

STATE OF NEW YORK



SENATE and ASSEMBLY

Pursuant to the authority vested in us by section 70-b of the Public Officers Law and upon information and belief, I, Joseph L. Bruno, Temporary President of the Senate and I, Sheldon Silver, Speaker of the Assembly, hereby jointly certify that the text of the provisions of law contained in this publication is a correct transcript of the law as passed by the Senate and Assembly.

MANDATES and STATE SUPPORT OF PUBLIC EDUCATION

This certification is issued for:

West
Education Law
§§ 2550 to 2600

Chapter 56/07 with 18 and 23-4
not yet released

McKINNEY'S CONSOLIDATED LAWS OF NEW YORK ANNOTATED

EDUCATION LAW

Laws 1947, Chapter 820, Amending Laws 1909, Chapter 21, as generally amended by Laws 1910, Chapter 140

Effective July 1, 1947

AN ACT relating to education, constituting chapter sixteen of the consolidated laws.

Became a law April 14, 1947, with the approval of the Governor. Passed, three-fifths being present.

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ED LAWS

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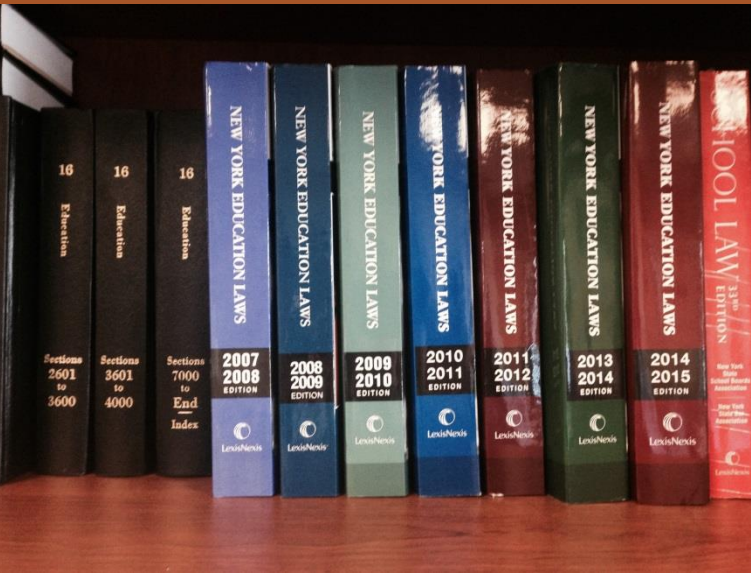
Articles 52 to 52-A appear in this volume

TITLE I—GENERAL PROVISIONS

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NCCSS Financial Forum
February 6, 2015

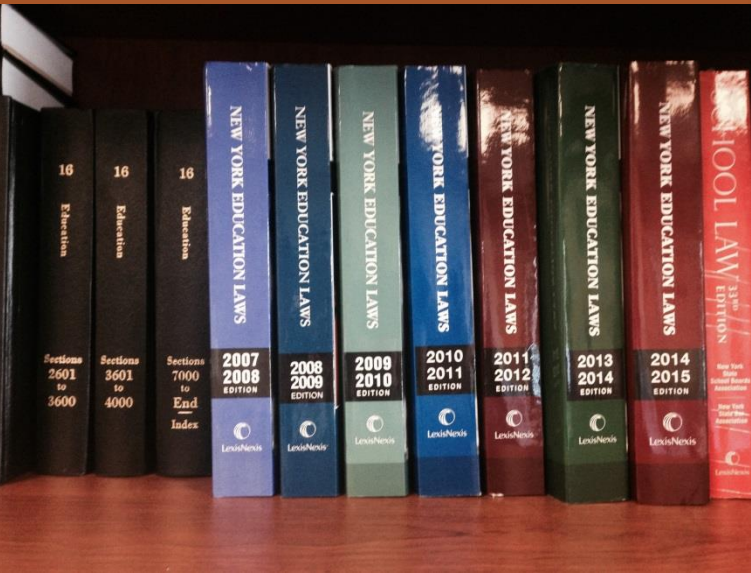
Patrick Manley and David Weiss



What are mandates?

