

Understanding Mandates

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 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.

Mandate relief?

It is common for politicians or state education leaders to propose new education initiatives that, on the surface, appear to benefit students, but that also have the potential to become new un/underfunded mandates for schools.

One example is the statewide universal full-day pre-kindergarten initiative from 2014, in which the state would invest \$1.5 billion over five years. Former Commissioner of Education Dr. John B. King, Jr., estimated at the time that 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.

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

- 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 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.
- 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.

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.