

Education Law Changes in the 2022-23 Enacted State Budget Requiring District Submission of Plans to Address Student Performance and Need

Background

Section 9-a of part A of chapter 56 of the laws of 2021, as amended by §5-a of part A of chapter 56 of the laws of 2022 requires that, on or before July 1, 2022, every local educational agency (LEA) receiving funding from the Elementary and Secondary School Emergency Relief (ESSER) funding from the [American Rescue Plan act of 2021](#) to post on its website and submit to the department an updated plan of how such funds will be expended and how the LEA will prioritize spending on non-recurring expenses as defined in section 9-a(1) of part A of chapter 56 of the laws of 2021. This updated plan must include:

- An analysis of public comment;
- Goals and Ratios for Pupil Support;
- Detailed Summaries of Investments in Current Year Activities; and
- Balance of funds spent in priority areas.

Section 10-d of part A of chapter 56 of the laws of 2021, as amended by §5-b of part A of chapter 56 of the laws of 2022, requires school districts receiving a foundation aid increase of more than 10% or \$10,000,000 must create plans on how these funds will be used to address student performance and need. These plans must be completed, submitted to the department, and posted to district websites prior to July 1 of 2021, 2022, and 2023. [Full statutory language is included below](#). Each district subject to this requirement is required to:

- Seek public comment from parents, teachers, and other stakeholders
- Take public comments into account in the development of the plan
- Include an analysis of public comments within the plan
- Describe in the plan how the foundation aid increase will be used, including portions of the increase used to address any of seven listed areas
- Post the plan on the district website
- Submit the plan to the State Education Department in a form prescribed by the Department to be posted publicly

The list of [school districts that are required to submit a plan](#) aligned with the increase in foundation aid are included in this memo. It should be noted that this requirement does not obligate districts to spend additional foundation aid funds in specific ways, but does require districts seek public comment and share plans on how they intend to spend these additional funds. Plans are required to cover only the foundation aid increase. The plan should not cover how the district intends to use its entire foundation aid amount.

Plan Submission Process and Timeframe

School districts and other LEAs will be required to submit their plans via a survey that will be published in the SED Monitoring and Vendor Performance System. Step-by-step instructions for submitting this survey and specific questions will come under separate cover when the survey tool is released.

Statutory language

§5-a of Part A of Chapter 56 of the Laws of 2022

(1) On or before July 1, 2021, every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website a plan by school year of how such funds will be expended and how the local educational agency will prioritize spending on non-recurring expenses in the areas of: safely returning students to in-person instruction; maximizing in-person instruction time; operating schools and meeting the needs of students; purchasing educational technology; addressing the impacts of the COVID-19 pandemic on students, including the impacts of interrupted instruction and learning loss and the impacts on low-income students, children with disabilities, English language learners, and students experiencing homelessness; implementing evidence-based strategies to meet students' social, emotional, mental health, and academic needs; offering evidence-based summer, afterschool, and other extended learning and enrichment programs; and supporting early childhood education. Provided further, that local educational agencies shall identify any programs utilizing such funding that are expected to continue beyond the availability of such federal funds and identify local funds that will be used to maintain such programs in order to minimize disruption to core academic and other school programs. Before posting such plan, the local educational agency shall seek public comment from parents, teachers and other stakeholders on the plan and take such comments into account in the development of the plan.

(2) On or before July 1, 2022, every local educational agency receiving funding from the elementary and secondary school emergency relief fund allocated by the American rescue plan act of 2021 shall be required to post on its website an updated plan as described in subdivision one of this section. This updated plan shall include an analysis of public comments, goals and ratios for pupil support, detailed summaries of investments in current year initiatives, and balance funds spent in priority areas. The local educational agency shall submit such plan to the state education department in a form prescribed by the department, and the department shall post all of the collected plans on its website.

