

# School District Mandated Items

Every year, the New York State Legislature, Governor, and Board of Regents and/or the Federal Government adopt new mandates that school districts are required to follow. In virtually all cases, additional funding is needed to fulfill these mandates. In most cases, the majority of funding is sustained at the local level. Therefore the mandate is “unfunded” by those who are requiring the action. Although most are supported by the majority of the educational community the reality is that each mandate requires a variety of resources: administrative, clerical, and financial. The State Education Department has compiled a comprehensive list of unfunded mandates by general category below:

| No.                   | Mandate   | State Law,<br>Federal Law or<br>Regulation | Dedicated Funding<br>Provided <sup>5</sup> |
|-----------------------|---|--|--|
| <b>Administration</b> |   |  |  |
| 1                     | Shared Decision Making Team   | Regulation                                 | None                                       |
| 2                     | Comprehensive Attendance Program  | Regulation                                 | None                                       |
| 3                     | Joint Intervention Teams and Distinguished Educators                      | State                                      | None                                       |
| 4                     | Medicaid Informed Consent Requirements                                    | Federal                                    | None                                       |
| 5                     | Annual Census   | State                                      | None                                       |
| 6                     | 3020a Process   | State                                      | None                                       |
| 7                     | Master's Degree Required for Teacher Certification                        | Regulation                                 | None                                       |
| 8                     | Required Oaths  | State                                      | None                                       |
| 9                     | Prohibition of Advertising  | Regulation                                 | None                                       |
| 10                    | Bidding and Purchasing Requirements (Multiple bids)                       | State                                      | None                                       |
| 11                    | Lack of flexibility in using textbook, library materials and software aid | State                                      | Categorical Aids                           |
| 12                    | Record Retention Requirements   | State                                      | None                                       |
| 13                    | Personal Privacy Protection   | State                                      | None                                       |

|                 |  |         |  |
|-----------------|--|---------|--|
| <b>Business</b> |  |         |  |
| 14              | IRS Retirement Plan 403(b) Regulation Changes, Compliance and Plan Document                    | Federal | None   |
| 15              | Audit Committee  | State   | None   |
| 16              | Charter School Payments from District State Aid <sup>1</sup>                                   | State   | Charter School Transition Aid,<br>Transportation Aid |
| 17              | Claims Auditor   | State   | None <sup>2,4</sup>                                  |
| 18              | Corrective Action Plans to Address Comptroller’s Office or Education Department Audits         | State   | None   |
| 19              | Annual External Audits   | State   | None   |
| 20              | Audited Financial Statement  | State   | None   |
| 21              | GASB 34 - Additional Audit Costs and Fixed Asset Inventory Report                              | Federal | None   |
| 22              | GASB 45 – increased independent auditing costs and actuarial costs                             | Federal | None <sup>2,4</sup>                                  |
| 23              | Internal Auditor   | State   | None   |
| 24              | School District Property Tax Report Cards  | State   | None   |
| 25              | Segregation of Duties - Increased Staffing   | State   | None   |
| 26              | Six-Day Budget Notice to Residents   | State   | None <sup>2,4</sup>                                  |
| 27              | Six-Hour Financial Operations Training for BOE   | State   | None <sup>2,4</sup>                                  |
| 28              | Prohibition on BOCES providing services to municipalities, colleges, and third party contracts | State   | N/A  |
| 29              | Wicks Law Constraints  | State   | State Building Aid                                   |

|                   |   |         |                                   |
|-------------------|---|---------|-----------------------------------|
| <b>Facilities</b> |   |         |                                   |
| 30                | Five-Year Capital Facilities Plan   | State   | None                              |
| 31                | Administration of State Environmental Quality Review Act                        | State   | State Building Aid                |
| 32                | Annual Asbestos Management Plan Review (If Applicable)                          | Federal | None <sup>2,4</sup>               |
| 33                | Annual Visual Inspections   | State   | None <sup>2,4</sup>               |
| 34                | Asbestos Inspection & Management Plan   | Federal | None <sup>2,4</sup>               |
| 35                | Building Condition Survey (every 5 years)                                       | State   | State Building Aid <sup>2,4</sup> |
| 36                | Electronically Operated Gym Partitions Safety Interlock and Door Edge Detectors | State   | State Building Aid                |
| 37                | Environmentally Sensitive Products (“Green Cleaning”)                           | State   | None                              |

