



*First Annual Report  
to the Governor and the Legislature*

MANDATE *Relief* COUNCIL

December 2012



## Executive Summary

This year was a major year for relieving the mandate burden on local governments, school districts, and their taxpayers.

In January, the newly-created Mandate Relief Council met for the first time. The Council is charged with finding mandate relief opportunities for local governments and school districts. Governor Andrew M. Cuomo signed the law creating the Council as part of a mandate relief package that will save local governments, school districts, and their taxpayers more than \$125 million.

To meet a charge Governor Cuomo presented in his State of the State address, the Council held a series of ten hearings across the State. At these hearings, the Council received testimony from over 150 individuals representing counties, cities, towns, villages, school districts, businesses, taxpayers, and a variety of other interests. These hearings provided the Council with significant input on the mandate relief proposals in the Governor's Executive Budget and other opportunities to reduce the mandate burden on local governments, schools, and their taxpayers.

The State not only listened to mandate relief ideas, it also took action to provide significant relief to taxpayers. Governor Cuomo advanced and the Legislature enacted sweeping structural reforms to relieve local governments of State mandates that drive up local costs. These reforms, which address the largest cost-drivers for local governments, include:

- **Medicaid Relief.** The State will save counties and New York City \$1.2 billion over five years by taking over the growth in the local share of Medicaid expenses. In addition, there will be a phased take-over of Medicaid administrative responsibilities for counties, which will result in greater efficiencies and help achieve State and Federal health care reform initiatives.
- **Pension Reform.** A new tier in the State pension system will save the State and local governments \$80 billion over the next 30 years.
- **Early Intervention.** Reforms to the Early Intervention program will save local governments \$54 million over five years

Along with the significant mandate relief that was enacted, the Council has been reviewing and posting for public comment mandate review requests from local governments and school districts.

## **Mandate Relief Council**

**Lawrence Schwartz**  
Chair  
Secretary to the Governor

**Mylan Denerstein**  
Counsel to the Governor

**Robert Megna**  
Director of the Division of the Budget

**Cesar Perales**  
Secretary of State

**James Introne**  
Deputy Secretary for Health

**Kristin Proud**  
Deputy Secretary for Human Services, Operations, and Technology

**De'Shawn Wright**  
Deputy Secretary for Education

**Senator Elizabeth Little**  
appointed by the Temporary President of the Senate

**Senator Jack Martins**  
appointed by the Temporary President of the Senate

**Assemblyman William Magnarelli**  
appointed by the Speaker of the Assembly

**Assemblyman Carl Heastie**  
appointed by the Speaker of the Assembly

## Creation of Mandate Relief Council

The Mandate Relief Council was created in 2012 to find mandate relief opportunities for local governments and school districts. Governor Cuomo signed the law creating the Council as part of a mandate relief package that will save local governments and school districts more than \$125 million.

The eleven-member Executive and Legislative council held its first meeting on January 25, 2012 in the State Capitol. At this meeting, each member was provided with background information on mandate relief as well as draft materials on the Council for their review.

The Chair asked for the Council Members to meet the Governor's call in the State of the State to hold hearings on mandate relief across the State. After providing Council Members with an opportunity to offer their thoughts, the meeting was adjourned.

Shortly after the first meeting, the Mandate Relief Council's website was launched at <http://www.governor.ny.gov/mandatereliefcouncil>. The website includes: a calendar of hearings and meetings, video of the Council's hearings, a description of the Council's mandate review process, the Council's statute, and information on regulatory flexibility. It also allows the public to comment on specific mandates that the Council is reviewing and provides an electronic form for local government and school district officials to request that a mandate be reviewed.

## Statewide Hearings

As part of his State of the State address, Governor Cuomo called on the Mandate Relief Council to hold a series of hearings across the State. Lieutenant Governor Robert J. Duffy chaired nearly all of these ten hearings to gather input from local government and school district officials as well as the public on the mandate relief proposals in the Governor's Executive Budget and other opportunities to reduce the mandate burden on local governments, schools, and their taxpayers.

At these hearings, the Council received testimony from over 150 individuals representing counties, cities, towns, villages, school districts, businesses, taxpayers, and a variety of other interests. These hearings lasted nearly 26 hours and provided the Council with a variety of perspectives on mandate relief.

### **Mandate Relief Council Hearings**

February 10 – Long Island  
February 23 – Central New York  
February 24 – Mohawk Valley  
February 27 – Hudson Valley  
February 28 – Capital Region  
March 2 – North Country East  
March 8 – North Country West  
March 9 – Southern Tier  
March 16 – Western New York  
March 16 – Finger Lakes

A complete list of those who testified in-person as well as the specific time and locations for the hearings is in Appendix 1.

## Significant Mandate Relief Achieved

Advanced in the Governor's Executive Budget package and discussed at the Mandate Relief Council hearings, Governor Cuomo and the Legislature agreed to sweeping structural reforms to relieve local governments of State mandates that drive up local costs.

These reforms, which address the largest cost-drivers for local governments, will help municipal leaders meet the pressures of the prolonged economic downturn, constrained local revenues, and the property tax cap that limits increases in local tax levies to two percent.

- **Medicaid Relief.** As proposed by the Governor, the takeover by the State of growth in the local share of Medicaid expenses will save counties and New York City \$1.2 billion over five years. In addition, as proposed by the Executive, the Budget includes a phased take-over of Medicaid administrative responsibilities for counties, which will result in greater efficiencies and help achieve State and Federal health care reform initiatives.
- **Pension Reform.** The Legislature passed and the Governor signed legislation creating a new tier in the State pension system that will save the State and local governments \$80 billion over the next 30 years.
- **Early Intervention.** The final Budget reforms the Early Intervention program saving local governments \$54 million over five years.

A county-by-county list of savings over the next five years from these proposals is in Appendix 2.