§5-b of Part A of Chapter 56 of the Laws of 2022

For the 2021-22, 2022-23 and 2023-24 school years, each school district receiving a foundation aid increase of more than: (i) ten percent; or (ii) ten million dollars in a school year shall, on or before July 1 of each school year, post to the district's website a plan by school year of how such funds will be used to address student performance and need, including but not limited to:

- (i) increasing graduation rates and eliminating the achievement gap;
- (ii) reducing class sizes;

- (iii) providing supports for students who are not meeting, or at risk of not meeting, state learning standards in core academic subject areas;
- (iv) addressing student social-emotional health;
- (v) providing adequate resources to English language learners, students with disabilities; and students experiencing homelessness;
- (vi) goals and ratios for pupil support; and
- (vii) detailed summaries of investments in current year initiatives and balance funds spent in priority areas.

Prior to posting such plan, each school district shall seek public comment from parents, teachers and other stakeholders on the plan, take such comments into account in the development of the plan, and include an analysis of the public comments within the plan.

The district shall submit such plan to the state education department in a form prescribed by the department, and the department shall post all of the collected plans on its website.

Districts Required to Complete Foundation Aid Plans to Address Student Performance and Need

Plans for the 2022-23 school year must be submitted by July 1, 2022.

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
010100	ALBANY	\$ 14,946,366	16%
140201	AMHERST	\$ 2,808,983	30%
580106	AMITYVILLE	\$ 3,837,242	19%
270100	AMSTERDAM	\$ 5,305,947	15%
660405	ARDSLEY	\$ 1,793,003	39%
131601	ARLINGTON	\$ 7,797,061	19%
050100	AUBURN	\$ 3,387,853	10%
240101	AVON	\$ 921,685	14%
280210	BALDWIN	\$ 6,154,154	28%
420901	BALDWINSVILLE	\$ 4,106,133	14%
521301	BALLSTON SPA	\$ 2,288,935	11%
401301	BARKER	\$ 973,727	16%
580501	BAY SHORE	\$ 10,939,303	29%
280207	BELLMORE	\$ 316,199	11%
280253	BELLMORE-MERRICK	\$ 4,336,308	26%
010306	BETHLEHEM	\$ 1,571,992	11%
280521	BETHPAGE	\$ 3,252,861	36%
661905	BLIND BROOK-RYE	\$ 371,908	22%
580512	BRENTWOOD	\$ 56,116,764	22%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
480601	BREWSTER	\$ 3,147,729	27%
260101	BRIGHTON	\$ 2,946,142	29%
140600	BUFFALO	\$ 34,974,010	6%
280411	CARLE PLACE	\$ 469,517	13%
480102	CARMEL	\$ 2,908,737	16%
