program Grants

The executive budget provides \$100 million in grant funding for school districts to address student well-being and learning loss in response to trauma brought on by the COVID-19 pandemic. This grant is to be used for student mental health supports, such as employment of mental health staff or for the creation of programs to address learning loss, such as summer learning, after-school, or extended day and year programs for students.

BOCES

The executive budget proposal makes no changes to BOCES Aid and continues this expense-based aid category as-is so school districts can continue to receive reimbursement for the shared services purchased the previous year.

Community Schools

The executive budget continues to provide \$250 million in community school funding as a set aside through Foundation Aid. The minimum award amount continues at \$100,000.

The executive budget also includes \$250,000 for grants to school districts to allow community schools to expand mental health services.

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

Teacher Centers and Professional Development

The executive budget provides \$14.26 million for teacher centers and \$368,000 for National Board Certification.

The executive budget provides \$300,000 for the creation of a teacher professional development toolkit to improve student mental health.

Charter Schools

The executive budget provides \$185 million for the supplemental basic tuition payments to charter schools which covers only a portion of payments to charter schools and also provides \$100 million for facilities aid for charter schools.

4201 Schools

The executive budget proposal provides \$108.71 million for 4201 Schools that serve deaf and blind students and for those students that attend the Henry Viscardi School. The capital funding that was granted in previous budgets is continued.

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

The executive budget proposal provides a total of \$17.2 million for increased salaries for staff in 4201, 4410, Special Act and 853 Schools that are covered by the increased minimum wage enacted in 2016.

Final Cost Report and Transportation Aid Forgiveness

The executive budget proposal would allow SED to forgive any penalties attached to errors in the filing of late final cost reports for building aid or transportation contracts that occurred after 2013. The proposal would also allow school districts to file transportation contracts electronically with SED to allow for faster processing.

Health Education

The executive budget proposal provides \$691,000 for health-related programs including, but not limited to, those providing instruction and supportive services in comprehensive health education and/or acquired immune deficiency syndrome (AIDS) education, of which, \$86,000 is provided to the school health demonstration program.

Mental Health

The executive budget proposal provides \$10 million for student mental health support grants to school districts.

Restorative Justice

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

The executive budget proposal provides \$2 million for grants to school districts to support programs designed to improve school climate. These funds will be awarded to districts to implement programs focused on meeting the holistic needs of students using proven models or innovative approaches, pursuant to a plan developed by the commissioner of education and approved by the director of the budget. These plans will prioritize schools with high levels of suspensions.

My Brother's Keeper

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

Universal Pre-kindergarten

The executive budget proposal provides \$951.97 million for universal pre-kindergarten.

Extended Day Programs

The executive budget proposes \$24.3 million for extended day programs, school safety and school violence prevention programs.

School Meal Program

The executive budget provides \$34.4 million for the school meal program. The executive budget also provides \$10 million for school lunch programs that purchase at least 30 percent of their food products from New York farmers, growers, producers or processors and a \$2.3 million appropriation to take effect July 1, 2022, to cover the cost of reduced-price school meals.

Transfer of National School Lunch Program from State Education Department (SED) to the Department of Agriculture and Markets (DAM)

The executive budget makes the Department of Agriculture and Markets the entity responsible for administering both the farm-to-school program and the National School Lunch Act and other related food programs that are eligible for federal reimbursement.

After-School Programs

The executive budget continues to fund the Empire State After-School Program at \$55 million. Funding for the Advantage After-School Program was cut by \$5 million from \$33 million, to \$28 million.

State Aid to Libraries

The executive budget provides \$96 million in state aid to libraries.

Non-Public School Aid

The executive budget proposal provides \$922,000 for academic intervention services, \$45 million (an increase of \$30 million) for capital health and safety upgrades, \$193.13 million to non-public schools for state testing and data collection and \$55 million (a \$15 million, or 37.5 percent increase) for non-public STEM educators.

Bilingual Education and English Language Learners

The executive budget provides \$18.5 million to support bilingual programs in school districts, BOCES, colleges, universities and an entity chosen through a competitive procurement process, to assist schools and districts in conducting self-assessments. These assessments will help to identify areas that need to be strengthened and ensure compliance with the various federal, state and local laws that govern limited English proficiency and English language learning education.

Teachers of Tomorrow

The executive budget provides \$25 million appropriation for the Teachers of Tomorrow program.

Teacher-Mentor Intern Program

The executive budget provides \$2 million for the Teacher-Mentor Intern Program.

School Bus Driver Training Grants

The executive budget proposal provides \$400,000 per school year to school districts, BOCES or to contract with not-for-profit educational organizations for bus driver training.

Native American Schools

The executive budget provides for \$35.7 million for state schools that educate Haudenosaunee students in partnership with the Salmon River Central School District, the Niagara Wheatfield Central School District and the LaFayette Central School District.