## Mandate Review Requests

As part of its statutory charge, the Mandate Relief Council is to review requests for mandate relief from local governments and school districts. Each local government or school district must make the request by resolution of its governing board and is allowed to make up to three review requests per calendar year. The Council is required to receive and consider public comment about them.

To aid in the submission of Mandate Review Requests, the Council developed a webform into which the local government can provide background information on the Request as well upload the resolution. These Requests are then shared with the Council Members and posted on the Council's website for public comment, which can be submitted electronically.

In 2012, the Council received and posted 65 requests for public comment. The complete package of Mandate Review Requests is in Appendix 3.

On December 18, the Council met to consider these requests.

A “Yes” vote signifies that the statute or regulation identified in the request imposes an unsound, unduly burdensome or costly mandate that must be eliminated or reformed.

A “No” vote signifies that the statute or regulation identified in the request is not a mandate within the meaning of the law, is not unsound, unduly burdensome or costly, or need not be eliminated or reformed at this time.

The following actions on these requests were taken:

- 2012040001. Yes: 0 – No: 11
- 2012040002. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012040003. Yes: 0 – No: 11
- 2012040004. Yes: 0 – No: 11
- 2012040005. Yes: 0 – No: 11
- 2012040006. Yes: 0 – No: 11
- 2012040007. Yes: 0 – No: 11
- 2012040008. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012040009. Yes: 0 – No: 11
- 2012040010. Yes: 0 – No: 11
- 2012040011. Yes: 0 – No: 11
- 2012040012. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012040013. Yes: 0 – No: 11
- 2012040014. Yes: 0 – No: 11
- 2012040015. Yes: 0 – No: 11
- 2012040016. Yes: 0 – No: 11
- 2012040017. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012040018. Yes: 0 – No: 11
- 2012040019. Yes: 0 – No: 11
- 2012040020. Yes: 0 – No: 11
- 2012040021. Yes: 0 – No: 11
- 2012040022. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012050001. Yes: 0 – No: 11
- 2012050002. Yes: 0 – No: 11
- 2012050003. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012050004. Yes: 0 – No: 11
- 2012050005. Yes: 0 – No: 11
- 2012050006. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.

- 2012050007. Yes: 0 – No: 11
- 2012050008. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012050009. Yes: 0 – No: 11
- 2012050010. Yes: 0 – No: 11
- 2012050011. Yes: 0 – No: 11
- 2012050012. Yes: 2 – No: 9
- 2012050013. Yes: 0 – No: 11
- 2012050014. Yes: 0 – No: 11
- 2012050015. Yes: 0 – No: 11
- 2012070001. Yes: 0 – No: 11
- 2012070002. Yes: 0 – No: 11
- 2012070003. Yes: 0 – No: 11
- 2012070004. Yes: 0 – No: 11
- 2012070005. Yes: 0 – No: 11
- 2012070006. Yes: 0 – No: 11
- 2012070007. Yes: 0 – No: 11
- 2012070008. Yes: 0 – No: 11
- 2012070009. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012070010. Yes: 0 – No: 10
- 2012070011. Yes: 0 – No: 10
- 2012070012. Yes: 0 – No: 11
- 2012070013. Yes: 11 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012070014. Yes: 0 – No: 11
- 2012110001. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012110002. Yes: 11 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012110003. Yes: 0 – No: 11
- 2012110004. Yes: 0 – No: 11
- 2012110005. Yes: 10 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012110006. Yes: 2 – No: 9
- 2012110007. Yes: 2 – No: 9
- 2012110008. Yes: 0 – No: 11
- 2012110009. Yes: 1 – No: 10
- 2012110010. Yes: 0 – No: 11
- 2012110011. Yes: 0 – No: 11
- 2012110012. Yes: 11 – No: 0. The Council urged the Governor and Legislature to work together to address this issue.
- 2012110013. Yes: 0 – No: 11
- 2012110014. Yes: 1 – No: 10

At this meeting, the Council also approved this annual report by a vote of 11-0.

## **Appendix 1**

### **Mandate Relief Council Hearings**



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**Public Hearing – Long Island**

February 10, 2012

10:00AM – 1:30PM

Multi-Purpose Room, Student Union Building  
SUNY College at Old Westbury  
Old Westbury, NY 11568

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**Ed Mangano**

County Executive  
Nassau County

**Jon Kaiman**

Supervisor  
Town of North Hempstead

**Sean Walter**

Supervisor  
Town of Riverhead

**Steve Bellone**

County Executive  
Suffolk County

**Michael Deluise**

President  
Melville Chamber of Commerce

**Margot Garant**

Mayor  
Village of Port Jefferson

**George Starkie**

Mayor  
Village of Farmingdale

**Jack Kulka**

Owner  
Kulka Construction  
Founder of Hauppauge Industrial Association  
(Current Chair of Government Affairs Committee)

**Dr. Alan B. Groveman**  
Superintendent  
Connetquot Central School District  
President  
Suffolk County Association of School Superintendent

**Kevin Law**  
President and CEO  
Long Island Association

*School Board Panel*

**Mary Jo O'Hagen**  
Board President  
Baldwin UFSD

**Jim March**  
Board President  
Bayport – Blue Point School District

**Jim Kaden**  
Board President  
South Huntington UFSD

**Additional Public Comment**

**Dean Murray**  
Member  
New York State Assembly

**Frank Russo**  
Long Islanders For Education Reform

**Ross Coleman**  
NYS Camp Directors Association

**Jack Dolce**  
Board President  
Locust Valley Central School District

**Anita MacDougall**  
Long Island Tax Reform



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**Public Hearing – Central New York**

February 23, 2012  
10:00AM – 12:30PM

Le Moyne College  
Grewen Hall Auditorium  
1419 Salt Springs Road  
Syracuse, NY 13214

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**Robert M. Simpson**  
President  
CenterState CEO

**Ann Rooney**  
Deputy County Executive for Human Services  
On behalf of County Executive Joanie Mahoney  
Onondaga County