580233	CENTER MORICHES	\$ 2,515,648	27%
580513	CENTRAL ISLIP	\$ 22,300,044	24%
140701	CHEEKTOWAGA	\$ 3,321,184	29%
030701	CHENANGO VALLEY	\$ 1,559,465	14%
440201	CHESTER	\$ 1,460,150	29%
261501	CHURCHVILLE CHILI	\$ 2,423,322	10%
500101	CLARKSTOWN	\$ 6,100,037	25%
140703	CLEVELAND HILL	\$ 1,742,816	17%
010500	COHOES	\$ 2,469,598	14%
510501	COLTON PIERREP	\$ 342,839	18%
580105	COPIAGUE	\$ 11,234,459	24%
440301	CORNWALL	\$ 3,356,119	24%
660202	CROTON HARMON	\$ 735,871	28%
580107	DEER PARK	\$ 4,327,179	19%
660403	DOBBS FERRY	\$ 858,936	27%
130502	DOVER	\$ 1,868,793	18%
060800	DUNKIRK	\$ 3,237,624	14%
420401	EAST SYRACUSE-MINOA	\$ 2,846,168	15%
260801	EAST IRONDEQUOIT	\$ 3,089,934	18%
140301	EAST AURORA	\$ 1,071,048	19%
490301	EAST GREENBUSH	\$ 1,953,757	11%
280203	EAST MEADOW	\$ 5,807,246	18%
580917	EAST QUOGUE	\$ 114,281	13%
500402	EAST RAMAPO	\$ 7,632,255	16%
280402	EAST WILLISTON	\$ 626,759	31%
660301	EASTCHESTER	\$ 1,963,226	36%
660406	EDGEMONT	\$ 985,729	39%
070902	ELMIRA HEIGHTS	\$ 1,117,835	13%
280216	ELMONT	\$ 2,871,141	14%
660409	ELMSFORD	\$ 835,332	35%
061101	FALCONER	\$ 1,491,668	14%
590501	FALLSBURG	\$ 3,585,996	21%
280522	FARMINGDALE	\$ 3,401,181	15%
421001	FAYETTEVILLE	\$ 2,826,290	25%
280222	FLORAL PARK	\$ 1,305,738	32%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
442115	FLORIDA	\$ 688,207	18%
280217	FRANKLIN SQUARE	\$ 1,883,443	27%
280209	FREEPORT	\$ 15,475,803	23%
060301	FREWSBURG	\$ 1,096,637	13%
141604	FRONTIER	\$ 2,459,964	10%
280218	GARDEN CITY	\$ 684,863	16%
430700	GENEVA	\$ 2,170,892	10%
280100	GLEN COVE	\$ 4,233,367	36%
630918	GLENS FALLS COMMON	\$ 211,903	16%
440601	GOSHEN	\$ 3,758,024	30%
280407	GREAT NECK	\$ 651,205	11%
260501	GREECE	\$ 15,522,180	21%
581010	GREENPORT	\$ 368,284	26%
010802	GUILDERLAND	\$ 2,530,421	15%
480401	HALDANE	\$ 275,043	15%
580405	HALF HOLLOW HILLS	\$ 2,601,944	12%
580905	HAMPTON BAYS	\$ 2,286,902	37%
580406	HARBORFIELDS	\$ 1,143,474	11%
660404	HASTINGS ON HUDSON	\$ 593,768	17%
580506	HAUPPAUGE	\$ 1,068,735	11%
500201	HAVERSTRAW-STRAW (NORTH ROCKLAND)	\$ 14,656,426	28%
280201	HEMPSTEAD	\$ 26,767,453	23%
660203	HENDRICK HUDSO	\$ 1,196,392	24%
210601	HERKIMER	\$ 1,915,503	20%
511301	HERMON DEKALB	\$ 553,724	11%
280409	HERRICKS	\$ 2,971,730	34%
280214	HEWLETT WOODMERE	\$ 2,120,746	36%
280517	HICKSVILLE	\$ 5,840,118	37%
620803	HIGHLAND	\$ 1,134,293	12%
440901	HIGHLAND FALLS	\$ 1,687,149	22%
261101	HILTON	\$ 3,993,767	16%
641301	HUDSON FALLS	\$ 2,800,853	13%
580403	HUNTINGTON	\$ 3,645,347	29%
130801	HYDE PARK	\$ 2,466,334	12%
