

The rules that govern our schools and school budgets

Mandates & mandate relief



"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..."

I congratulate the Legislature on their engagement and on the progress made to date, and I encourage them to continue in this effort. Our local taxpayers are calling for real reform, and the steps outlined in this report will save an additional \$245 million."

– 2011 Mandate Relief Redesign Team
Final Report to the Governor on Accomplishments and Opportunities
December 2011

Visit the governor's mandate relief website at <http://governor.ny.gov/mandaterelief>

"For far too long, the relationship between the State and local governments has been a one-way street where mandates are handed down from Albany without care for the impact on local governments or their taxpayers. These mandates, delivered by the State without flexibility or full funding, are a major reason why New York has some of the highest property taxes in America."

– 2011 Mandate Relief Redesign Team
Preliminary Report to the Governor
March 1, 2011

New York's schools provide vital services to students and families throughout the state. Residents rely on this, and often the state 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

Mandate relief?

For 2013-14, Gov. Andrew Cuomo has proposed a series of measures aimed at mandate relief based on the initial findings of the most recent Mandate Relief Council. These proposals include special education waivers, changes to certain reporting requirements, and a stable rate pension option. As of March, many details were still unknown about these proposals. The governor and Legislature have enacted a new pension tier, which is slated to save districts millions in pension contributions in the long term (these savings will not be realized for many years). However, there are many other mandate relief ideas that business, education and local government organizations have called for in recent years. These include:

- Reform the Triborough Amendment, which keeps many aspects of expired union contracts in place—including some pay increases—during collective bargaining.
- Reduce the burden of excessive mandates by providing full state funding for all new mandates and an annual accounting of the cost of mandates to schools and localities.
- Exempt schools from the state's 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.
- Reduce New York's special education mandates, which far exceed federal requirements and drive up costs by as much as \$1.3 billion annually without necessarily demonstrating a corresponding improvement in students' educational outcomes.
- Establish minimum health insurance contribution levels for employees and retirees.
- Reform regulations to facilitate greater efficiencies and regional cooperation among schools and municipalities, including through BOCES.

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 what costs drive that 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.

In fact, almost every year, the Legislature, governor, Board of Regents or the federal government enact NEW mandates that districts are required to follow.

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



"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

School district mandates 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 other aspects of daily school operations.

Here are some examples:

- 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. These new requirements, which are tied to the federal Race To The Top program, are complex and costly to implement.
- Common Core Standards adoption, implementation and realignment of existing curriculum.
- Special education mandates, including Individualized Education Plans, specialized instruction by appropriately certified professionals and related service providers, CSE chairperson, 504 plans, and more.
- Provision of special education services by public schools to students with disabilities who are enrolled by their parents in private and/or charter schools.
- Internal and external audit requirements and reporting, and required separation of business office duties.
- Transportation of students with disabilities to their programs (up to 50 miles); of private school and charter school students (up to 15 miles); and of homeless students to current or prior district (parental choice).
- Fingerprinting of potential employees, consultants and contractors who will be in school buildings.
- Sex offender notifications, pursuant to "Megan's Law."
- Mandatory paid employee time off for breast and prostate cancer screening and blood donations.
- Purchase of costly graphing calculators for students, required for intermediate-level and high school math and science assessments.
- Maintenance of a health record (including dental health) for every student.
- Required collection and reporting (to state Dept. of Health) of students' Body Mass Indexes, including screening for eating disorders.
- Availability of and staff training on using Automatic External Defibrillators (AEDs) in school facilities.
- Numerous plans and reports including: Incarcerated student plans, early grade size district plans, attendance plans & reports, 5-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.

These examples offer only a sampling of all of the mandates placed on New York school districts. The State 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.