



SEAFORD UNION FREE SCHOOL DISTRICT

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By Email (REGCOMMENTS@nysed.gov)

Mr. David Frank
Assistant Commissioner for Education Policy
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Re: Opposition to NYSED's Emergency Regionalization Mandates and in Support of the State Legislature's "Our Schools, Our Rules Act"

Dear Mr. Frank:

On behalf of the Seaford School District, we write to express our strong opposition to the emergency rule recently promulgated by the New York State Education Department ("NYSED") concerning the development and implementation of regionalization plans in BOCES districts across this State as set forth in the New York Register, September 2024 Edition, Subpart 124-2, as well as the accompanying proposed rule in the October 2024 Register at Subpart 124.1 concerning the role of District (BOCES) Superintendents. We urge NYSED to not renew the emergency rule and instead to suspend all further actions concerning regionalization.

As a threshold procedural matter, invoking emergency rulemaking in this context appears to be a misuse of emergency powers, which may only be used in limited circumstances for the "preservation of general welfare." Here, the purported purpose of the emergency rule on regionalization—namely, to address "educational disparities, fiscal constraints, and operational inefficiencies across school districts in New York State"—does not rise to the level of an emergency necessary to bypass the normal rule-making procedures of the State Administrative Procedures Act (SAPA) in favor of expedited measures.

As you know, this emergency rule operates as a regulatory legal mandate *effective immediately* and will continue so long as the emergency rule is renewed in November or a permanent rule is adopted by the Board of Regents in January 2025. As such, the regulation is not merely a "conversation starter" as urged by NYSED in subsequent communications, webinars, and press releases, but instead is a vaguely defined, yet onerous mandate, as set forth by the rule's plain language that envisions the merging of resources, programs and services across multiple school districts.

The regionalization rule as written poses a significant threat to our ability to govern our district with autonomy and in the manner we deem best for our students, families, and staff. Moreover, forcing collaboration with other districts may lead to diminished resources, reduced staffing opportunities, fiscal strain, diversion of services funded by local taxes for the benefit of non-Seaford students, and the loss of a personalized education.

The emergency rule and proposed permanent regulation confer unprecedented oversight authority to BOCES, an entity whose charter concerns shared educational services rather than district management and oversight. This shift in power combined with the ambiguity surrounding approval processes, decision-making protocols, requisite consensus among districts, and avenues for appeals, and the general ambiguity with which the rule is drafted, further undermines public confidence in this initiative.

Compounding the situation, the second proposed rule published in the New York Register, October 2024 edition, Subpart 124.1, which seeks to clarify the roles and responsibilities of District (BOCES) Superintendents with respect to regionalization, yields notable power to District (BOCES) Superintendents upon component school districts like Seaford. Additionally, for a rule that purports to promote equity, there are inherent inequities in absolving the “Big 5” school districts (including, but not limited to, New York City)—which is the largest component of the state budget—from this regionalization mandate.

Although regionalization has been a NYSED topic of discussion for many months, stakeholders—particularly local superintendents, boards of education, teachers, parents, and community members—have not been engaged in the dialogue. The Seaford School District is committed to providing a robust education tailored to the specific needs and expectations of our students and community. The proposed regionalization plan jeopardizes our local control over essential educational decisions, undermining the autonomy necessary to address the diverse needs of our student population. Each Board of Education, elected by its own constituents, are uniquely positioned to understand and make decisions based on the needs of their stakeholders.

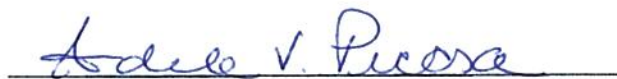
For these reasons, the Seaford Board of Education opposes any regulation that is not narrowly-tailored, that impacts the governance and autonomy of our district, and which seeks to usurp the power of the Board of Education. Accordingly, we strongly support the “Our Schools, Our Rules Act” recently introduced legislation by Assemblyman Jake Blumencranz and co-sponsored by Senator Steve Rhoads which protects local control over schools and blocks state-mandated regionalization.

Any regionalization initiatives pursued by NYSED should proceed solely on a voluntary basis and in collaboration with all stakeholders. We respectfully request that NYSED withdraw this emergency rule and instead engage in an open, inclusive dialogue with those who wish to participate.

Sincerely,

Seaford UFSD Board of Education

Superintendent of Schools



Lisa A. Herbert, President

Dr. Adele V. Pecora, Superintendent of Schools

cc: Governor Kathy Hochul
Assemblyman David G. McDonough
Assemblyman Jake Blumencranz
State Senator Steven D. Rhoads
Nassau County Legislator Michael J. Giangregorio
Nassau County Executive Bruce Blakeman
Town Supervisor Don Clavin