660402	IRVINGTON	\$ 656,839	31%
580502	ISLIP	\$ 1,677,994	11%
420411	JAMESVILLE-DEWITT	\$ 1,850,253	23%
280515	JERICO	\$ 492,719	13%
031502	JOHNSON CITY	\$ 2,981,633	15%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
660101	KATONAH LEWISBORO	\$ 624,913	15%
620600	KINGSTON	\$ 6,257,724	12%
141800	LACKAWANNA	\$ 3,921,996	12%
662401	LAKELAND	\$ 3,397,425	13%
141901	LANCASTER	\$ 3,043,142	12%
610801	LANSING	\$ 622,070	12%
490601	LANSINGBURGH	\$ 3,117,021	13%
181001	LE ROY	\$ 914,928	10%
590901	LIBERTY	\$ 4,644,179	23%
210800	LITTLE FALLS	\$ 1,325,064	12%
280220	LYNBROOK	\$ 2,632,022	32%
421504	LYNCOURT	\$ 1,108,694	40%
031101	MAINE ENDWELL	\$ 3,476,607	21%
161501	MALONE	\$ 2,904,852	11%
280212	MALVERNE	\$ 1,734,227	22%
660701	MAMARONECK	\$ 1,140,001	23%
431101	MANCHSTR-SHRTS	\$ 1,113,685	16%
621001	MARLBORO	\$ 2,995,517	31%
140702	MARYVALE	\$ 1,878,532	15%
280523	MASSAPEQUA	\$ 2,741,426	15%
512001	MASSENA	\$ 3,431,797	13%
110304	MCGRAW	\$ 840,414	12%
521200	MECHANICVILLE	\$ 1,032,988	13%
010615	MENANDS	\$ 277,202	34%
280225	MERRICK	\$ 608,778	14%
441000	MIDDLETOWN	\$ 19,293,647	21%
132201	MILLBROOK	\$ 245,059	10%
280410	MINEOLA	\$ 2,027,708	36%
530515	MOHONASEN	\$ 2,160,417	14%
441201	MONROE WOODBURY	\$ 9,894,934	28%
591401	MONTICELLO	\$ 4,097,950	14%
240901	MOUNT MORRIS	\$ 1,053,984	15%
660801	MT PLEASANT CENTRAL	\$ 1,174,462	31%
500108	NANUET	\$ 2,967,406	39%
411501	NEW HARTFORD	\$ 1,538,306	18%
280405	NEW HYDE PARK	\$ 1,533,882	31%
661100	NEW ROCHELLE	\$ 8,275,606	23%
300000	NEW YORK CITY	\$ 309,237,523	4%
411504	NEW YORK MILLS	\$ 282,531	10%
650101	NEWARK	\$ 2,307,150	10%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
441600	NEWBURGH	\$ 15,500,693	12%
530301	NISKAYUNA	\$ 4,051,674	31%
010623	NORTH COLONIE	\$ 6,324,045	41%
280229	NORTH MERRICK	\$ 669,130	12%
661301	NORTH SALEM	\$ 244,139	17%
280501	NORTH SHORE	\$ 454,963	14%
580404	NORTHPORT	\$ 1,745,040	17%
500304	NYACK	\$ 1,917,172	23%
280211	OCEANSIDE	\$ 3,273,327	21%
042400	OLEAN	\$ 2,126,932	11%
661401	OSSINING	\$ 6,871,981	38%
461300	OSWEGO	\$ 5,926,161	26%
600601	OWEGO-APALACHIAN	\$ 1,681,502	11%
650901	PALMYRA-MACEDON	\$ 1,770,321	13%
580224	PATCHOGUE-MEDFORD	\$ 7,904,282	15%
131201	PAWLING	\$ 748,136	18%
500308	PEARL RIVER	\$ 2,238,264	36%
661500	PEEKSKILL	\$ 5,396,964	15%
661601	PELHAM	\$ 1,541,128	35%
261201	PENFIELD	\$ 3,518,072	22%
261401	PITTSFORD	\$ 3,923,451	35%
280504	PLAINVIEW	\$ 4,001,737	30%
660809	PLEASANTVILLE	\$ 1,188,925	31%
661904	PORT CHESTER	\$ 10,825,622	38%
441800	PORT JERVIS	\$ 4,332,723	12%