**John Becker**  
Chair  
Madison County Board of Supervisors  
Supervisor  
Town of Sullivan

**Brian Tobin**  
Mayor  
City of Cortland

**Andrew Fish**  
President  
Cayuga County Chamber of Commerce

**Richard J. Donovan**  
Mayor  
Village of Minoa  
President, Onondaga County Mayors Association  
1<sup>st</sup> Vice President, NYCOM

**Ron Kaplewicz**  
Common Council President  
On behalf of Mayor Thomas W. Gillen  
City of Oswego

**Jim Corl, Jr.**  
Supervisor  
Town of Cicero

**Mark A. Nicotra**  
Supervisor  
Town of Salina

**Matthew Smith**  
City Councilor  
On behalf of Mayor Michael Quill  
City of Auburn

**Beth A. Hilton**  
Executive Director  
The Greater Oswego-Fulton Chamber of Commerce

**Sharon Contreras**  
Superintendent  
Syracuse City School District

**Douglas Ann Land**  
School Board Trustee  
Trumansburg Central School District

**Additional Public Comment**

**Timothy Rice**  
Development Economists

**Mary M. Thompson, CMP**  
Executive Officer  
Home Builders & Remodelers of Central New York

**Al Stirpe**  
Former New York State Assemblyman



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**Public Hearing – Mohawk Valley**

February 24, 2012  
10:00AM – 12:45PM

Mohawk Valley Community College  
Information Technology/Performing Arts Conference Center  
Excelsus BlueCross BlueShield Training Center Room 225  
1101 Sherman Drive, Utica, New York 13501

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**Robert L. Palmieri**

Mayor  
City of Utica

**Thomas L. Quackenbush**

Supervisor  
Town of Minden  
Montgomery County Board of Supervisors

**Ann M. Thane**

Mayor  
City of Amsterdam

**Dayton King**

Mayor  
City of Gloversville

**Anthony J. Picente, Jr.**

County Executive  
Oneida County

**Christopher J. Salatino**

School Board President  
with Bruce J. Karam, Superintendent  
Utica City School District

**Dan Crowell**

Treasurer  
Otsego County

**Alicia A. Terry**  
Director of Planning  
Schoharie County Planning and Development Agency

**John F. Kenealy**  
Chairman of Government Affairs  
Mohawk Valley Chamber of Commerce

**Mark Vivacqua**  
District Superintendent  
Herkimer-Fulton-Hamilton-Otsego BOCES

**Cosimo Tangorra, Jr.**  
Superintendent  
Ilion Central School District

**Vincent J. Bono**  
Chair  
Herkimer County Legislature

**Additional Public Comment**

**Ronald Kardash**  
School Board Member  
Fort Plain Central School District



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**Public Hearing – Hudson Valley**

February 27, 2012

1:00PM – 4:45PM

SUNY New Paltz  
Student Union Building, Multi-Purpose Room  
1 Hawk Drive  
New Paltz, NY 12561

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**Mike Hein**

County Executive  
Ulster County

**Edward A. Diana**

County Executive  
Orange County

**Philip G. Steinberg**

Superintendent of Schools  
Pine Bush Central School District

**Brett Summers**

Vice President  
Byram Hills Board of Education  
with Lisa Davis, Executive Director  
Westchester-Putnam School Boards Association

**Kenneth W. Jenkins**

Chair  
Westchester County Board of Legislators

**Harriet Cornell**

Chair  
Rockland County Legislature

**Scott B. Samuelson**

Chair  
Sullivan County Legislature

**Christopher P. St. Lawrence**  
Supervisor  
Town of Ramapo

**Carol L. Smith**  
Vice President Government Initiatives  
Orange County Chamber of Commerce

**Ken Mitchell, Ed.D.**  
Superintendent of Schools  
South Orangetown Central School District

**Additional Public Comment**

**Raymond Duncan**  
Board Member  
Poughkeepsie City School District

**Scott Wohl**  
Executive Officer  
Builders Association of the Hudson Valley

**Priscilla T. Bassett**  
Co-Chair  
Senior Legislative Action Committee of Sullivan County

**John Dowley**  
Project Manager  
Arol Construction Company



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**Public Hearing – Capital Region**

February 28, 2012

4:00PM – 6:30PM

SUNY Albany  
SEFCU Arena, Hall of Fame Room  
1400 Washington Avenue, Albany, NY 12222

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**Stephen J. Acquario**

Executive Director

New York State Association of Counties

**Daniel P. McCoy**

County Executive

Albany County

**Dr. James N. Baldwin**

District Superintendent

Questar III BOCES

**Mark N. Eagan**

President and CEO

Albany-Colonie Regional Chamber of Commerce

**G. Jeffrey Haber**

Executive Director

Association of Towns of the State of New York

**Kathleen M. Jimino**

County Executive

Rensselaer County

**David A. Little**

Director of Governmental Relations

New York State School Boards Association

**Louis Rosamilia**

Mayor

City of Troy

**Nancy R. Hernandez**

Councilwoman, Deputy Supervisor

On behalf of Supervisor Paula A. Mahan

Town of Colonie

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**Wayne Speenburgh**  
Chair  
Greene County Legislature

**Additional Public Comment**

**Thomas O'Brien**  
Superintendent  
Roxbury Central School District

**Patrick Darfler-Sweeney**  
Superintendent  
Hunter - Tannersville Central School District

**Mark Galasso**  
President  
Lancaster Development Inc.

**Michael Roarke**  
President  
Roarke Custom Builders



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**Public Hearing – North Country East**

March 2, 2012  
11:00AM – 1:45PM

Lake Placid Convention Center, 2nd Floor  
2608 Main Street  
Lake Placid, NY 12946

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**Michael Durant**

New York State Director  
National Federation of Independent Business

**Craig Randall**

Mayor  
Village of Lake Placid

**James R. Langley, Jr.**

Chair  
Clinton County Legislature

**Randall T. Douglas**

Chair  
Essex County Board of Supervisors  
Supervisor  
Town of Jay

with Robert T. Politi, Vice-Chair, Essex County Board of Supervisors and Supervisor,  
Town of North Elba;  
and Daniel L. Palmer, County Manager, Essex County