Many times they are for desirable goals

Requirements from agencies, departments and governments that have costs borne by local districts



Impact of mandates in a tax cap era

Have the effect of adding costs

- Directly, by requiring purchases or additional staffing
- Indirectly, by increasing time spent by existing staff on new requirements

Latest Examples of Mandates

- **Annual Professional Performance Review**
 - **Desirable Goal:** Improve the evaluation process and accountability for professional staff
 - **Process:** The law required districts to negotiate portions of the evaluation with their unions and required additional training for evaluators.
 - **Implementation:**
 - All districts bore the cost of implementation
 - Some districts could not achieve their collective bargaining goals because the local APPR was tied to their contract negotiations
 - **Comment:**
 - Instituted as a result of Race to the Top

Latest Examples of Mandates

Annual Professional Performance Review

Implementation Costs:

- Time deciphering regulations and attending trainings prior to implementation
- Time determining best practices prior to negotiation agreement with bargaining units (selection of rubrics and methods for recording)
- Legal costs
- Time reporting plans on State web site
- Purchase/setup of systems to electronically record and track teacher “scores”
- Revising systems and practices to track period by period attendance
- Training of administrators and teaching staff on new evaluation rubrics
- Mandated training requirements for lead evaluators
- Purchasing services of paid external evaluator's (optional)
- Uploading and verifying teacher rosters
- Development and implementation of SLO's
- Compiling end of the year data and communicating it to staff on State timeline
- Altering practices around assessing and grading to meet requirements
- Development and supervision of SLO's

Latest Examples of Mandates

Part 154 (New English Language Learners)

- **Desirable Goal:** Improve services for ESL children
- **Process:** The law requires all districts to reorganize services to new English language learners, modify intake procedures and provide in-service to teachers
- **Implementation:**
 - Districts are reviewing their current ESL populations and the type of service the law requires. Almost all districts will need to either add staff or re-configure their buildings (busing costs?)
 - Add staff with additional training for intake
 - Add required professional development

Latest Examples of Mandates

Dignity Act (DASA)

- **Desirable Goal:** Reduce bullying and promoting appropriate citizenship
- **Process:** The law requires districts to address, record and report all incidents of bullying, including cyberbullying (on or off campus)
- **Implementation:**
 - All districts bear the cost of on-going training
 - Staff required to address behaviors that occur between students out of school and off campus
 - District incurs additional legal fees
 - New reporting requirements

Latest Examples of Mandates

Common Core ELA & Math

- **Desirable Goal:** Raise standards and improve instruction
- **Process:** The requirements establish a new curriculum, new teaching approaches, new assessments, and new proficiency levels for attaining annual yearly progress
- **Implementation:**
 - All districts bore the cost of training
 - Most districts underwent curriculum revisions
 - Most districts purchased new curriculum materials (e.g. math manipulatives and/or non-fiction texts)
 - Many districts communicated the new standards to parents
 - Many districts increased their level of support services & AIS
- **Comment:**
 - Competitive grants were available for implementation, but only a few districts were awarded them

Latest Examples of Mandates

Affordable Care Act

- **Desirable Goal:** Provide health insurance to workforce
- **Process:** Mandates health insurance for “full-time” workers of districts or face stiff fines (\$2000 per employee)
- **Implementation:**
 - Mandated health insurance for all 30 hr/week employees
 - Mandatory notice provisions
 - District-wide tracking of part-time , multi-role, and substitute employees
 - Employment decisions made around costs, not children
 - Increased monitoring of employee attendance to avoid large penalties. Some districts now contract this function out or add staff
- **Comment:**
 - Example of a federal labor law with school district implications

Latest Examples of Mandates

Changes in Residency Process for Enrolling Students

- **Desirable Goal:** Ensure all students have access to the public education system
- **Process:** Students must be immediately enrolled within one business day or request (prior to review of documentation)
- **Implementation:**
 - Likely to increase the number of residency investigations
 - Likely to increase the number of residency hearings
 - Likely to increase legal costs

Policy Shift

- It is no longer just about *how much*, it is now about *what* and *how* the State share of education funding is distributed
- Aid to education is being re-directed resulting in a larger share of the burden falling to local taxpayers
 - State Budget Gap
 - Charter Schools
 - Competitive Grants
- With tax levy cap, communities are voting on smaller allocations for improvements
 - Mandates compromise even this local discretion
- Competitive grants and legislating regulatory change through the budget process adds uncertainty to the local budget process

