

A Year in Review

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Cell Phone Ban - Educ. Law § 2803

- ▶ Bans use of internet-enabled devices during the school day.
- ▶ “Internet-enabled devices” includes any smartphone, tablet, smartwatch, or other device capable of connecting to the internet and enabling the user to access content on the internet.
- ▶ “School day” – entirety of every instructional day.²

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Cell Phone Ban

► Policy must be adopted by covered entities by Aug. 1, 2025

- Address one or more ways for parents to contact students during the school day and provide written notification of those communication pathways to parents
- Delineate one or more methods for storage of cell phones by students during the school day
- Provide for authorizing students to use cell phones during certain enumerated situations

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Dual Enrollment Policy Educ. Law § 319

- Commissioner must adopt a policy addressing dual enrollment programs in the state, including guidelines for participation and data reporting.
- Dual enrollment program is a partnership between a school and post-secondary institution that provides high school students with the opportunity to enroll in college courses and earn transferrable credit from the institution while completing high school graduation requirements.
- Filing of partnership agreements aligned with policy by September 1, 2026.

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Substantial Equivalency Educ. Law § 3204(6)

- ▶ First time statute has specifically addressed manner in which a nonpublic schools may prove its program offers substantially equivalent instruction to that of the public school.
- ▶ Part 130 of commissioner's regulations contains the definition of substantial equivalency and required all local school districts to make initial determinations regarding the nonpublic schools located within their boundaries by the end of 2024-25 school year.
- ▶ Criteria by which nonpublic schools may prove equivalency largely mirror those of the regulations adopted by Board of Regents. Statute differs because it allows nonpublic schools that choose to utilize criteria involving students meeting proficiency in testing (NYS 3-8 tests, other national norm-based tests) have phase in period until 2032-33 school year to allow for adequate preparation of students.

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School Facilities Educ. Law § 409-n

- ▶ Requires all school districts and boards of cooperative educational services to develop a policy to ensure the safety of students and staff on extreme heat condition days
 - ▶ Extreme heat = temperatures in classrooms and support spaces reaches 82° F.
 - ▶ Plan to remove student and staff from educational and support spaces when the temperature will reach 88° F *to the extent practicable*.

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Transportation

Zero Emission School Buses Battery Range

- ▶ Sellers of zero emission buses must provide prospective purchasers with independent third-party range estimates for the range of an electric bus. The estimates are required for sales made after January 1, 2026. (Gen. Bus. Law Art. 11-C, §§ 199-o-199-p).

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Transportation

Zero Emission School Buses- Extensions

- ▶ Permits the commissioner of education to grant two extensions of 24 months each to the 2027 electric-only purchase requirement. Districts granted such waivers must annually meet with NYSERDA for assistance in implementing the transition. ⁸ (Educ. Law § 3638(4)).

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Universal School Meals Educ. Law § 915-a

- ▶ All school districts, charter schools and nonpublic schools that participate in the federal school lunch or breakfast programs must provide breakfast and lunch to students free of charge.

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Assessment Relief for Disasters RPTL § 467-n

- ▶ Provides municipalities, including school districts, the option to provide assessment relief to taxpayers whose owner-occupied residential property and small business owner's property has been damaged by a major or local disaster, as defined in the statute.
- ▶ May provide this relief after conducting a public hearing, by adopting a resolution which must, among other things, identify the major or local disaster to which it pertains. ¹⁰

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Extensions

- ▶ Civil Service Law - extends the ability of the state and municipal civil service commissions to waive civil service examination fees through December 31, 2027.
- ▶ Retirees-Earning Waiver - amendment extends until June 30, 2027, the ability to employ public sector retirees in a position for a school district or BOCES without prior approval or any effect upon his or her status as retired and without suspension or diminution of retirement allowance.

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Bills Awaiting Signature From the Governor

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Attorney General Investigations

- ▶ A.8869/S.8411 provides the attorney general with jurisdiction to investigate and bring any civil action or proceeding, including taking proof, make determinations, and issue subpoenas.
- ▶ “Covered entity” includes all public elementary or secondary schools, school districts, and charter schools.

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Reorganizational Meeting Date

- ▶ A.4683/S.6737 amends multiple provisions of the Education Law to provide for the annual organizational meeting to be held in July on any date on or before the Monday after July 20th.

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Probable Usefulness of CVA Judgements

- ▶ A.7631/S.6372 amends the Local Finance Law by adding a new subdivision that allows school districts, BOCES and special act school districts to issue bonds to up to 30 years on judgments, compromised claims, or settled claims resulting from Child Victim Act cases.

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Freedom of Information Law (Timeframes to Respond)

- ▶ A.3425-A/S.2520-B provides maximum allowable timeframes to respond. School districts would be required to make records available within the following timeframes if the agency has determined to grant a request in whole or in part: (i) within 180 days for requests made prior to 12/31/26; (ii) within 90 days for request made between 1/1/27 - 12/31/27; or (iii) within 60 days for requests made on or after 1/1/28.

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Freedom of Information Law (Redaction)

- ▶ A.6613/S.67 clarifies that except for records that are exempt from disclosure by a state or federal statute, when a record contains portions that may be denied as exempt as well as portions that must be disclosed, an agency may redact or withhold the portions subject to one or more of the permissible grounds for denial, but shall disclose¹⁷ the remaining portions.

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Additional Day for Voting

- ▶ S.3735/A.5302 permits the commissioner of education, either at the request of the school district or upon the determination of the commissioner, to provide for an additional day of voting for the annual meeting and election if they determine that less than 8 percent of qualified voters voted as a direct consequence of a disaster.
- ▶ The additional day shall be held between 7 and 14 days¹⁸ after the original annual meeting and election.