**Gordon Crossman**

Chair  
Franklin County Board of Legislators  
with Timothy Burpoe, Legislator, Franklin County;  
and Thomas Leitz, County Manager, Franklin County

**William G. Farber**

Chair  
Hamilton County Board of Supervisors  
Supervisor  
Town of Morehouse

**Daniel G. Stec**  
Chair  
Warren County Board of Supervisors  
Supervisor  
Town of Queensbury

**John A. Rymph**  
Chair  
Washington County Board of Supervisors  
Supervisor  
Town of Easton  
with Roger Wickes, County Attorney, Washington County

**Donald M. Kasprzak**  
Mayor  
City of Plattsburgh

**Clyde Rabideau**  
Mayor  
Village of Saranac Lake

**Garry F. Douglas**  
President and CEO  
North Country Chamber of Commerce

**Dr. Randy C. Richards**  
Superintendent  
Lake Placid Central School District

**Additional Public Comment**

**Betty Lennon**  
President  
Northeast Central Labor Council

**Paul A. Maroun**  
Mayor  
Village of Tupper Lake

**David G. Curry, PhD, RN**  
Professor of Nursing  
SUNY Plattsburgh  
President & Legislation Officer  
United University Professions – SUNY Plattsburgh



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**Public Hearing – North Country West**

March 8, 2012  
11:00AM – 1:30PM

Dulles State Office Building, First Floor Conference Room  
317 Washington Street  
Watertown, NY 13601

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**William D. Nelson**

Mayor  
City of Ogdensburg  
President

New York State Conference of Mayors and Municipal Officials

**Sallie A. Brothers**

Chair  
St. Lawrence County Board of Legislators

**David Pendergast**

County Manager  
Lewis County

**Laura Cerow**

Social Services Commissioner  
Jefferson County

**Roger J. Ambrose**

Director of Community Services  
Jefferson County

**Stephen Lee**

Deputy Supervisor  
On behalf of Supervisor Timothy Scee  
Town of Hounsfield

**Scott M. Burto**

Mayor  
Village of West Carthage

**Justin Taylor**

Supervisor  
Town of Clayton

**Leon Heagle**  
Mayor  
Village of Parish

**Terry N. Fralick**  
Superintendent  
Watertown City School District

**Additional Public Comment**

**David Valois**  
Assistant Superintendent  
Ogdensburg City School District



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**Public Hearing – Southern Tier**

March 9, 2012  
11:30AM – 2:00PM

Binghamton University  
Engineering & Science Building on the Innovative Technologies Complex, Room 2008  
85 Murray Hill Road, Vestal, NY 13850

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**Debra A. Preston**  
County Executive  
Broome County

**Tom Santulli**  
County Executive  
Chemung County

**Lou Santoni**  
President & CEO  
Greater Binghamton Chamber of Commerce

**Matthew T. Ryan**  
Mayor  
City of Binghamton

**Walter Pacholczak**  
Vice President of Government Affairs  
New York State Chapter of the Associated General Contractors of America

**Joseph P. Maiurano**  
Mayor  
City of Norwich

**Tim Whitesell**  
Supervisor  
Town of Binghamton  
Incoming President  
New York State Association of Towns

**Ed Arrington**  
Mayor  
Village of Owego

**Dr. Peggy J. Wozniak**  
Superintendent  
Binghamton City School District

**Martha Robertson**  
Chair  
Tompkins County Legislature

**Additional Public Comment**



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**Public Hearing – Western New York**

March 16, 2012  
9:00AM – 11:30AM

Center for Tomorrow, University at Buffalo North Campus  
Flint & Service Center Roads  
Amherst, NY 14260

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**Byron Brown**

Mayor  
City of Buffalo

**Craig Turner**

Vice President  
Buffalo Niagara Partnership

**Donald A. Ogilvie**

District Superintendent  
Erie 1 BOCES

**Fred Saradin**

Auditor  
City of Olean

**Louis Petrucci**

School Board President  
Buffalo City School District

**Peter F. Mannella**

Executive Director  
New York Association for Pupil Transportation

**Anthony F. Caruana**

Supervisor  
Town of Tonawanda

**School Board Panel – Representing Erie County Association of School Boards**

**Kathyann Lorka**

School Board Vice President  
East Aurora Union Free School District  
Treasurer and Legislative Team Member  
Erie County Association of School Boards

Joined by:

**Linda Hoffman**

Board Member  
Erie 2-Chautauqua-Cattaraugus BOCES  
Area 1 Director  
New York State School Boards Association

**Joan Kelly**

School Board Member  
Springville Griffith Institute Central School District  
Executive Board Member and Legislative Team Member  
Erie County Association of School Boards

**Additional Public Comment**

**Penny Pennington**

**Alan Pero**

Supervisor, Operating Engineers Local 17  
Fair Apportionment of Infrastructure Revenues (FAIR)  
Coalition for Community Building (CCB)

**Douglas Scofield**

Superintendent  
Iroquois Central School District

**Brian D. Russ**

Superintendent  
East Aurora Union Free School District



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**Public Hearing – Finger Lakes**

March 16, 2012  
3:00PM – 5:30PM

Rochester City Hall, City Council Chambers, 3rd Floor  
30 Church Street  
Rochester, NY 14614

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**Leonard E. Redon**

Deputy Mayor  
On behalf of Mayor Thomas S. Richards  
City of Rochester

**Maggie Brooks**

County Executive  
Monroe County

**Mary Pat Hancock**

Chair  
Genesee County Legislature  
President  
New York State Association of Counties