Policy Shift

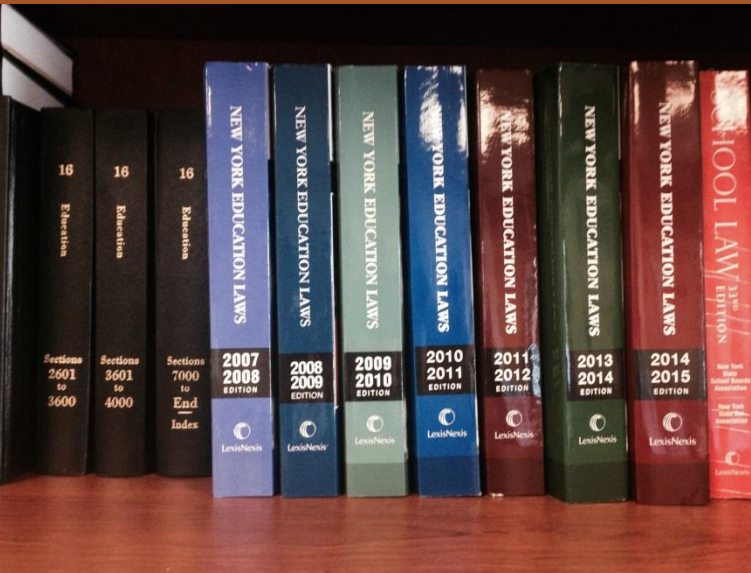
Competitive Grants

- A portion of the state education budget has been carved out to fund competitive grants
 - **Management Efficiency Grants & Performance Improvement Grants**
 - Only small number of districts applied
 - Less than ½ applicants in either grant received allocations and less than ½ the money carved out was distributed in either grant
 - **Strengthening Teacher and Leader Effectiveness Grants (STLE 1, 2, & 3)**
 - Limited availability, including regional distribution
 - Targeted criteria based on Race to the Top State Grant
 - Required union sign-offs
 - **Universal Full-Day (innovative) Pre-Kindergarten**
 - Funding directed toward NYC
 - Time constraints for submissions
 - Required grant writing capability
 - Frequent required reports

Policy Shift

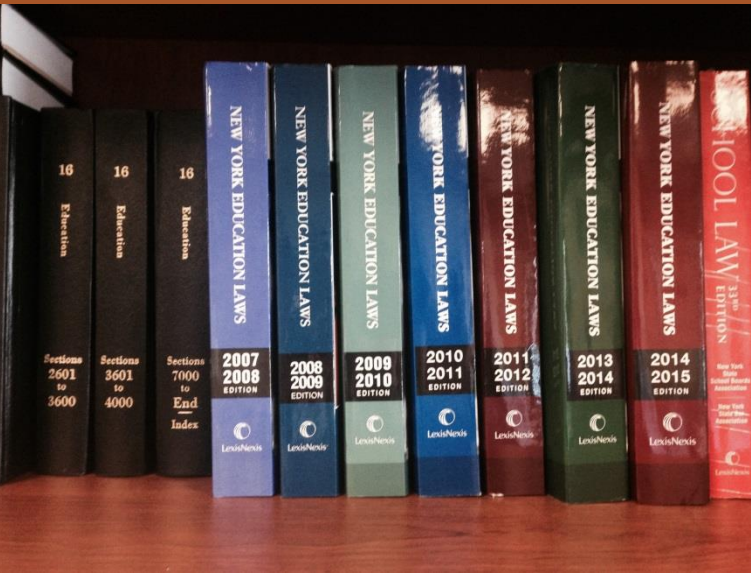
Charter Schools

- Tuition or state aid is re-directed from a public school district for each child attending a charter school (not based on district performance)
- Local public schools incur additional costs for students attending charter schools beyond tuition, such as out-of-district transportation
- Governor's budget calls for an expansion



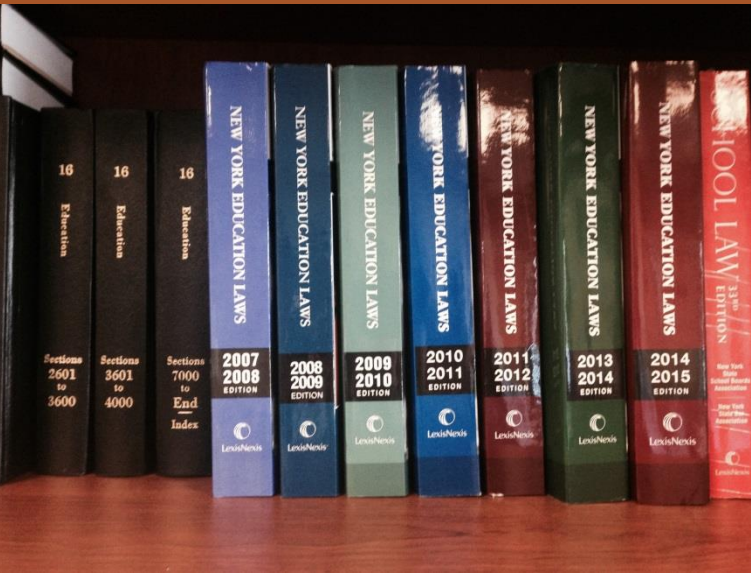
Considerations

- Inform public of these changes
- Require local cost **impact study** for all new education legislation and regulations



Recent mandates

- HS AYP based on “aspirational” college readiness measures
- Online BEDS reporting
- Changes in GED requirements to CCS
- New HS Graduation pathways
- CPR instruction for students
- Tracking graduation cohorts for 7 years



Anticipated & proposed mandates

- Cadillac Tax under the Affordable Care Act in 2018
- Proposal for external APPR evaluators
- 2021 graduation based on aspirational levels
- Revised Social studies curriculum & assessments
- Revised science curriculum & assessments
- Digital testing