

# STATE OF NEW YORK

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2684

2021-2022 Regular Sessions

## IN SENATE

January 22, 2021

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Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to establish the residential real property tax relief for public education task force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature finds that the  
2 current primary and secondary education funding system, which is based  
3 largely upon real property taxation, is antiquated and creates serious  
4 disparities in educational opportunity and inequities with regard to  
5 distribution of the system's financial burden. The quality of education  
6 that children receive varies widely by geographic region, as does the  
7 opportunity for children to participate in extracurricular activities.  
8 In addition, taxpayers throughout the state receive real property tax  
9 bills from their local school districts based on the value of their  
10 homes, which is subject to multiple factors beyond their control, rather  
11 than their financial ability to pay, creating serious regional  
12 distortions in the relative cost of living. The legislature finds that  
13 these distortions are greatly exacerbated by the recent enactment of the  
14 federal tax cuts and jobs act of 2017, which will limit the deductibili-  
15 ty of state and local taxes to 10,000 dollars beginning in the next  
16 fiscal year, effectively eliminating one of the few mitigating factors  
17 against high property taxes for homeowners in certain regions of the  
18 state, and creating undue hardship for families throughout the state.  
19 The legislature further finds that our children should not be penalized  
20 based upon the geographic location of their home, nor should financial  
21 support for the educational system fall more heavily on those who are  
22 less able to bear the burden. The legislature therefore orders that a  
23 task force be created to conduct a comprehensive examination of the  
24 current funding system, and to make recommendations for a long-term,  
25 statewide solution that will shift the base resource of primary and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 secondary education funding from real property taxes to the state  
2 personal income tax. Such new funding methodology must be flexible  
3 enough to ensure efficient responsiveness to certain dynamic factors  
4 with regard to school aid from the state of New York, including but not  
5 limited to the changing demographic profile of the student body of indi-  
6 vidual schools; technology advancements and requirements; school safety  
7 and security; mandated educational programs; staff development; programs  
8 regarding drugs, bullying, social media, gang violence and other similar  
9 programs that emerge in response to salient issues; and changing federal  
10 policies that directly impact all New Yorkers.

11 § 2. Residential real property tax relief for public education task  
12 force. There is hereby created the residential real property tax relief  
13 for public education task force that shall consist of 43 members.  
14 Members serving in ex-officio capacity shall include: the commissioner  
15 of the education department or his or her designee; the chair of the  
16 state board of regents, or his or her designee; the commissioner of the  
17 department of taxation and finance or his or her designee; the commis-  
18 sioner of the department of homeland security and emergency services or  
19 his or her designee; and the director of budget or his or her designee.  
20 Appointed members shall be appointed as follows: ten members appointed  
21 by the governor; six members shall be appointed by the temporary presi-  
22 dent of the senate; six members shall be appointed by the speaker of the  
23 assembly; four members shall be appointed by the minority leader of the  
24 senate; four members shall be appointed by the minority leader of the  
25 assembly; two members shall be appointed by New York state united teach-  
26 ers; two members shall be appointed by the New York state school boards  
27 association; two members shall be appointed by the association of school  
28 superintendents; and two members shall be appointed by the business  
29 council of New York state.

30 § 3. Qualifications of appointed members. (1) Of the ten members  
31 appointed by the governor, four shall have been certified by the depart-  
32 ment of education and have at least ten years of classroom teaching  
33 experience at the primary or secondary levels, one of whom shall have  
34 such experience in a small city school system; one of whom shall have  
35 such experience in a school system located within a county having a  
36 population between 1,300,000 and 1,650,000 as determined by the latest  
37 available census estimate by the United States bureau of the census that  
38 is not wholly within a city; one of whom shall have such experience in a  
39 school district that is not a small city school district, located in a  
40 county not wholly contained within a city with a population between  
41 300,000 and 1,000,000 as determined by the latest available census esti-  
42 mate by the United States bureau of the census; and one of whom shall  
43 have such experience in a school district located in a county with a  
44 population of less than two hundred thousand, as determined by the  
45 latest available census estimate by the United States bureau of the  
46 census; four shall have at least ten years experience in a school fiscal  
47 or budgetary capacity, one of whom shall have such experience in a small  
48 city school system, one of whom shall have such experience in a school  
49 system located within a county having a population between 1,300,000 and  
50 1,650,000 as determined by the latest available census estimate by the  
51 United States bureau of the census that is not wholly within a city; one  
52 of whom shall have such experience in a school district that is not a  
53 small city school district, located in a county not wholly contained  
54 within a city with a population between 300,000 and 1,000,000, as deter-  
55 mined by the latest available census estimate by the United States  
56 bureau of the census, and one of whom shall have such experience in a

1 school district located in a county with a population of less than  
2 200,000, as determined by the latest available census estimate by the  
3 United States bureau of the census; and two shall be parents of students  
4 in the state's public education system, one of whom shall be the parent  
5 of a student at the primary school level at the time of appointment, and  
6 one of whom shall be the parent of a student at the secondary school  
7 level at the time of appointment;

