

# MEMORANDUM

## *Mandate Relief*

In relation to the 2013 – 2014 Executive Education Budget

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### ***The New York State Council of School Superintendents is CONCERNED about mandate relief, and urges attention***

Mandate relief must be an integral aspect of all budget and legislative discussions and is necessary for the continued stability and health of our educational system. While we can attempt to prohibit future unfunded mandates, local governments need immediate help with currently imposed unfunded mandates.

The Executive Budget begins to address mandate relief, and we strongly support the proposals below. Much more relief is needed to divest schools and municipalities from unfunded and burdensome mandates.

#### **Special Education Waiver**

We strongly support the Governor's proposal to allow schools to obtain waivers from specified special education mandates.

#### **Paperwork Reduction**

We also support the Governor's proposal to reduce paperwork demands on schools and local governments by repealing every existing reporting requirement effective April 1, 2014 unless the Mandate Relief Council concurs with an agency's request to maintain it.

The State Education Department lists over 140 plans, reports and applications schools may be required to complete – roughly three for every week of the year.

How do you want school leaders spending their time – filling out reports no one ever reads, or doing things that can make a real difference for students and taxpayers?

We look forward to working with our executive and legislative leaders to ensure real, meaningful mandate reform and urge consideration of the following mandate relief proposals. We are also hopeful that the Mandate Relief Council will bring significant change to this process.

#### **Other Mandate Relief**

We support the following mandate relief proposals, along with many others:

- **Mandate relief for schools** – Include S.5816 (Flanagan, 2012) in the budget, which would enact comprehensive mandate relief for school districts and BOCES.
- **Moratorium on new unfunded mandates:** The Governor, Legislators, and Board of Regents should all pledge to neither propose nor adopt any new unfunded mandates.

- **Limit future unfunded mandates:** Include S.1176 (Martins) in the budget, which establishes limitations to restrict the adoption of new state laws imposing additional unfunded mandates on schools local governments.
- **Annual report card on mandates:** The State Comptroller should report each year on all mandates, funded and unfunded, enacted and repealed, either by law or regulation.
- **Unfunded Mandate Reform Act:** Include S.5379/A.8150 (Martins/Morelle, 2012) in the budget, the Unfunded Mandate Reform Act. This legislation authorizes the Governor to submit an unfunded mandate reform plan to the Legislature each year, to be voted upon without amendment within 30 days of its submission.
- **Comprehensive special education reform:** Enact comprehensive special education reform, including, but not limited to, aligning New York's mandates to other states and the federal requirements, convening a blue ribbon commission to study and report on special education reform, allowing more class size flexibility, shifting the burden of proof back to parents for impartial hearings, analyzing out of district and out of state private placements, and amending the two year statute of limitations on requests for impartial hearings.
- **Promote development of Regional High Schools:** Authorize two or more school districts or BOCES to form a regional high school in order to sustain the capacity provide students with an adequate and comprehensive high school education.
- **Remove obstacles for BOCES**  
Authorize BOCES to enter into agreements with other local government entities for non-instructional services. Grant BOCES the authority to contract for telecommunications equipment on behalf of their component school districts. Authorize BOCES to enter into leases for up to 20 years, with an option to purchase the subject property at intervals provided in such a lease.
- **Seat time flexibility:** Abolish minimum seat time requirements and allow adjustments for student need and competency.
- **Minimum health insurance contributions:** Establish minimum health insurance contributions for employees and retirees.
- **Leave for medical screening screenings:** Eliminate the allowance of additional time off for teachers, over and above sick and vacation time, for these screenings. Teachers traditional enjoy summer months off and should be encouraged to schedule these necessary screenings during this plentiful time period.
- **Mandated mailings by electronic mail:** Allow school budget mailings and other mandated mailings to be sent by electronic mail for parents and taxpayers who opt out of traditional paper mailings.
- **Allow for regional transportation:** Allow districts to jointly, or through BOCES, further collaborate on transportation of students and amend section 305(14) of the education law to authorize the collaboration of transportation contracts, even if using a contractor.
- **Amend Triborough:** Amend the Triborough Law by freezing salary step increases when a contract expires, while keeping all other benefits and base salary in place.
- **Amend Wicks and Reform Scaffold Law:** Reduce the cost of construction on public/private projects, by amending Wicks Law and enacting scaffold reform.
- **Redefine compulsory arbitration and limit access to binding arbitration**