Mayoral Control

The executive budget provides for a four-year extension of mayoral control of the New York City schools, until June of 2026.

Advanced Placement and International Baccalaureate

The executive budget provides \$5.8 million for services and expenses to subsidize the remaining cost of advanced placement and international baccalaureate exam fees for low-income students.

The executive budget provides \$1.5 million in grants for school districts and BOCES to offer advanced course offerings for students.

School Monitors

The executive budget provides \$750,000 for the support of the three monitors appointed by the commissioner of education.

Yonkers

The executive budget includes \$12 million to support the Yonkers City School District.

Roosevelt

The executive budget includes \$12 million for the support of the Roosevelt School District.

Digital Teaching and Learning Media Tools

The executive budget provides \$2 million for digital teaching and learning media tools focused on New York State history, civics and geography.

Instructional Content

The executive budget provides \$3.35 million for instructional content for use in the classroom and remote learning.

PRIVATE SECTOR LOCALS

Human Services COLA

The executive budget includes a one-time 5.4 percent COLA to human services providers in fiscal year 2023, which applies to those who contract with the following agencies — OPWDD, OMH, OASAS, OCFS, OTDA and SOFA — for life skills or services for New Yorkers who require assisted living.

HIGHER EDUCATION

SUNY State-Operated Campuses

The executive budget provides funding of \$831.8 million for SUNY state-operated campuses. This is a \$101.8 million increase over the 2021-22 enacted budget.

SUNY Capital Funding

The executive budget provides \$1.48 billion for SUNY capital projects including \$550 million for state-operated campuses and \$56.88 million for SUNY Community Colleges.

SUNY Community College Base Aid

- The executive budget, using 2021-22 as a base year, establishes a 100 percent funding floor for Base Aid for 2023. This amounts to a \$3.8 million increase in base aid.
- Rental aid for leased space is funded at \$11.6 million.
- Funding for high-need programs (\$1.69 million), contract courses (\$1.88 million) and low enrollment colleges (\$940,000) are held flat at last year's levels.
- Funding for childcare centers is \$7.5 million.
- \$3 million has been allocated for the SUNY Apprenticeship Program.

Educational Opportunity Program (EOP)

The executive budget provides \$42.5 million in funding for EOP programs.

Educational Opportunity Centers (EOCs) and ATTAIN Labs

The executive budget provides \$72.64 million in funding for these programs.

Mental Health Services

The executive budget provides \$1 million for mental health services.

Increasing Full-Time Faculty at CUNY and SUNY

The executive budget provides \$106 million to be divided equally between SUNY and CUNY to fund new full-time faculty positions at senior and community colleges.

SUNY Hospitals

The executive budget fully funds DSH support for the three SUNY hospitals for the next two years. DSH payments are provided to offset the costs associated with uncompensated care provided by these hospitals. The executive budget also provides \$150 million in capital funding for alterations, improvements, services and expenses incurred by the three hospitals prior to April 1, 2022.

SUNY Set-Aside Funding

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

SUNY Open Educational Resources (OER)

Funding in the amount of \$4 million is set aside from the system administration appropriation to expand this initiative, which is designed to help reduce and/or eliminate the costs of textbooks for students. This funding is for high-enrollment courses, including general education courses.

CUNY Senior College State Funding

The executive budget provides \$3.68 million to the Murphy Institute and provides \$683.8 million in funding for the CUNY senior colleges. \$1 million is provided for mental health services. The executive budget provides \$835,000 for the Lehman College ACE Learning Center and \$20,000 for Medgar Evers Program initiatives.

CUNY Capital Funding

The executive budget provides \$792.85 million for CUNY capital projects, including \$284 million for CUNY senior colleges and \$44.79 million for CUNY community colleges.

CUNY ASAP Funding

The executive budget provides \$2.5 million for the ASAP program.

CUNY MTA Commuter Mobility Tax

The executive budget provides \$6 million for the MTA commuter mobility tax.

CUNY Rangel Infrastructure Workforce Training Initiative

The executive budget provides \$1.5 million for this new initiative.

CUNY First Impressions Youth Legal Collaborative Initiative

The executive budget provides \$1 million for this new initiative.

CUNY Set-Aside Funding

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

CUNY Open Educational Resources (OER)

Funding in the amount of \$4 million within the CUNY Senior College operating account is set aside to expand this initiative, which is designed to reduce and/or eliminate the costs of textbooks for students. The funding is targeted towards high-enrollment and general education courses.

CUNY Community College Base Aid

- The executive budget, using 2021-22 as a base year, establishes a 100 percent funding floor for Base Aid for 2023. This amounts to a \$2.2 million decrease in base aid.
- Rental aid for leased space is funded at \$8.9 million.
- Funding for contract courses/workforce development is maintained at last year's level of \$1.9 million.
- Funding for childcare centers is \$5 million.