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| No. | Mandate   | State Law,<br>Federal Law or<br>Regulation | Dedicated Funding<br>Provided <sup>5</sup> |
|-----|---|--|--|
| 38  | Fire Extinguisher Testing and Monitoring                        | State                                      | None <sup>2,4</sup>                        |
| 39  | Fire Safety Inspection  | State                                      | None                                       |
| 40  | Hazardous Waste Removal   | State                                      | None                                       |
| 41  | Integrated Pest Management                                      | State                                      | None                                       |
| 42  | Limits on Combustible Materials in Corridors, including Artwork | State                                      | None                                       |
| 43  | Pesticide Notification Requirements                             | State                                      | None <sup>2,4</sup>                        |
| 44  | Radon Awareness & Testing                                       | Federal                                    | None <sup>2,4</sup>                        |
| 45  | School Facility Report Card                                     | Regulation                                 | None <sup>2,4</sup>                        |
| 46  | Special Education Space Requirements Plan                       | State                                      | Federal IDEA, Foundation Aid               |
| 47  | Triennial AHERA Inspection (Asbestos)                           | Federal                                    | None <sup>2,4</sup>                        |

## Health/Safety

|    |  |                      |                     |
|----|--|----------------------|---------------------|
| 48 | AIDS Education                                 | Regulation           | None                |
| 49 | Physical Examinations, Eye and Hearing Tests   | State                | None <sup>2,4</sup> |
| 50 | Review of Student Immunization Records         | State                | None <sup>2,4</sup> |
| 51 | Scoliosis Screening                            | State                | None <sup>2,4</sup> |
| 52 | Wellness Policy and Committee                  | Federal <sup>3</sup> | None                |
| 53 | Automatic External Defibrillators              | State                | None                |
|    | Bicycle Safety                                 | State                | None                |
| 54 | Blood-borne Pathogens Training                 | Federal              | None <sup>2,4</sup> |
| 55 | Right-to Know Law & Hazard Communication       | State                | None <sup>2,4</sup> |
| 56 | Training of Coaches in First Aid, CPR & AED    | State                | None <sup>2,4</sup> |
| 57 | Building Level School Safety Plan              | State                | None <sup>2,4</sup> |
| 58 | District Wide School Safety Plan               | State                | None <sup>2,4</sup> |
| 59 | Pandemic Flu Preparedness Plan                 | Federal              | None                |
| 60 | Violent & Disruptive Incidents (VADIR)         | Federal/State        | None                |
| 61 | Megan's Law Notifications                      | State                | None                |
| 62 | Body Mass Index (BMI)                          | State                | None                |
| 63 | N-95 Respirators during time of H1N1 pandemic  | State Dept. of Labor | None                |
| 64 | Swimming Pool Testing                          | State                | None                |
| 65 | Eye Safety Devices                             | State                | None                |
| 66 | Destruction of Hypodermic Needles and Syringes | State                | None                |

## School-Wide Instruction

|    |  |            |  |
|----|--|------------|--|
| 67 | 180 Days of Instruction  | State      | None   |
| 68 | Teacher certification areas and grade ranges   | Regulation | None   |
| 69 | Requirements for technology education, home and career skills, and library and information skills  | Regulation | None   |
| 70 | Academic Intervention Services (AIS)   | Regulation | None <sup>2,4</sup>                                  |
| 71 | Alternative Instruction of Suspended Students  | State      | None   |
| 72 | Behavioral Intervention Plan for Students with Disabilities  | Federal    | Foundation Aid, Public Excess Cost Aid, Federal IDEA |
| 73 | Coaching Certification   | Regulation | None <sup>2,4</sup>                                  |
| 74 | Code of Conduct Annual Review Committee  | State      | None   |
| 75 | Early Grade Size District Plan   | Regulation | None   |
| 76 | Grades 3 - 8 Testing Scoring , Analyzing and Mailings  | Federal    | None <sup>2,4</sup>                                  |
| 77 | Health Education   | State      | None   |
| 78 | Home Instruction   | State      | None   |
| 79 | Home Schooling - Individual Home Instruction Plan  | State      | None   |
| 80 | Homeless Student Instruction   | Federal    | None   |
| 81 | Instruction of Incarcerated Youth  | State      | None   |
| 82 | Conservation Day (Formerly Arbor Day)  | State      | None   |
| 83 | Curriculum Requirements. For Example, Conservation Day, the Irish Potato Famine, Humane Treatment of Animals, Patriotism and Citizenship, Care of the Flag, Flag Day Observance, Fire Prevention | State      | None   |
| 84 | Preschool Committee for Special Education Administration   | Federal    | None   |
| 85 | Regents Examination Administration   | Regulation | None   |