8 (2) Of the six members appointed by the temporary president of the  
9 senate, three shall have been certified by the department of education  
10 and have at least ten years of classroom teaching experience in the  
11 state's public school system, at least one of whom shall have such expe-  
12 rience at the primary level, one of whom shall have such experience at  
13 the secondary level, and one of whom shall have gained such experience,  
14 or be currently teaching in a small city public school system, one shall  
15 have at least ten years experience in a school fiscal or budgetary  
16 capacity, one shall have at least ten years experience in a school  
17 administrative capacity, and one shall be the parent of a student in the  
18 public primary or secondary school system;

19 (3) Of the six members appointed by the speaker of the assembly, three  
20 shall have been certified by the department of education and have at  
21 least ten years of classroom teaching experience in the state's public  
22 school system, at least one of whom shall have such experience at the  
23 primary level, one of whom shall have such experience at the secondary  
24 level, and one of whom shall have gained such experience, or be current-  
25 ly teaching in a small city public school system, one shall have experi-  
26 ence in a school fiscal or budgetary capacity, one shall have at least  
27 ten years experience in a school administrative capacity, and one shall  
28 be the parent of a student in the primary or secondary public school  
29 system at the time of appointment;

30 (4) Of the four members appointed by the minority leader of the  
31 senate, two shall have been certified by the department of education and  
32 have at least ten years of classroom teaching experience at the primary  
33 or secondary level, one shall be the parent of a student in the public  
34 school system, and one shall have at least ten years experience in a  
35 school fiscal or budgetary capacity; and

36 (5) Of the four members appointed by the minority leader of the  
37 senate, two shall have been certified by the department of education and  
38 have at least ten years of classroom teaching experience at the primary  
39 or secondary level, one shall be the parent of a student in the public  
40 school system, and one shall have at least ten years experience in a  
41 school fiscal or budgetary capacity.

42 § 4. Powers and duties. (1) The residential real property tax relief  
43 for public education task force shall, over the course of the three  
44 years subsequent to this section having become law, conduct an in-depth  
45 analysis of the funding system for primary and secondary education that  
46 will make recommendations on the implementation of a new methodology  
47 that will change the current system paradigm from one highly dependent  
48 on local property taxes to one that is largely state-funded through  
49 personal income taxes. Such analysis shall include, but not be limited  
50 to (i) a historical examination of the current system, demonstrating the  
51 etymology of the current funding system; (ii) an examination of regional  
52 cost factors and their relation to regional student opportunity dispari-  
53 ties; (iii) the establishment of educational economic development zones,  
54 as defined in section five of this act; (iv) the development of a  
55 revised school funding program for all special needs and special educa-  
56 tion students based on the regional cost factors within respective

1 educational economic development zones; (v) the establishment of best  
2 practices programs purchasing, budget and fiscal plan development, bene-  
3 fits management and the management of reserves for each educational  
4 economic zone; (vi) the development of a new methodology that will shift  
5 the fundamental funding source for primary and secondary education from  
6 real property taxation to the state personal income tax, such methodol-  
7 ogy shall take the conditional variables of each educational economic  
8 zone into account in its determination of the distribution of state  
9 funds; (vii) the development of best practice objectives in aid distrib-  
10 ution to ensure that funding in all districts is put to the best and  
11 most efficient use; and (viii) the provision of an implementation strat-  
12 egy for the new methodology that will limit as much as feasibly possible  
13 any disruption during the transition.

14 (2) The commissioner of education shall serve as the chair of the task  
15 force. The task force is authorized to consult with education and taxa-  
16 tion and academic professionals in addition to its members, and to  
17 compensate such expert participation for actual incurred expenses. The  
18 task force may utilize agency staff, space and equipment as necessary.  
19 Task force members shall receive no compensation for their partic-  
20 ipation, other than for actual incurred expenses.

21 (3) The task force shall meet in its entirety in July and December  
22 each year at a single physical location, and the chair shall have the  
23 power to call additional meetings as he or she deems necessary and  
24 appropriate. Electronic participation shall be permitted for those  
25 members who are unable to attend in person. An agenda for each meeting  
26 shall be made public at least two days prior to the meeting date; meet-  
27 ings shall be visually recorded; and meeting minutes shall be kept.

28 (4) The task force shall publish a report containing all research  
29 findings and recommendations, three years after the date on which this  
30 act shall have become law. Such report shall outline and provide crit-  
31 ical detail of each task force recommendation, and a comprehensive tran-  
32 sition and implementation strategy. The task force shall transmit the  
33 report to the governor, the temporary president of the senate, the  
34 speaker of the assembly, the minority leader of the senate and the  
35 minority leader of the assembly no later than three years after the date  
36 that this act shall have become a law.

37 (5) The task force shall establish a website on the internet, on which  
38 it shall save and make available all documentation, provide a venue for  
39 public comment, provide visual access to its meetings, meeting agendas,  
40 minutes, and provide a copy of its report.

41 § 5. Educational economic zones. Educational economic zones shall mean  
42 geographical regions determined by unique variables including, but not  
43 limited to (i) individual and cumulative personal income; (ii) the level  
44 of employment as determined by the United States department of commerce,  
45 bureau of labor statistics for the twelve-month period prior to January  
46 first of the calendar year in which the school budget begins; (iii)  
47 local industry, as identified by the United States bureau of the census  
48 through the North American industry classification system; (iv) infras-  
49 tructure construction and maintenance costs; (v) educational support  
50 services; and (vi) student demographics, including special education  
51 students and those with special needs.

52 § 6. This act shall take effect immediately.