**Christopher Wiest**

Vice President of Public Policy & Advocacy  
Rochester Business Alliance

**Ellen Polimeni**

Mayor  
City of Canandaigua

**Jack Marren**

Supervisor  
Town of Victor

**Victoria Daly**

Mayor  
Village of Palmyra

**Andrew Claus**

Rochester Regional Vice President  
Associated Builders and Contractors, Empire State Chapter  
Executive Director  
Design Build Institute of America, Liberty Region

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**Charles G. Perreaud**  
School Board President  
West Irondequoit Central School District

**Additional Public Comment**

**James Hoffman**  
Chair  
Wayne County Board of Supervisors  
Supervisor  
Town of Williamson

**Jody Siegle**  
Executive Director  
Monroe County School Boards Association

**Michael Ellis**  
School Board President  
Bloomfield Central School District  
Area 2 Director  
New York State School Boards Association

**Charles H. Nesbitt, Jr.**  
Chief Administrative Officer  
Orleans County

## **Appendix 2**

### **County-by-County Savings from Enacted Mandate Relief**

## Enacted Mandate Relief Five-Year Local Savings

County	Medicaid Relief	Pension Reform	Early Intervention	Total
Albany	9,985,978	15,211,569	210,731	25,408,279
Allegany	1,569,000	1,897,597	18,539	3,485,136
Broome	6,073,129	8,886,763	186,774	15,146,665
Cattaraugus	2,662,438	4,340,833	74,043	7,077,315
Cayuga	2,258,325	3,209,417	41,066	5,508,808
Chautauqua	4,957,193	6,239,100	56,991	11,253,284
Chemung	3,180,074	3,909,646	44,467	7,134,186
Chenango	1,566,207	2,325,290	40,568	3,932,066
Clinton	2,749,312	3,890,903	121,695	6,761,910
Columbia	1,750,211	2,658,719	37,171	4,446,101
Cortland	1,587,174	1,924,811	33,894	3,545,879
Delaware	1,371,074	2,070,328	52,122	3,493,524
Dutchess	6,705,571	14,231,625	354,273	21,291,470
Erie	33,068,997	41,308,304	937,847	75,315,149
Essex	1,063,269	1,662,690	9,268	2,735,228
Franklin	1,582,312	2,269,970	25,321	3,877,604
Fulton	2,175,551	2,527,417	16,663	4,719,631
Genesee	1,514,336	3,032,530	80,924	4,627,790
Greene	1,542,309	2,096,799	47,073	3,686,182
Hamilton	101,733	389,523	2,033	493,289
Herkimer	2,142,518	2,653,666	19,825	4,816,009
Jefferson	3,151,665	5,274,055	81,781	8,507,501
Lewis	797,571	1,458,801	20,382	2,276,754
Livingston	1,462,056	2,483,084	47,362	3,992,502
Madison	1,758,904	2,770,733	49,176	4,578,813
Monroe	28,329,720	33,065,375	951,988	62,347,083
Montgomery	1,886,287	1,905,823	25,287	3,817,396
Nassau	36,909,199	100,488,040	3,300,734	140,697,973
New York City	824,300,000	300,000,000	36,461,000	1,160,761,000
Niagara	7,184,064	9,271,916	324,384	16,780,364
Oneida	8,788,261	9,758,222	200,363	18,746,846
Onondaga	16,187,319	22,684,639	539,876	39,411,834
Ontario	2,565,149	5,019,535	70,547	7,655,232
Orange	11,304,720	20,461,117	923,514	32,689,351
Orleans	1,309,316	2,143,018	37,729	3,490,063
Oswego	3,925,828	5,888,811	65,965	9,880,604
Otsego	1,657,006	2,681,721	26,752	4,365,479

## Enacted Mandate Relief Five-Year Local Savings

County	Medicaid Relief	Pension Reform	Early Intervention	Total
Putnam	1,518,270	5,765,088	103,736	7,387,095
Rensselaer	5,339,002	7,448,894	168,575	12,956,471
Rockland	10,501,447	19,096,637	1,384,006	30,982,090
St. Lawrence	3,762,556	4,407,984	51,453	8,221,993
Saratoga	3,892,441	8,000,164	200,559	12,093,165
Schenectady	5,361,065	6,976,531	88,652	12,426,248
Schoharie	904,867	2,294,792	31,257	3,230,916
Schuyler	592,427	730,072	9,281	1,331,780
Seneca	943,017	1,244,143	14,412	2,201,572
Steuben	3,077,225	4,279,298	87,135	7,443,657
Suffolk	39,257,346	97,702,082	2,807,286	139,766,715
Sullivan	3,202,943	4,169,193	73,012	7,445,148
Tioga	1,281,836	1,356,216	53,622	2,691,673
Tompkins	1,884,883	4,012,330	119,772	6,016,986
Ulster	5,727,054	9,063,570	232,770	15,023,394
Warren	1,929,885	3,105,096	81,518	5,116,499
Washington	1,779,246	3,078,422	54,507	4,912,175
Wayne	2,227,728	4,583,684	83,196	6,894,608
Westchester	34,184,246	75,475,257	3,174,554	112,834,056
Wyoming	855,943	1,616,979	41,906	2,514,827
Yates	673,050	813,414	20,662	1,507,127
<b>Total</b>	<b>1,170,020,254</b>	<b>917,312,239</b>	<b>54,420,000</b>	<b>2,141,752,493</b>

## **Appendix 3**

### **Mandate Review Requests**

## Mandate Review Request #2012040001

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Bedford Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Non Public School Transportation - Private School Out of District Transportation

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** NYCRR 3635

**Description of Mandate:** Must provide transportation to private schools located up to 15 miles out of the school district.

**Recommended Change:** Either Fund the cost of private school transportation or reduce the mileage limits from 15 miles to 5 miles for private school out of district transportation or limit non public transportation to in-district (private and parochial)schools only.