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| No. | Mandate   | State Law,<br>Federal Law or<br>Regulation | Dedicated Funding<br>Provided <sup>5</sup>                |
|-----|---|--|---|
| 86  | Revised Math Curriculum   | Regulation                                 | None  |
| 87  | Seat Time Requirements  | Regulation                                 | None  |
| 88  | Special Education Transition Plans  | Federal                                    | Foundation Aid, Public Excess<br>Cost Aid, Federal IDEA   |
| 89  | Student Calculators   | Regulation                                 | None  |
| 90  | Supplemental Educational Services   | Federal                                    | Federal <sup>2,4</sup>                                    |
| 91  | School Choice   | Federal                                    | Federal   |
| 92  | Contracts for Excellence  | State                                      | Foundation Aid  |
| 93  | Joint Intervention Teams and Distinguished Educators  | State                                      | Foundation Aid  |
| 94  | Staffing Ratios and Class Sizes   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 95  | Cap of 65 for the total caseload of students for teachers providing speech and language services  | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 96  | 30 day requirement for a summer program   | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 97  | Minimum required daily speech-language services requirement for a student with autism   | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 98  | Maximum number of students in a co-teaching class   | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 99  | Maximum caseload for students assigned to a resource room teacher   | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 100 | School districts must provide transportation up to 50 miles to and from a nonpublic school if a student with a disability has been identified by the CSE as receiving services or programs similar to special education programs recommended by the CSE | Regulation                                 | Transportation Aid  |
| 101 | Maximum caseload and minimum level of service requirements for consultant teacher services  | Regulation                                 | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 102 | Independent hearing officers for special education disputes are not selected jointly by parents and districts   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 103 | Behavioral Intervention Plan for Students with Disabilities   | Federal                                    | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 104 | Recommend Declassification Services   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 105 | 42 Day Timeline for Evaluation Information and Parental consent for student evaluation  | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 106 | Costs for Students Attending State Schools for the Blind and Deaf   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 107 | Multi-Disciplinary Teams (MDT) to include a psychologist, parent and physician  | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 108 | Multiple notification requirements such as, 5 Day Notice for Excusal of an MDT Member   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 109 | Requirement for Psychologist and Parent Member on the Committee for Special Education   | State                                      | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 110 | Individual evaluation requires: physical examination, individual psychological evaluation, social history and functional behavioral assessment (FBA) required components of a student's initial individual evaluation.                                  | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 111 | Policy for placement in a school that uses psychotropic drugs   | State/Regulation                           | None  |
| 112 | Agreement that reevaluation is unnecessary must be in writing   | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 113 | Children of Viet Nam Vets Must File a Form  | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 114 | Notify Social Services of Children at Risk  | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 115 | Parental Consent for 12 Month Program or Services   | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 116 | Requirement to fund special education services by providers in charter schools  | State/Regulation                           | State Aid Attributable to a Student<br>With a Disability  |
| 117 | Provide Copy of State Handbook to Parents   | State/Regulation                           | Foundation Aid & Public Excess<br>Cost Aid / Federal IDEA |
| 118 | July/August programs required to provide at least 30 days of service  | State/Regulation                           | State Section 4408 Funding                                |

