



# **Testimony of BOCES of New York State**

## **Joint Budget Hearings on Elementary and Secondary Education**

**Submitted by**

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BOCES of New York State**

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Good morning, Chairpersons Krueger, Pretlow, Mayer and Benedetto, and other Members of the Senate and Assembly. I am here today on behalf of BOCES of New York State, the entity representing the District Superintendents of the 37 Boards of Cooperative Educational Services (BOCES) of New York State. Thank you for allowing us the opportunity to provide some important information about the current state of New York's education system as well as how the proposed State Fiscal Year 2026 Executive Budget Proposal would impact the State's 37 BOCES, and the nearly 700 school districts and their students that the BOCES of New York State serve.

BOCES were created by the Legislature in 1948 "for the purpose of carrying out a program of shared educational services in the schools for the supervisory district and for providing instruction in such special subjects as the commissioner may approve." There are 37 BOCES located throughout the State. With the exception of the Big Five, all but 4 public school districts are component school districts of a BOCES. It is important to note, however, that BOCES collaborate with many of the Big 5 districts to serve students. Over 100,000 students participate in BOCES' programs on a daily basis throughout the State. One of BOCES' missions is to prepare a diverse student population for roles in the global economy and provide services and initiate collaborations designed to close the gaps in student achievement.

BOCES is the premier example of inter-municipal collaboration in New York State. For more than 75 years, school districts have been able to use BOCES to provide a wide range of educational programs and other services through an organizational structure that is a model of cooperation. In addition, BOCES are able to efficiently provide services that not every district can provide effectively. These include but are not limited to:

- Enrichment programs;
- Special education programs;
- Career and Technical education programs;
- Behavioral health services;
- Technology services (through the Regional Information Centers);
- Professional Development; and
- Central business offices.

### **School Aid**

The Executive Budget proposal would provide approximately \$37 billion in School Aid, an estimated year-to-year funding increase of \$1.7 billion or 4.7 percent. Of that \$1.7 billion increase, \$1.46 billion is increased Foundation Aid for a total of \$26.4 billion. This proposal would provide a 2% minimum increase to all districts and fully funds expense-based aid.

The Executive proposal also seeks to alter the Foundation Aid formula in the following ways:

- Replacing the census poverty factor with a three-year average of the small area income and poverty estimates (SAIPE) count.
- Replacing free and reduced-price lunch (FRPL) counts with a three-year average of the economically disadvantaged count.

- Modifying one of the four foundation aid state sharing ratio (FASSR) tiers and increase the maximum FASSR from 0.91 to 0.93.

This year's Executive Budget proposal responded to the advocacy efforts of the education community over the last year, which sought to protect "hold harmless" funding, in recognition of the fixed costs that districts incur to keep the school buildings open. At the same time the proposal reflects some of the most common recommendations to better reflect the needs of students today. BOCES of New York State supports the updates to the formula to more accurately measure student need as well as the funding proposal as a whole.

***Recommendations:***

- Provide at least the level of funding proposed by the Executive.
- Continue to update the Foundation Aid Formula with current datasets.
- Consider changes to the expected local minimum contribution to reflect the implications of the tax cap.

**Workforce**

School districts and BOCES, like all employers, are facing critical workforce shortages. Statewide, there are shortages in candidates to fill key staff positions such as teachers, mental health professionals, and bus drivers. In instances where those positions have been filled, too many individuals are choosing to leave for other employment and opportunities. There is no single solution to this problem. Steps must be taken to both attract people to train to enter these professions, and to create incentives for them to remain once they enter. Financial barriers to entry in these professions are real. Higher education for teachers, administrators, and mental health professionals can be a deterrent to young people in deciding to enter these fields. Inability to work while engaged in long and intensive - sometimes unpaid - training periods, can also act as a barrier. Meanwhile, lack of staff can jeopardize the ability of schools to provide programs for students.

To address these issues, we encourage the state to take steps, not only to bring people into these beleaguered professions, but to help encourage them to stay in these roles. These incentives could include offering scholarships and loan forgiveness. Furthermore, the state could and should take steps to eliminate administrative barriers to certification and licensure and encourage willing retirees to stay in the workforce while longer term solutions are established.

Another barrier to recruiting and retaining employees is the complicated and outdated civil service system. While we recognize that eliminating competitive exams entirely may not be constitutionally permissible, they should be reviewed to ensure that they accurately reflect the knowledge and skills associated with the job title and that they lack cultural bias. In addition, we encourage the test to maximize the use of training and experience exams whenever possible.

Inconsistent practices and policies across different county civil-service agencies and state civil service can limit growth, opportunity, and entry into the field. Ensuring better consistency and collaboration in titles and scoring could create security in that if opportunities in other parts of the state emerge, there will not be a different set of hiring and promotion rules.