**Estimated Savings from the Recommended Change to the Local Government:**  
500000

**Estimated Statewide Savings from the Recommended Change:** \$500,000,000 to \$800,000,000

**Description of Methodology Used in Estimating Savings:** calculation of actual annual costs.



**BEDFORD CENTRAL SCHOOL DISTRICT**

Carole LaColla, District Clerk  
Board of Education

914-241-6011 (phone)  
914-241-6004 (fax)

**CERTIFICATE OF THE DISTRICT CLERK  
BEDFORD CENTRAL SCHOOL DISTRICT**

The undersigned, Clerk of the Bedford Central School District, does hereby certify that at a regular business meeting of the Board of Education of said School District held on the 15<sup>th</sup> day of February, 2012, at which all seven members were present, on a motion duly made and carried unanimously, the Board approved the following:

**Be it resolved by the Bedford 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Bedford 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Bedford Central School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandates 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:

1. Fund or reduce mileage limits (15 to 5) for private school out-of-district transportation
2. Eliminate mandated class sizes for students with disabilities and resource rooms while maintaining a continuum of services and supports for students.
3. Eliminate mandated costs associated with APPR local assessment of non-tested subjects.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Carole LaColla

Date

(seal)

## Mandate Review Request #2012040002

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Bedford Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Staffing Ratios and Class Size for Special Education

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** 8 NYCRR 200.6

**Description of Mandate:** The total number of students with a disability assigned to a resource room teacher shall not exceed 20 students or, for the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of 20 students per teacher; except that the total number of students with a disability assigned to a resource room teacher who serves students enrolled in grades seven through twelve or a multi-level middle school program operating on a period basis shall not exceed 25 students or, for the city school district of the city of New York, the commissioner shall allow a variance of up to 50 percent rounded up to the nearest whole number from the maximum of 25 students per teacher.

**Recommended Change:** Eliminate mandated class sizes and mandated teacher student ratios for students with disabilities and resource rooms while maintaining a continuum of services and supports for students. Allow school districts flexibility in determining class sizes and student/teacher ratios based upon individual student needs and IEPs.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$500,000 to \$1,000,000

**Estimated Statewide Savings from the Recommended Change:** \$7,000,000,000 to \$10,000,000,000

**Description of Methodology Used in Estimating Savings:** statewide costs calculated by LHCOS



## BEDFORD CENTRAL SCHOOL DISTRICT

Carole LaColla, District Clerk  
Board of Education

914-241-6011 (phone)  
914-241-6004 (fax)

### CERTIFICATE OF THE DISTRICT CLERK BEDFORD CENTRAL SCHOOL DISTRICT

The undersigned, Clerk of the Bedford Central School District, does hereby certify that at a regular business meeting of the Board of Education of said School District held on the 15<sup>th</sup> day of February, 2012, at which all seven members were present, on a motion duly made and carried unanimously, the Board approved the following:

**Be it resolved by the Bedford 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Bedford 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Bedford Central School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandates 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:

1. Fund or reduce mileage limits (15 to 5) for private school out-of-district transportation
2. Eliminate mandated class sizes for students with disabilities and resource rooms while maintaining a continuum of services and supports for students.
3. Eliminate mandated costs associated with APPR local assessment of non-tested subjects.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Carole LaColla

Date

(seal)

## Mandate Review Request #2012040003

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Bedford Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Teacher and Principal Effectiveness - Chapter 103 of the NYS Laws of 2010

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Section 3012c, chapter 103, section 100.2

**Description of Mandate:** APPR student growth and local assessment components mandate that school districts adopt 3rd party assessments for certain non-tested subjects is costly.

**Recommended Change:** Eliminate mandated costs and procedures associated with APPR local assessment of non-tested subjects or allow school districts discretion in the administration of all APPR local assessments.

**Estimated Savings from the Recommended Change to the Local Government:** grades 6,7,8 only \$50,000 (high school costs unknown)

**Estimated Statewide Savings from the Recommended Change:** at minimum, \$35 x Total number of students grades 6 - 11 x Total mandated state tests

**Description of Methodology Used in Estimating Savings:** calculation



**BEDFORD CENTRAL SCHOOL DISTRICT**

Carole LaColla, District Clerk  
Board of Education

914-241-6011 (phone)  
914-241-6004 (fax)

**CERTIFICATE OF THE DISTRICT CLERK  
BEDFORD CENTRAL SCHOOL DISTRICT**

The undersigned, Clerk of the Bedford Central School District, does hereby certify that at a regular business meeting of the Board of Education of said School District held on the 15<sup>th</sup> day of February, 2012, at which all seven members were present, on a motion duly made and carried unanimously, the Board approved the following:

**Be it resolved by the Bedford 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Bedford 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Bedford Central School District asks, by resolution of its governing body, that the Mandate Relief Council review the following mandates 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:

1. Fund or reduce mileage limits (15 to 5) for private school out-of-district transportation
2. Eliminate mandated class sizes for students with disabilities and resource rooms while maintaining a continuum of services and supports for students.
3. Eliminate mandated costs associated with APPR local assessment of non-tested subjects.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Carole LaColla

Date

(seal)

## Mandate Review Request #2012040004

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pleasantville Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment to the Taylor Laws

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Salary step increases should be frozen when a contract expires.

**Recommended Change:** REQUEST FOR MANDATE RELIEF  
Triborough Amendment to the Taylor Laws

BE IT RESOLVED by the Pleasantville Union Free 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,

THEREFORE, BE IT RESOLVED, that we the members of the Board of Education of the Pleasantville Union Free 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.

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pleasantville Union Free 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:  
Triborough Amendment to the Taylor Laws  
Salary step increases should be frozen when a contract expires.  
Section 209-a(1)(e) of the Civil Service Law

**Estimated Savings from the Recommended Change to the Local Government:**  
388000

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculation of our salary schedule.

## Mandate Review Request #2012040005

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pleasantville Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Tiers 3 & 4 Contributions after 10 Years

**Type of Mandate:** Statute

**Citation for Mandate:** New York Retirement & Social Security - Article 19 - Law § 902 b.1., b.2., b.3.

**Description of Mandate:** Tiers 3 & 4 Contributions after 10 Years:  
Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation.

