


NORTH SALEM
Central School District

Mary Rhuda
District Clerk

Date: March 30, 2012

To Whom It May Concern:

I, Mary Rhuda, being duly appointed as Clerk of the Board of Education, hereby swear that the following resolution with regard to the Mandate Relief Resolution – Special Education, is a true and accurate statement of the Board of Education Minutes from March 28, 2012.

On a motion made by Trustee D'Agostino, seconded by Trustee Giamundo and carried 7 votes to 0, the Board of Education approved the following resolution:

Be it resolved by the North Salem Central School District that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit.

WHEREAS, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded state mandates upon our local municipalities and school districts; and

WHEREAS, in response to New York's property tax crisis, the Governor and members of the New York State Legislature enacted legislation imposing a limit on the annual growth of the local school tax levy; and

WHEREAS, New York State school districts are under unprecedented funding shortfalls due to three years of frozen Foundation Aid, last year's \$1.2 billion aid cut, expiration of federal stimulus aid and revenue restrictions under the tax levy limit, which goes into effect for the 2012-13 school year, and

WHEREAS, unfunded and underfunded state mandates continually increase the obligations and expenditures of local public school districts, and a property tax levy limit without significant mandate reform will inescapably lead to drastic cuts in essential local school district programs and services, as well as significant layoffs of school district employees, and in some cases outright insolvency, in New York State school districts; and

WHEREAS, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from our school district's top priority of student learning,

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THEREFORE, BE IT RESOLVED, that we the members of the Board of Education of the North Salem Central School District join fellow school board members in Westchester and Putnam Counties in affirming the obligation of the Governor of the State of New York and the members of the New York State Senate and New York State Assembly, to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York; and

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes

a Mandate Relief Council, the North Salem Central School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandate to determine whether the specific statute, regulation, rule or order of state government is an unfunded mandate or is otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed: New York State has 204 special education mandates that exceed Federal law. See, SED Document: New York State Law, Regulations and Policy Not Required by Federal law (revised January 2011), <http://www.p12.nysed.gov/specialed/publications/partb-analysischart.htm>. The number of mandates should be reduced so as to align with Federal law. This can be done without compromising special education services. In particular, but without limitation, (i) Education Law 3602, which creates entitlement to special education for students parentally placed in private schools should be amended to cap district contributions to out of district placements when comparable programs are offered by the district of residence; (ii) Education Law 4404, which shifts the burden of proof from parents to schools should be amended because it is contrary to the US Supreme Court's 2005 decision in Schaffer v. Weast, 546 U.S. 49 (2005); and

BE IT FURTHER RESOLVED that the District Clerk is directed to forward a copy of this resolution to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester and Putnam Counties.



Mary Rhuda
District Clerk

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