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Water Safety

- ▶ S.1349-C/A.3515-C requires that school districts, at the beginning of the 2026-27 school year, provide to the parent or guardian of each student enrolled in the district, information on drowning prevention, water safety, and safe and healthy swimming.
- ▶ Each school year thereafter, such information must be provided to the parent or guardian of the student upon enrollment.

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Civil Service Law

- ▶ A.6624/S.5760 requires appointing authorities to provide appointment and promotion letters to persons in the classified service within 14 days of the effective date of the appointment.
- ▶ The letter must include, among other things: (i) the appointment type being offered; (ii) the jurisdictional class of the position; (iii) if a probationary period is required, the minimum and maximum duration of such period and information regarding an appointee's tenure rights, if any, upon completion of the probationary period.

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Freedom to Read Act

- ▶ S.1099/A.7777 requires the commissioner to develop policies to ensure that school libraries and library staff, including certified library media specialists, are empowered to curate and develop collections that provide students with access to the widest array of developmentally appropriate materials available to school districts.

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Military Leave

- ▶ S.3318/A.8822 amends the military law to provide for additional paid leave for every officer or employee for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of 60 days or 52 working days, whichever greater, in one calendar year and not exceeding 60 days or 52 working days, whichever is greater, in any one continuous period of such absence.

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New York AANHPI Education Equity Act

- ▶ S.7855E/A.8463-E authorizes and directs the commissioner of education to conduct a survey regarding instruction on Asian American, Native Hawaiians and Pacific Islander (AANHPI) history within the state.
- ▶ Adds a section of the education law that directs the commissioner to establish an AANHPI history advisory committee.

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Cybersecurity Incident Reporting

- ▶ S.7672-A/A.6769-A requires school districts to report cybersecurity incidents and when applicable, the demand of a ransom payment, to the commissioner of the division of homeland security and emergency services.
- ▶ The report must be made no later than 72 hours after the district reasonably believes the cybersecurity incident has occurred.
- ▶ If a ransom payment has been made, the district must, within 24 hours of the payment, provide the commissioner with notice of the payment, and within 30 days of payment provide the commissioner with additional information.

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Automated Decision-Making in Government Agencies

- ▶ S.7599-C/A.8295-D defines an “automated decision-making tool” to mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to automate, support, or replace human decision-making.
- ▶ Districts seeking to use or apply such a tool with continued and operational meaningful human review must conduct an impact assessment.
- ▶ The use of artificial intelligence systems and automated decision-making tools shall not affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships ²⁵ between the employer and an employee organization.

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Recess Survey

- ▶ S.8377-A/A.8727-A directs the commissioner to conduct a survey of recess held in public and charter schools serving students from kindergarten through grade 6.
- ▶ The survey shall include, but not be limited to, information pertaining to the number of schools currently offering recess, the length of recess and how often it’s provided, information pertaining to the location of recess, including whether it’s held indoors or outdoors. ²⁶

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On-Site Cardiac AED (non-public schools)

- ▶ S.2590/A.6486 requires, among other things, *nonpublic schools* to provide and maintain on-site in each instructional school facility AED equipment, in quantities and types deemed by the commissioner in consultation with the commissioner of health to be adequate to ensure ready and appropriate access for use during emergencies.

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Regulations

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Teacher and Principal Evaluation

STEPS Plan regulations 8 NYCRR Part 30-4

- Evaluations may consist of multiple measures at least one of which will be observations for teachers and school visits for principals. All measures must be aligned to an appropriate teaching or leadership standard.
- Probationary educators evaluated annually but tenured educators may have multi-year cycle.
- Training of evaluators as well as teachers and principals to build engagement and participation.
- All teachers and principals must have formal professional development system and individualized support plans for those whose overall rating is 1 or 2.

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Suspension of Teaching License

8 NYCRR § 83.7

- ▶ Procedures for interim suspension of an educator's license when there is a Part 83 referral regarding the educator's moral character when an educator has engaged in a sex offense as defined in Penal Law § 130 or committed a boundary violation.
 - ▶ Behavior that is sexual in nature and causes a student harm, including sexual physical contact, sexting, displaying or transmitting sexual objects or pornography to a student or personal communications revealing an intent to enter into a romantic relationship.

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Court and Commissioner's Decisions

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Mahmoud v. Taylor

- ▶ School board selected “LGBTQ+-inclusive” texts for use in the ELA curriculum from pre-K through 12th grade - at issue are 5 “LGBTQ+-inclusive” storybooks that were approved for students in K-5.
- ▶ Petitioners filed lawsuit asserting, among other things, that the board’s no-opt-out policy infringed their right to the free exercise of their religion and sought a preliminary injunction prohibiting the board from forcing their children and other students - over the objection of their parents - to read, listen to, or discuss the storybooks.

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- ▶ “Like many books targeted at young children, the books are unmistakably normative.”
 - ▶ “[The books] are clearly designed to present certain values and beliefs as things to be celebrated and certain contrary values and beliefs as things to be rejected.”

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- ▶ “...we cannot accept the Board’s characterization of the ‘LGBTQ+-inclusive’ instruction as mere ‘exposure to objectionable ideas’ ... the storybooks unmistakably convey a particular viewpoint about same-sex marriage and gender. And the Board has specifically encouraged teachers to reinforce this viewpoint and to reprimand any children who disagree. That goes far beyond mere ‘exposure.’”

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Board Member Removal

Appeal of Morris, 64 Ed Dept Rep, Dec. No. 18,515 (2024)

- ▶ Board sought to remove a member and designated a hearing officer (HO)
- ▶ Board member asked the HO for an adjournment but was told the HO could not do it unilaterally and to copy district's counsel- board member appealed the removal
- ▶ Commissioner of education sustained the appeal in favor of the board member and stated the HO has the authority to grant or postpone a hearing - reinstatement ordered