

The rules that govern our schools and school budgets

Mandates & mandate relief



"Mid-Hudson's Regional Education Advocacy Districts, known as READ, represent seven school districts... READ districts are forced to spend an average of 20% of the annual budget on unfunded mandates. We have done the research. If this were representative of the entire state of New York, it would use up about \$6 billion of a possible \$30 billion in education dollars."

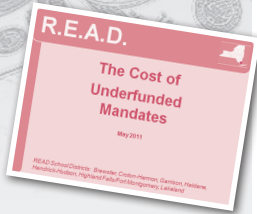
— **READ Coalition Fact Sheet**
April 2011

"The burden of mandates is not a new one. These requirements have accumulated over decades and are woven throughout statute and regulation... In 2011, one of the Governor's first executive orders created a team of experts charged with finding ways to cut the unfunded mandates that help make New York one of the most taxed states in the nation. Based on this team's efforts, the Governor worked with the Legislature to enact a \$125 million mandate relief package."

— **Mandate Relief Council**
Annual Report to the Governor
December 2013

"The State relies on its municipalities and school districts to deliver vital services to its residents and often prescribes exactly how these services should be provided. This limits flexibility and increases costs. While local governments have been consistently vocal about this issue, their voice has traditionally fallen on deaf ears in Albany."

— **2011 Mandate Relief Redesign Team**
Final Report to the Governor
December 2011



New York schools provide vital services to students and families. Residents rely on this, and the state often prescribes how these services should or can be provided. This affects what personnel school districts have (from administrative to clerical), what programs are offered and how districts spend taxpayer money.

These rules, regulations and laws are also called mandates.

For more than 30 years, school and state leaders have discussed, researched and reported on how to reduce mandates on school districts and subsequently reduce taxes.

In December 2008, Thomas Suozzi, Chairman of the Commission on Property Tax Relief, wrote in his report to then-Governor David Paterson, *"These surely are difficult times. We must provide New Yorkers with property tax relief and we must improve educational quality. To succeed in both efforts, we must give schools the flexibility to redirect existing resources towards educational quality. Mandate reform is essential to that effort."*

Almost every state report that has been released on the topic of mandate relief for schools has outlined a series of recommendations on how to

Mandates require greater accountability and a certain quality of education from our schools. However, they also limit flexibility and increase the cost of operating a school in New York state. When discussing a school district's budget, it's important to understand the costs that drive the budget and the many rules that govern the budgeting process.

achieve such relief. Each report builds on those before it; however, very few of the proposals have actually been enacted. Instead, the New York State Legislature, governor and Board of Regents, as well as the federal government, often enact NEW mandates that school districts must follow.

More often than not, these new regulations come underfunded or unfunded—meaning that school districts must cut existing programs or pass on the cost to local taxpayers.

Mandate relief?

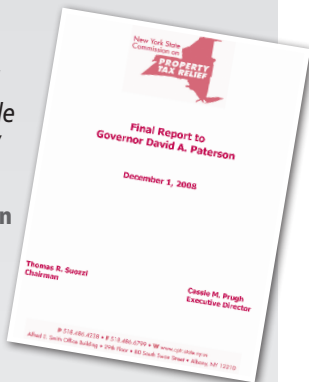
For 2014-15, Gov. Andrew Cuomo has proposed mandate relief in the form of allowing schools to seek special education waivers from the New York State Education Department. He has also proposed several new initiatives that, on the surface, appear to benefit students, but they have the potential to become new un/underfunded mandates for schools. One example is the statewide universal full-day pre-kindergarten initiative, in which the state would invest \$1.5 billion over five years. Commissioner of Education Dr. John B. King, Jr., estimates such a program would cost at least that much to operate *each year*.