Too often, needed positions go unfilled because the required test is not offered for an extended period. Test offerings should be reviewed against vacant positions and adjusted on a rolling basis. When tests are offered, it sometimes takes months for them to be scored and canvas lists provided. This can have a negative impact on applicants' willingness to accept offers that could, in the end, only be short term positions.

Whether it's because tests are not offered in time, because scores are not available, or because no one on a canvas list accepts, there will always be a need for provisional employees to be hired. Once a prospective employee has committed to public service and a public employer has invested the resources in training them, if the employee has

performed well, there should be a path to retain this employee without returning to a test score or canvas list, sometimes years later. What better demonstration of merit could there be than successful performance in a role? High performing dedicated civil servants should know that their jobs are secure. An alternative pathway for these employees should be established. We tell our students throughout their academic careers that achievements are more than a single test score – the same should be true in professional careers.

While there is a need to bring new individuals into the workforce, it is also important to keep them once they enter. Reforms to the probationary process could help with that. In addition, de-emphasizing the import of promotion exams while emphasizing performance and commitment could help further stabilize and diversify the civil service workforce.

***Recommendations:***

- Continue to establish and expand scholarship and loan forgiveness programs for teachers, other educators and mental health professionals who commit to remaining in New York.
- Extend the ability of public-sector retirees to work in BOCES and school districts without waivers or pension penalties for five years.
- Continue to modernize civil service hiring and promotion rules.

**Increase State Support for Career and Technical Education (CTE) Programs**

BOCES are a major provider of high-quality, cost-effective Career and Technical Education (CTE) programs in New York. Every year, thousands of students statewide participate in these programs, creating a critical pipeline of future employees for many sectors of our economy. CTE programs are designed and carried out with guidance from business leaders and industry insiders from across the state, in a variety of crucial industries such as healthcare, construction, manufacturing and other valuable trades.

We encourage the legislature to consider further investments in CTE programs. Under the current structure, BOCES aid to component districts for CTE programs (in combination with special-services aid for non-component district and the Big 5) is a significant state investment. However, under current law, districts receive reimbursement against only the first \$30,000 of instructors' salaries. This cap on salary reimbursement was set more than 30 years ago. Today, the average CTE instructor salary statewide is approximately \$67,000. As a result, component districts are faced with choosing between absorbing the difference in cost, which means the remaining financial burden falls to local taxpayers, or limiting access to these critical programs. These decisions must be further balanced against the cost to students who opt not to go to a BOCES CTE program and the need to fund those in-district programs equitably. While school district finances appear to be less problematic this year and next, it is important that we invest in programs for all students.

***Recommendation:***

- Increase the amount of salary that is eligible for BOCES aid to \$60,000 over the next three years.

**Zero-Emission Bus Transition**

The transition to zero-emission school buses represents a major shift to the delivery of pupil transportation in New York. Districts around the state will need significant administrative and financial support to approach this work. BOCES stand ready to support their component districts approach this work and want to identify barriers and challenges that have already emerged and that the State could help address.

***Recommendations:***

- Adopt a process to address purchases in cases of failed bond votes and budget votes for purchasing zero emission buses.
- Assign financial and logistical responsibilities for non-district infrastructure upgrades.

- Eliminate administrative barriers to shared transportation services.
- Establish funding streams to aid payments for charging “out-of-district” buses.

### **Public Sector BOCES Leases**

To deliver high-quality education, students need appropriate learning environments. Unlike traditional school districts, BOCES often lease space rather than own property because they are not taxing entities and rely on their component districts for capital project funding. As a result, BOCES may not hold property ownership in the same way as fiscally independent districts.

With increasing demand for BOCES programs, particularly in career and technical education (CTE) and special education, the need for additional space is growing. Current law allows BOCES to lease buildings and property from private sector entities for up to 20 years, with an option to extend by 10 years with the approval from the Commissioner of Education. However, leases with public entities, including school districts, are limited to 10 years.

In some areas of the state, privately owned space is both available and cost effective, but in others, it is prohibitively expensive. Additionally, leased spaces, including schools, often requires substantial modifications to meet the needs of BOCES programs. Extending lease terms would encourage owners to support necessary improvements by securing longer-term tenants, while also providing BOCES and districts more flexibility in financing these projects.

#### ***Recommendation:***

- Extend allowable lease terms between BOCES and public sector entities to 20 years, aligning them with private sector lease terms.

On behalf of BOCES of New York State, I thank you for the opportunity to share our reaction to the Executive Budget proposal and your efforts to build on the proposal to serve all of New York's students. Thank you for considering the perspective of BOCES of New York State as a part of the conversation. I am happy to take any questions at this time.