Search for Education, Elevation and Knowledge (SEEK)

The executive budget provides \$37 million to fund this program.

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

The executive budget provides \$3.68 million for the CUNY School of Labor and Urban Studies.

Tuition Assistance Program (TAP)

The executive budget provides \$1 billion for TAP. The Excelsior Scholarship program is funded at \$161.87 million, and the enhanced tuition award program is funded at \$7.75 million.

Tuition Assistance to Part-Time Students

The executive budget maintains last year's funding level of \$14.4 million for this program.

Part-Time Scholarship Program

The executive budget maintains last year's funding level of \$3.1 million for this program.

BUNDY Aid

The executive budget provides \$35 million for Bundy Aid.

Higher Education Opportunity Program (HEOP)

The executive budget provides \$46.89 million for HEOP.

Liberty Partnership Program

The executive budget provides \$24.24 million for this program.

C-STEP

The executive budget provides \$15.8 million for the C-STEP program.

STEP

The executive budget provides \$20.87 million for the STEP program.

Provisional Certification of School Professionals

The executive budget creates a temporary professional certification to allow individuals who have submitted their documentation to obtain a teacher or other professional certification to receive a temporary permit to continue employment, pending SED approval.

Individuals with Expired Certificates

The executive budget allows individuals that hold an expired certificate and have remained qualified to hold such certificate, authorized to be employed in a teaching capacity or other professional capacity and as allowed under their expired certificate in public schools upon notification to the commissioner and payment of the applicable certificate fee.

Teacher Residency Programs

The executive budget provides \$30 million to support the establishment of teacher residency programs.

Paraprofessional Career Ladders

The executive budget includes \$8 million to support a career ladder program for paraprofessionals.

Streamline New Higher Education Program Approval to Meet Workforce Needs

The executive budget provides that any new curriculum or program of study that does not require a master plan amendment and is approved by the governing body of a public or not-for-profit college or university chartered by the Board of Regents with longstanding accreditation by the Middle States Commission on Higher Education will be deemed authorized for temporary operation pending approval by the State Education Department.

Excelsior Scholarship Tuition Rates

The executive budget accelerates, from academic year 2024 to academic year 2023, the resetting of the Excelsior Scholarship tuition level to reflect current tuition rates which have been frozen at 2017 rates.

College Savings (529) Accounts

The executive budget expands access to 529 college savings plans by making qualified apprenticeship expenses eligible for spending.

TAP-Gap

The executive budget eliminates the TAP-Gap by fully funding TAP tuition credits beginning in fiscal year 2023. The executive budget provides \$53 million for CUNY and \$48.8 million for SUNY.

Expands Part-Time TAP

The executive budget expands the Tuition Assistance Program to include part-time students taking six or more credits and part-time students enrolled in workforce credential programs, in high-demand fields, at community colleges. What constitutes a high-demand fields will be determined by the Empire State Development Corporation and the regional Economic Development Councils.

Tuition Assistance Program for Incarcerated Individuals

The executive budget restores TAP eligibility for incarcerated individuals.

Prohibits Transcript Withholding at Institutions of Higher Education

The executive budget prohibits institutions of higher education from withholding a transcript or any other record of credit attainment from any student on the grounds that he or she owes a debt.

STATE PARKS

Increased Funding for State Parks

The executive budget increases investment in state parks by \$90 million for the coming fiscal year, for a total of \$200 million set aside for park improvement and enhancement.

LABOR & PENSIONS

Social Security COLA Pass-Through

The executive budget proposal grants the state statutory authority to allow for automatic increases of any federal Social Security cost of living adjustment (COLA) through 2023, in addition to the state supplements.

Lifting the Retiree Earnings Cap

In an effort to alleviate workforce shortages in education, the executive budget lifts the public retiree earnings limitation for public retirees who return to work in a public school. The earnings cap, set at \$35,000, would be lifted through June 30, 2024.

Changes to the Civil Service Process

The executive budget makes several changes to the civil service exam process, including:

- allowing for the transfer of non-competitive employees through programs set up for individuals with disabilities and military veterans;
- removing duplicative testing requirements for promotional examinations;
- allowing for the use of continuous recruitment for open competitive class positions as a way to increase diversity in the state workforce; and
- expanding the use of shift differential pay to any shift deemed necessary to incentivize employees to work various shifts including in a healthcare environment.

ELECTIONS & ETHICS

Various Changes to Election Procedures and Term Limits

The executive budget makes changes to existing election laws to allow for increased voter participation. The plan will give potential voters additional time to register to vote by moving the registration deadline forward by fifteen days and requiring polling sites on college or university campuses that contain 300 or more registered voters.

Additionally, the executive budget proposes term limits for the statewide elected offices of governor, lieutenant governor, comptroller and attorney general. Individuals holding these offices would be limited to two terms. This change would require voter approval during the 2023 general election.