### **Recommended Change:** REQUEST FOR MANDATE RELIEF

Tiers 3 & 4 Contributions after 10 Years

BE IT RESOLVED by the Pleasantville Union Free 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,

THEREFORE, BE IT RESOLVED, that we the members of the Board of Education of the Pleasantville Union Free 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.

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pleasantville Union Free 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:

Tiers 3 & 4 Contributions after 10 Years:

Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation.

New York Retirement & Social Security - Article 19 - Law § 902 b.1., b.2., b.3.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester County.

**Estimated Savings from the Recommended Change to the Local Government:**  
430000

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Study of teachers' salary schedule.

## Mandate Review Request #2012040006

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Byram Hills School District  
**Type of Local Government:** School District  
**County:** 10924

**Name of Mandate:** Fiscal Reform - Tiers 3 & 4 Contributions After 10 Years

**Type of Mandate:** Statute

**Citation for Mandate:** NY Retirement & Social Security - Article 19 - Law § 902 b.1, b.2, b.3

**Description of Mandate:** School districts must pay employee contributions for TRS and ERS pensions for employees with 10 years in the system.

**Recommended Change:** Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation.

**Estimated Savings from the Recommended Change to the Local Government:**  
622800

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Annual individual Tiers 3 & 4 employees with 10 years of service proposed pension contribution was calculated.



## BYRAM HILLS SCHOOL DISTRICT

*"A great place to learn"*

10 Tripp Lane, Armonk, New York 10504  
914-273-4082, Ext. 5910 Fax: 914-273-2516  
[jtaylor@byramhills.org](mailto:jtaylor@byramhills.org)

Jacquelyn L. Taylor, Ed.D.  
Superintendent of Schools

---

Be it resolved by the Byram Hills 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,

### **THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Byram Hills 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Byram Hills 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:

### **FISCAL REFORM**

- a. Tiers 3 & 4 Contributions after 10 Years – Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation.  
New York Retirement and Social Security - Article 19 - Law § 902 b.1., b.2., b.3.

The Byram Hills School District located in Armonk, New York with an enrollment of 2,652 students for 2011-2012 estimates that if the legislature and Governor would address Fiscal Reform for employee contributions for Tier 3 and 4 members with 10 years of service. The district could save approximately \$622,800 if the 3% TRS and ERS employee contribution is restored. For TRS participants the district and local taxpayers would benefit by approximately \$501,400 and for ERS participants the district would benefit by approximately \$121,400. Long-term pension reform is critical to the sustainability of excellence in public education. The pension system provides an excellent benefit to public employees, however, a 3% contribution is reasonable and needed to ensure that precious tax dollars in New York State are directed appropriately. Pension costs are an inordinately high percentage of school district budgets.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Byram Hills Board of Education**

Mr. Ira Schulman, President

Mr. Brett Summers, Vice President

Dr. Leslie Blum Cziner

Dr. Alban Burke

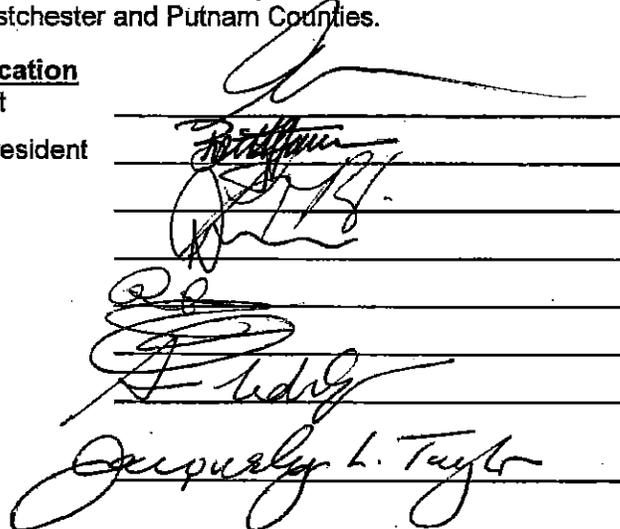
Ms. Robin Glat

Ms. Joyce Meiklejohn

Dr. Ann Tedesco

**Superintendent**

Dr. Jacquelyn L. Taylor



Handwritten signatures of the Byram Hills Board of Education members and Superintendent Dr. Jacquelyn L. Taylor, each placed over a horizontal line.

## Mandate Review Request #2012040007

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Byram Hills School District  
**Type of Local Government:** School District  
**County:** Westchester County

**Name of Mandate:** Transportation - 15 Mile Transportation to Non-Public School

**Type of Mandate:** Statute

**Citation for Mandate:** New York Education - Part 3 - § 3635 Transportation

**Description of Mandate:** School districts are required to transport students 15 miles attending private schools.

**Recommended Change:** Reduce mileage limits for private school out-of-district transportation from 15 to 5 miles.

**Estimated Savings from the Recommended Change to the Local Government:**  
400000

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Annual calculation of the cost of bus drivers salary and benefits if mandate relief was achieved.



# BYRAM HILLS SCHOOL DISTRICT

*"A great place to learn"*

10 Tripp Lane, Armonk, New York 10504  
914-273-4082, Ext. 5910 Fax: 914-273-2516  
[jtaylor@byramhills.org](mailto:jtaylor@byramhills.org)

Jacquelyn L. Taylor, Ed.D.  
Superintendent of Schools

---

Be it resolved by the Byram Hills 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Byram Hills 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Byram Hills 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:

**TRANSPORTATION**

- a. 15 Mile Transportation to Non-public School - Reduce mileage limits for private school out-of-district transportation from 15 to 5 miles  
New York Education - Part 3 - § 3635 Transportation

The Byram Hills School District located in Armonk, New York with an enrollment of 2,652 students for 2011-2012 estimates that if the legislature and Governor

would address the reform in the area of transportation, the district would save approximately \$400,000 if the 15 mile transportation law was reduced to 5 miles.