In recent years, organizations representing schools, businesses and local governments have called for a variety of mandate relief measures:

- Ensure there are no new mandates without full funding, based on an annual accounting of the cost of the mandates to schools and localities.
- Amend the Wicks Law, which requires multiple contractors on most construction projects, to provide savings on the cost of long-term capital improvements for school districts and the state.
- Repeal state special education mandates that exceed federal requirements and drive up costs — by as much as \$1.3 billion annually — without demonstrating a corresponding improvement in students' educational outcomes.
- Allow for the creation of a reserve fund to cover costs related to state-mandated employer contributions to teachers' retirement system.
- Establish minimum health insurance contribution levels for employees and retirees.
- Reform regulations to facilitate greater efficiency and regional cooperation among schools and municipalities, including through BOCES.
- Reform the Triborough Amendment, which keeps many aspects of expired union contracts in place during collective bargaining.

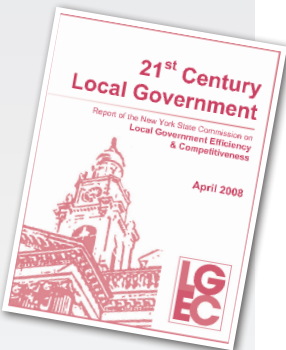
"Our school districts also need to reduce spending, but to do so the State must enact the historically difficult to achieve changes in state laws and mandates. The Commission respectfully requests that you now join your property tax cap effort with a mandate relief effort to empower school districts statewide to reduce costs."

– **NYS Commission on Property Tax Relief**
Final Report to the Governor
Dec. 1, 2008



"State government creates the rules under which local governments and schools operate – rules which can stand in the way of efficient and effective operations... Our suggestions for change are presented with a mix of optimism and concern, because past local government reform commissions have issued reports that were not implemented."

– **NYS Commission on Local Government Efficiency and Competitiveness**
21st Century Local Government Report
April 2008



"In many localities, officials feel that their units of government are treated as poor relatives in the distribution of resources by the higher levels of government...local governments feel themselves weighed down by costly and at times oppressive State legislative mandates for new functions, programs and employee benefits."

– **NYS Temporary State Commission on the Powers of Local Government**
March 31, 1973

Mandates for school districts come in many forms

While mandates increase accountability and in many cases improve educational quality, they can also limit flexibility and affect how districts spend money. Mandates not only focus on the education, health and safety of students, but they also encompass a wide range of daily school operations.

Examples of mandates include:

- Annual Professional Performance Reviews for teachers and principals, including the creation of a district APPR plan outlining formal review procedures, criteria for and methods of assessment, and how the district will provide training for reviewers.
- Common Core Learning Standards adoption, implementation and realignment of existing curriculum.
- Special education mandates for Individualized Education Plans, specialized instruction by appropriately certified professionals and related service providers, a CSE chairperson, 504 plans and more. The state has at least 200 mandates beyond federal requirements.
- Provision of special education services by public schools to students with disabilities who are enrolled by their parents in private and/or charter schools.
- Transportation of students with disabilities to their programs (up to 50 miles); private school and charter school students (up to 15 miles); and homeless students to current or prior district (parental choice).
- Internal and external audit requirements and reporting, and required separation of business office duties.
- Fingerprinting of potential employees, consultants and contractors who will be in school buildings.
- Availability of and staff training on using automatic external defibrillators (AEDs) in school facilities.
- Minimum seat time requirements for students.
- Provision of academic intervention services based on state guidelines regarding students' performance on state assessments.
- Sex offender notifications, pursuant to "Megan's Law."
- Mandatory paid employee time off for breast and prostate cancer screenings and blood donations (in addition to contractual allotments for sick days and vacation time).
- Purchase of graphing calculators for students taking intermediate-level and high school math and science assessments.
- Maintenance of a health record (including dental health) for every student.
- Required collection of students' Body Mass Indexes, including screening for eating disorders, and reports on the information to the state Department of Health.
- More than 140 plans, reports and applications for the New York State Education Department: incarcerated student plans, early grade size district plans, attendance plans and reports, five-year capital facilities plans, building condition surveys, special education space requirements plan, pesticide notification requirements, school-based shared decision-making plan, instructional computer technology plans, individual home instruction plans, district and school safety plans, codes of conduct, etc.

This is only a sampling of the mandates placed on school districts. The NYS Education Department has compiled a more extensive, though still incomplete, list of "mandates that represent the greatest challenges to districts in terms of financial burden and required time/human capital." View the list at www.p12.nysed.gov/fmis/mandaterelief.