



AGUDATH ISRAEL OF AMERICA - NEW YORK GOVERNMENT AFFAIRS LEGISLATIVE SUMMARY-2023

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The New York State 2023 Legislative session began on January 4th and adjourned on June 10th, although the Assembly returned for two days on June 20th and 21st. We are happy to report that we accomplished many of our legislative goals this session and for that we thank our friends in the legislature and in the governor's office. But most importantly we thank all those that got involved, whether you joined us in Albany for one of our four lobby days, you sent emails or made phone calls, or responded to our action alerts. It was an integral part of our efforts. Below is a summary of this year's legislative highlights both budget (which passed in early May) and non-budgetary.

BUDGET HIGHLIGHTS

Saving Mandated Services- Mandated Services Aid (MSA), the largest source of funding for nonpublic schools, faced a potential drastic 8% cut and problematic language that would have placed the entire program into jeopardy. MSA reimburses schools for a host of services mandated by the state including testing, attendance taking, pupil data, immunization and more. Traditionally, the state has always reimbursed schools the full amount of their claims.

The executive budget allocated just over \$193 million for combined MSA and CAP (Comprehensive Attendance Program). This allocation had not been increased for the third consecutive year, despite being \$17 million below what the State Education Department requested in order to fulfill anticipated claims.

More troubling though, was budgetary language that capped the program at the amount allocated, which means that if claims exceed actual allocations as expected, schools would not be paid in full. Agudah immediately sprang into action and helped lead the nonpublic school response to this crisis. In the enacted budget the language was removed thus preserving the viability of the program.

Universal Free Meals- This year Agudah joined a large statewide coalition advocating for universal school meals. The final budget did not go as far as was hoped but will allow many schools and districts to serve free meals to all of their students, thanks to an allocation of \$134 million. Agudah is working to help Jewish schools participate in this expansion and will continue to push for a truly universal program.

Security - The budget allocates \$45 million for the Non-Public School Safety and Equipment (NPSE) Security Grant. This program provides security and safety to nonpublic schools and

was recently expanded to allow for critical capital needs that enhance safety. \$25 million was also maintained for religious and independent schools, community facilities and summer camps under the Securing Communities Against Hate Crimes program.

Empire State Child Credit Expansion- The budget included a major expansion of childcare funding by extending the Empire Child Credit to include children under the age of 4. This expansion, has been an Agudah legislative priority since last session.

STEM- This initiative, driven primarily by the Orthodox Union/Teach NYS provides for a total of \$73 million to reimburse schools for a portion of the salaries of Science, Technology, Engineering & Math teachers.

OTHER LEGISLATION

S.5261 Salazar/A.5010 Lavine- Relates to prohibiting corporal punishment in schools.

This bill adds corporal punishment to the list of definitions of child abuse. It also states that the commissioner be the one to define corporal punishment and to promulgate rules and regulations regarding that. As the bill was moving through the legislative process, Agudah was able to prevail upon the Assembly sponsor to remove references to the New York Times's false allegation of excessive corporal punishments in yeshivas from the sponsor memo that was written in support of the bill. This came right after the Senate sponsor publicly rebuked Eliza Shapiro of the NY Times on Twitter for implying that their articles about yeshivas were the impetus behind the legislation rather than the more than 1,600 substantiated cases in public and charter schools uncovered by the Albany Times-Union.

Status- Passed both houses unanimously, awaiting signature from the governor

S.4748 Ramos/A.5939 Eichenstein Requires religious dietary food options in prison commissaries and visitor's areas.

This is common sense legislation that requires all prison commissaries as well as vending machines in visiting areas of the prison to offer religious food options including kosher and halal. At present there are facilities that do not offer that option.

Status- Passed both houses, awaiting signature from the governor

S.7538 Skoufis/A. 7754 Thiele- Relates to the incorporation of villages

This bill, introduced in the last week of session, makes a number of changes to the process of incorporating a village. What was of concern to us was a clause raising the population threshold to incorporate a village from 500 to 2000. Incorporating a village is often used as a way to avoid onerous land use issues by allowing villages to enact their own rules.

Status- Passed both houses, awaiting signature from the governor

S.7399 Felder/A.7623 Pheffer-Amato - Includes remedial service, homework or child care as the transportation responsibility of the city school district located in a city having a population of one million or more.

This bill will extend the New York City reimbursement busing to students who remain past 4pm for remedial work.

Status- Passed Senate, Assembly bill still in committee of education

S.4751 Skoufis/A.5211 Maher- Relates to community preservation funds for the town of

Chester.

This bill, which would authorize the Town of Chester in Orange County to place a small transfer tax on real estate transactions, with revenues allowing the town to preserve the “farmland and rural character” has a long history. Originally proposed in 2019, it was vetoed by former Governor Cuomo after the Attorney General filed suit against the town for violations of the Federal Fair Housing Act. (This was after Agudath Israel alerted the AG that a town official was caught on tape saying “we need to keep the hasidics out”). After the Attorney General settled, the bill was reintroduced in 2022 only to be vetoed once again this time by Governor Hochul, citing ongoing controversy. It was reintroduced this year.