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|-------------------|--|--|--|
| <b>Technology</b> |  |  |  |
| 119               | Unique Student Identifiers                   | Federal/State                              | None                                       |
| 120               | District Data Manager                        | Regulation                                 | None                                       |
| 121               | Instructional Computer Technology Plans      | State                                      | None <sup>2,4</sup>                        |
| 122               | Statewide Data Collection - Data Warehousing | Regulation                                 | None                                       |
| 123               | Disaster Recovery Plan                       | State                                      | None <sup>2,4</sup>                        |

|                        |   |            |                     |
|------------------------|---|------------|---------------------|
| <b>Human Resources</b> |   |            |                     |
| 124                    | BEDS Reporting  | State      | None <sup>2,4</sup> |
| 125                    | Corporal Punishment Report                                | Regulation | None                |
| 126                    | Fingerprinting of Potential Employees                     | State      | None <sup>2,4</sup> |
| 127                    | Leave for Disaster Relief Workers with American Red Cross | State      | None                |
| 128                    | Leave for Prostate & Breast Cancer Screening              | State      | None                |
| 129                    | Leave for Blood Donation                                  | State      | None                |
| 130                    | Professional Development Hours Tracking                   | Regulation | None <sup>2,4</sup> |
| 131                    | Professional Development Plan                             | Regulation | None <sup>2,4</sup> |
| 132                    | Teacher Mentoring Program                                 | Regulation | None                |
| 133                    | Annual Professional Performance Review                    | Regulation | None                |

|                          |  |               |  |
|--------------------------|--|---------------|--|
| <b>Nonpublic Schools</b> |  |               |  |
| 134                      | Nonpublic School Hardware Loan   | State         | Hardware Aid                                 |
| 135                      | District of Location Required to Provided Dual Enrollment Services to Nonpublic Students (Special Ed., Career Ed. and Gifted and Talented) | Federal/State | State Dual Enrollment Aid / Federal IDEA Aid |
| 136                      | Nonpublic School Health Services   | State         | None   |
| 137                      | Nonpublic School Library Access and Materials Loan   | State         | Library Mat'l Aid                            |
| 138                      | Nonpublic School Software Loan   | State         | Software Aid                                 |
| 139                      | Nonpublic School Special Education Services  | Federal/State | State Dual Enrollment Aid / Federal IDEA Aid |
| 140                      | Nonpublic School Textbook Loan   | State         | Textbook Aid <sup>2,4</sup>                  |
| 141                      | Nonpublic School Transportation  | State         | Transport. Aid                               |

|                       |   |            |                        |
|-----------------------|---|------------|------------------------|
| <b>Transportation</b> |   |            |                        |
| 142                   | Annual Defensive Driving Review               | Federal    | None                   |
| 143                   | Annual Physical Exams                         | Regulation | None                   |
| 144                   | Bi-annual Bus Drive Physical Performance Test | Regulation | None                   |
| 145                   | Bi-annual Bus Driver Written Driver's Test    | Federal    | None                   |
| 146                   | Bus Driver Safety Training                    | State      | \$400,000 Annual Grant |
| 147                   | Drug Testing for Drivers                      | Federal    | None                   |
| 148                   | Exterior Reflective Material on Buses         | Federal    | None                   |
| 149                   | Seatbelts on Buses                            | State      | Transport. Aid         |
| 150                   | No Standee Rule                               | State      | Transport. Aid         |
| 151                   | Pre-Trip and Post-Trip Vehicle Inspection     | Federal    | None                   |

**Notes:**

|    |  |
|----|--|
| 1. | Funds follow the students. Some of the charter tuition comes from state aid the districts receives and some from the local share. Districts pay for charter student transportation but receive State Transportation Aid. |
| 2. | Districts may share a service and contract with BOCES to provide the service. Many shared services are eligible for BOCES aid.   |
| 3. | Wellness Policy only required for school districts participating in the federal school breakfast and lunch programs.   |
| 4. | "Aid Restricted" means that some parts of the BOCES service are not eligible for BOCES Aid; Restrictions vary by type of service.  |
| 5. | District may use flexible aids such as, foundation aid to pay for mandates.  |
| 6. | Source: <a href="http://www.p12.nysed.gov/fmis/mandaterelief/home.html">http://www.p12.nysed.gov/fmis/mandaterelief/home.html</a>  |