280404	PORT WASHINGTON	\$ 2,305,437	33%
042901	PORTVILLE	\$ 1,196,022	13%
131500	POUGHKEEPSIE	\$ 8,235,143	14%
480503	PUTNAM VALLEY	\$ 1,478,586	25%
630902	QUEENSBURY	\$ 2,062,871	13%
491200	RENSSELAER	\$ 1,324,600	13%
580602	RIVERHEAD	\$ 8,389,591	28%
261600	ROCHESTER	\$ 25,709,082	5%
280221	ROCKVILLE CENTRE	\$ 2,223,811	32%
580209	ROCKY POINT	\$ 2,415,859	12%
411800	ROME	\$ 5,851,928	11%
280208	ROOSEVELT	\$ 12,099,237	26%
280403	ROSLYN	\$ 1,176,805	30%
261701	RUSH HENRIETTA	\$ 5,328,456	22%
661901	RYE NECK	\$ 631,255	30%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
580413	SOUTH HUNTINGTON	\$ 9,884,268	35%
220101	SOUTH JEFFERSON	\$ 2,193,078	12%
500301	SOUTH ORANGETOWN	\$ 834,381	11%
530600	SCHENECTADY	\$ 15,666,472	14%
280206	SEAFORD	\$ 1,149,562	14%
560701	SENECA FALLS	\$ 1,459,389	15%
280252	SEWANHAKA	\$ 9,355,869	29%
520302	SHENENDEHOWA	\$ 5,689,120	18%
580601	SHOREHAM-WADING	\$ 1,166,109	17%
121601	SIDNEY	\$ 1,408,970	12%
061501	SILVER CREEK	\$ 1,238,504	11%
420702	SOLVAY	\$ 2,141,411	19%
662101	SOMERS	\$ 1,501,869	26%
010601	SOUTH COLONIE	\$ 3,871,667	21%
060201	SOUTHWESTERN	\$ 972,950	12%
131602	SPACKENKILL	\$ 2,148,773	33%
261001	SPENCERPORT	\$ 2,311,749	10%
401001	STARPOINT	\$ 2,383,761	18%
500401	SUFFERN	\$ 4,484,996	35%
140207	SWEET HOME	\$ 1,677,422	11%
280502	SYOSSET	\$ 4,465,528	42%
421800	SYRACUSE	\$ 16,988,464	6%
660401	TARRYTOWN	\$ 2,166,710	27%
660302	TUCKAHOE	\$ 633,283	36%
280202	UNIONDALE	\$ 11,912,372	24%
412300	UTICA	\$ 18,237,211	16%
280213	VALLEY STREAM THIRTEEN	\$ 1,826,505	19%
280224	VALLEY STREAM TWENTY-FOUR	\$ 1,362,032	27%
660805	VALHALLA	\$ 766,252	27%
280251	VALLEY STREAM CENTRAL HIGH	\$ 7,987,677	38%
280230	VALLEY STREAM UNION FREE (THIRTY)	\$ 2,309,469	32%
441301	VALLEY-MONTGOMERY	\$ 3,593,591	12%
431701	VICTOR	\$ 4,076,417	28%
011003	VOORHEESVILLE	\$ 600,630	16%
260803	WEST IRONDEQUOIT	\$ 5,109,042	27%
132101	WAPPINGERS	\$ 9,093,600	20%
442101	WARWICK VALLEY	\$ 2,189,342	13%
440102	WASHINGTONVILL	\$ 2,769,551	12%
222000	WATERTOWN	\$ 5,064,288	14%

BEDS Code	District	Greater than \$10,000,000	Greater than 10%
011200	WATERVLIET	\$ 2,736,457	19%
261901	WEBSTER	\$ 4,651,059	15%
022601	WELLSVILLE	\$ 1,454,934	11%
420101	WEST GENESEE	\$ 3,310,474	15%
280227	WEST HEMPSTEAD	\$ 1,085,683	17%
280401	WESTBURY	\$ 9,203,476	20%
420701	WESTHILL	\$ 1,139,928	14%
662200	WHITE PLAINS	\$ 5,253,664	28%
580232	WILLIAM FLOYD	\$ 22,115,613	21%
140203	WILLIAMSVILLE	\$ 5,273,570	18%
580109	WYANDANCH	\$ 9,103,652	24%
662300	YONKERS	\$ 12,728,626	5%
662402	YORKTOWN	\$ 2,558,995	25%