Status- Passed Senate, did not move in Assembly due in part to Agudath Israel advocacy on behalf of the growing Chassidic community in Chester

S.2894 Rivera/A.7178 Dinowitz - Restores medical futility as a basis for DNR

This is a very troublesome bill. For the last 20 years, the Family Health Care Decision Act (FHCA) did not have a standard specifically relating to medically futile resuscitation. This bill established medical futility as a basis for DNR. However, it does not define medical futility leaving that very ambiguous. We strongly oppose this legislation.

Status- Passed Senate, did not move in Assembly- One of our 2024 goals will be to prevent this bill from passing the Assembly.

S.443 Skoufis/ A. 861 Jacobson- Permits union free and central school districts boards of education to establish wards for the purpose of school board elections in Orange County.

Most school districts use an “at large” system for electing board members, meaning the candidates with the most votes district wide are elected to the boards. Under that system it is very difficult for a minority community to elect one of their own to a school board. Under a ward system however, the district is divided into geographical wards, with each ward able to put forth candidates. That gives a minority community the ability to elect a board member representing their ward. With many growing Chassidic and other orthodox communities in Orange County, this bill, if signed into law, would enable them to elect their candidates for seats on school boards.

Status- Passed Senate, did not move in Assembly

S.3180 Hoylman-Sigal/A. 1829 Jean Pierre- Includes private, religious or denominational educational institutions in the “dignity for all students act”

On the surface this seems like a very innocuous bill. It extends the Dignity for All Students Act (DASA) into private schools. The bill says it protects all students from harassment, bullying and discrimination and extends it to private schools (it currently only applies to public schools). However, upon a deeper look this bill is very troubling as it can be a major intrusion on religious liberties when actions that conform with religion can be construed as discrimination. Most religious groups are opposing this legislation.

Status- Last month the Senate version was reported out of the Education Committee, advanced to third reading and was committed to Rules, which is the last step before bills are sent to the floor for a vote. Thankfully though it never made it to the Senate floor for a vote. The Assembly version remains in committee.

S.762 Krueger/A. 276 Paulin- Provides treatment for sexually transmitted diseases to minors without a parent’s or guardian’s consent

This legislation allows health care practitioners to treat minors for sexually transmitted diseases as well as vaccinate them for those diseases without parental consent. Agudah lobbied Assembly Health Committee members against this bill, but it still passed through committee.

Status- The bill did pass the Assembly Health Committee and was sent to the Rules Committee but did not advance further. Senate version did not get to a committee hearing.

S.19 Gounardes/A.894 Joyner- Requires certain public schools in any city with a population over one million to offer food options

This bill says that if a New York City public school has 25% of its student population practicing a religion with dietary restrictions, the school must provide appropriate food like kosher or halal. This bill does not go as far as previous bills which mandated that any child, regardless of the percentage of students of a particular religion must be provided with kosher or halal.

Status- The Senate version was reported out of the New York City Education Committee, advanced to 3rd reading but did not make it out of Rules. The Assembly bill remains in committee.

S.2445 Hoylman-Sigal/A.995 Paulin- Medical Aid in Dying Act

This is the bill allowing assisted suicide for terminally ill patients in New York. Since this bill was first introduced in 2016, Agudah has been an important part of the New York Alliance Against Assisted Suicide. This year there was a greater concern as the bills longtime sponsor assumed the chairmanship of the Assembly Health Committee and called it one of her priorities. During the course of the legislative process, the bill was improved somewhat to require patients who request medical aid in dying to be informed of palliative care options, an amendment we had long advocated for. Thankfully, due to intense lobbying by the entire coalition, the bill once again did not advance this session.

Status- Neither versions received a committee vote.

S.757Liu/A. 2030 Eichenstein- Relates to Pendency Placements in a school district in New York City

In this bill, students in New York City who are placed in a nonpublic special education placement and receive a settlement agreement from DOE are entitled to stay in that same placement without further hearing, unless there is a pendency changing event, which is something that would require a change in their specified educational program.

Additionally, all settlements will include a schedule of payments which will begin no later than 60 days after submission of settlement agreement and be completed within 60 days of the final submission of paperwork.

Status- Bill was introduced, but did not receive a committee hearing or vote.

A.183 Eichenstein- Enacts the New York religious land use and religious exercise act

This bill would enact the federal Land Use and Institutionalized Persons Act (RLUIPA) as state law, allowing either aggrieved parties or the Attorney General to bring action in state court. Agudah worked closely with Assemblyman Simcha Eichenstein and Roman Storzer, a leading land use attorney to craft this bill.

Status- Introduced in Assembly only and referred to committee