New Ethics Requirements for State and Local Officials

The executive budget proposal strengthens ethics rules for local government officials, making these rules consistent with existing state standards for gifts and conflicts of interest.

In addition, the executive budget removes the Joint Commission on Public Ethics (JCOPE) and replaces it with an independent commission on ethics and lobbying in government.

HEALTH & SAFETY

Medicaid Global Cap

The executive budget continues the Medicaid Redesign Team's 2012 Medicaid spending cap but modifies it to the five-year (previously 10-year) rolling average of Medicaid spending projections by the Centers for Medicare & Medicaid Services (CMMS).

State spending for Medicaid for SFY 2022-23, under the Global Cap, is \$33.1 billion, an increase of \$966 million over SFY 2021-22.

Health Care Worker Recruitment and Retention

The executive budget proposes a \$10 billion, 5-year expenditure for health care worker education, recruitment and retention, which includes:

- Nurses Across New York – which provides loan forgiveness for nurses who agree to work in underserved communities (\$2.5M for FY 2023; \$3M for FY 2024); and
- Health Care Workforce Bonuses – which provide health and mental health care workers who make up to \$100,000 a one-time bonus of up to \$3,000 (\$1.2B state share FY 2023).

Interstate Nurse Licensure Compact

The executive budget allows doctors and nurses from other states the ability to relocate to and practice with their existing license in New York State.

Scope of Practice (Nurse Practitioners Modernization Act)

The executive budget makes permanent, provisions of the Nurse Practitioners Modernization Act, which allow for collaborative agreements between experienced nurse practitioners and physicians to continue to exist.

Safety Net Hospitals

The executive budget reappropriates funding to safety net hospitals – hospitals that provide health care for individuals regardless of their insurance status or ability to pay.

Indigent Care Pool

The enacted budget provides \$1.2 billion for the Indigent Care Pool (ICP), which provides funding to hospitals to assist in paying for the cost of care for low-income individuals.

Essential Plan Coverage

The executive budget seeks to expand health care eligibility for uninsured New Yorkers under the Essential Plan – New York State's health insurance program for state residents that do not qualify for Medicaid or the Child Health Plus Program but cannot afford full premium coverage – (financed through the federal EP trust fund).

Child Health Plus Premiums

The executive budget seeks to expand coverage for Child Health Plus and to eliminate the \$9 monthly premium for children of families with household income levels less than 222 percent Federal Poverty Limit (\$10.9M state share for FY 2023).

Maternal Health

The executive budget expands coverage of prenatal and postpartum care (\$6.3M for FY 2023; \$18.8 for fiscal year 2024).

Telehealth Reimbursement Parity

The executive budget requires that health care services delivered through telehealth are reimbursed on the same basis and at the same rate as services delivered in person.

Transfer of Oversight of Licensed Health Care Professionals

The executive budget transfers oversight of certain licensed professionals currently under education law and the State Education Department to the public health law and the Department of Health.

Fully Electric School Bus Fleet by 2035

The executive budget allows for the purchase and use of zero-emission school buses, to make electric school bus charging stations or hydrogen refueling stations aidable capital expenses under Transportation Aid, and to lengthen the number of years school districts may finance or lease zero-emission school buses.

Public School Access to the Clean Water State Revolving Fund

The executive budget allows schools to be included under the definition of “municipality” so they may access the Clean Water State Revolving Fund (CWSRF).

Reduce Toxins in Packaging

The executive budget restricts the use of packaging with heavy metals, polyfluoroalkyl substances (PFAS) and phthalates at levels above 100 parts per million.

SOCIAL JUSTICE

Protection of Reproductive Rights

The executive budget requires every individual or group blanket accident health insurance policy that provides medical coverage to provide coverage for abortions and not require copays, coinsurance or annual deductibles (unless the policy is high deductible policy). Religious exemptions are allowed if employer and employer share same religious tenants.

Unlawful discrimination based on citizenship and immigration

The executive budget would codify this practice and clarify to employers, housing providers, places of public accommodation and others that discrimination based on immigration status or citizenship is unlawful.

Provide Gender Options at All Public-Facing State Agencies

The executive budget proposal would provide for an “X” option for transgender and non-binary New Yorkers when dealing with agencies outside of DMV that collect gender information.

Changes to Marriage Certificates

The executive budget proposal would allow a process for New Yorkers to more accurately reflect a name change or their gender identity.

REVENUE

Fully Implement the Middle-Class Tax Cut

The executive budget proposal would accelerate the middle-class tax cut to take full effect in 2023, rather than 2025, and implement the lower tax rates. No value is offered by the executive as to cost.

Creates a tax Exemption for Student Loan Forgiveness Awards

The executive budget amends the tax law to exclude income attributable to loan forgiveness awards under Higher Education Service Corporation (HESC) administered programs.

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