The rules that govern our schools and school budgets

Mandates and mandate relief

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 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?

It is not uncommon 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.

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The Capital Region BOCES Communications Service (http://www.capitalregionboces.org), in consultation with the Questar III BOCES State Aid and Financial Planning Service. Published February 2015

“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](http://www.p12.nysed.gov/fmis/mandaterelief).