

ISSUE BRIEF

Mandate Relief

A mandate is any requirement imposed by a state law or regulation that requires a new activity or service or a higher level of service for an existing program, project or activity. In most cases, additional funding is needed to fulfill mandates. The mandate is “unfunded” if no additional funding is provided by those (legislature, governor, Board of Regents or federal government) who are requiring the action.

NYSSBA is strongly advocating for the cessation of any new unfunded mandates on schools and the elimination or significant modification of the most onerous mandates. Many mandates on school districts are “cost drivers” that were put in place in a by-gone era, during different economic times. The remedies, therefore, must come from the state legislature.

In order to minimize the negative educational impact caused by the decline in state school-aid funding, a number of mandates must be eliminated or significantly modified, including:

- Eliminate automatic salary increases. These step raises cost school districts as much as \$113 million annually and change the negotiating environment, making labor agreements more difficult to resolve.
- Eliminate seniority as the sole control over layoffs. Last in first out, as required by state law, is forcing many effective teachers out of their jobs when they are most needed to address specific student needs.
- Reform of the 3020-a teacher discipline process. The 3020-a cases take an average of 502 days at a cost of \$216,588 from initiation to completion. Allowing SED to hire a pool of competent, trained professionals would enable cases to be decided more quickly and cut down on time and resultant costs.

The three specific mandate relief items all relate to labor and personnel management. Public education is labor intensive; indeed, over 70% of school costs are in this area. Flexibility in this area is therefore needed if mandate relief is going to produce significant cost savings. Without changes the only option available to school districts is the cutting of teacher positions and the diminishing of educational programs.

Over the last year, a number of accomplishments have occurred and should be recognized, these are:

- Tier VI pension has been established. The reduced pension costs incurred by school districts will decline over time as new employees enter this pension level.
- The Mandate Relief Council was established and recommended the streamlining of the process determining

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special education eligibility and services; and the elimination of an internal auditor requirement for school districts with less than 1,000 enrollment.

- The Governor, as part of the 2013-2014 Executive Budget has included the Mandate Relief Council's recommendations listed above and made changes in unemployment and Workers Compensation that will reduce school districts' costs.

Of the 65 specific requests received by the Mandate Relief Council, all but four were from school districts (94%). The creation of Tier VI was right from the NYSSBA "Playbook". **The NYSSBA membership's advocacy is being heard.** The next level of mandate relief producing significant cost savings will be more difficult. As quoted by Senator Betty Little, as a member of the Mandate relief Council: "Every mandate has a constituency".

The continued advocacy of NYSSBA and its membership, articulating the need for mandate relief and its importance in providing quality education, is necessary to have the legislature implement truly significant mandate relief in the reform of: automatic step increases, LIFO as a sole determining factor, and the 3020-a teacher disciplinary process.