The State Education Department, due to fiscal needs, has consistently reduced state aid to public schools for transportation costs.

This practice of shifting the burden of state mandated costs to public schools must be eliminated.

As noted in the Lower Hudson Council of School Superintendents recommendations for Mandate Relief 2011, New York State tax payers are subsidizing private school transportation that is excessive and that financially benefits the private school investors, trustees and parents who have chosen these alternatives to their local public schools.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Byram Hills Board of Education**

Mr. Ira Schulman, President

Mr. Brett Summers, Vice President

Dr. Leslie Blum Cziner

Dr. Alban Burke

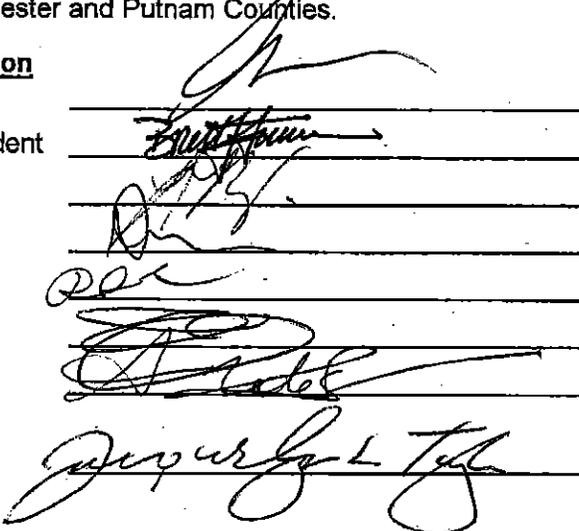
Ms. Robin Glat

Ms. Joyce Meiklejohn

Dr. Ann Tedesco

**Superintendent**

Dr. Jacquelyn L. Taylor



Handwritten signatures of the Byram Hills Board of Education members and Superintendent Dr. Jacquelyn L. Taylor, each placed over a horizontal line.

## Mandate Review Request #2012040008

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Byram Hills School District  
**Type of Local Government:** School District  
**County:** 14822

**Name of Mandate:** Special Education: a) Burden of Proof; b) Parental Placements; c) Eliminate requirement that individual evaluation includes...

**Type of Mandate:** Statute

**Citation for Mandate:** a)Burden of Proof: New York Education - Article 89 - §4404 Appeal Procedures for Children With Handicapping Conditions  
b)Parental Placements: Chapter 378 of the Laws of 2007  
c)Eliminate requirement that individual evaluation includes specific assessments: Education Law 4402(1)(b)(3)(a)

**Description of Mandate:** a) Burden of Proof: Districts must demonstrate that the IEP is appropriate and the private school placement is inappropriate-burden of proof is responsibility of school district.  
b) There is no limit on tuition reimbursement when parents unilaterally place their students in expensive private schools and a litigation begins and settlement or mediation is sought.  
c) NY State requires extensive specific assessments for every child referred to the Committee on Special Education.

**Recommended Change:** a)Burden of Proof: Amend the law that shifted the burden of proof from parents to schools which is counter to the 2007 US Supreme Court decision.  
b) Parental Placements: Cap district contributions to out-of-district placements when comparable programs are offered by the district of residence (LHCSS mandate relief item)  
c)Eliminate requirement that individual evaluation includes specific assessments: LHCSS mandate relief item

**Estimated Savings from the Recommended Change to the Local Government:**  
347000

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Actual special education cost data for the past 2 years was retrieved on actual student cases.



# BYRAM HILLS SCHOOL DISTRICT

*"A great place to learn"*

10 Tripp Lane, Armonk, New York 10504  
914-273-4082, Ext. 5910 Fax: 914-273-2516  
[jtaylor@byramhills.org](mailto:jtaylor@byramhills.org)

Jacquelyn L. Taylor, Ed.D.  
Superintendent of Schools

Be it resolved by the Byram Hills 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Byram Hills 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Byram Hills 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:

**SPECIAL EDUCATION**

- a. *Burden of Proof* - Amend the law that shifted the burden of proof from parents to schools, which is counter to the 2007 US Supreme Court decision.  
New York Education - Article 89 - § 4404 Appeal Procedures for Children With Handicapping Conditions
- b. *Parental Placements* - Cap district contributions to out-of-district placements when comparable programs are offered by the district of residence (LHCSS mandate relief item)

Chapter 378 of the Laws of 2007 - Guidance on Parentally Placed Nonpublic Elementary and Secondary School Students with Disabilities Pursuant to the Individuals with Disabilities Education Act (IDEA) 2004 and New York State (NYS) Education Law Section 3602-c

c. *Eliminate requirement that individual evaluation includes specific assessments - (LHCSS mandate relief item)*

Education Law 4402(1)(b)(3)(a)

The Byram Hills School District located in Armonk, New York with an enrollment of 2,652 students for 2011-2012 estimates that if the legislature and Governor would address the reform in the area of Special Education for children with handicapping conditions, the district could save approximately \$347,000.

a) Burden of Proof cases in the last few years have been very expensive. The costs to the district are approximately \$297,500 in tuition reimbursements and approximately \$30,000 in legal fees. There is no data available that indicates students are better served in these private school placements. In fact, students served in the Byram Hills School District may have stronger college and career readiness due to the extensive support available in the district. The challenges of students and families with disabilities are very real. However, the current appeals procedure has generated a specialty of lawyers who do not promote mediation or reasonable, cost effective solutions between parents and school districts.

The Supreme Court in 2005 ruled that the burden of proof decision of the New York Second Circuit Court decision of 1998 should be overturned and that due to the high level of procedural safeguards afforded to parents of children with handicapping conditions, the burden of proof rightly falls on the party seeking tuition reimbursement.

b) Parental Placements – Due to New York State regulations, (e.g. a substantial number of assessments required by New York State) more parents are unilaterally placing their children with handicapping conditions in private placements. This is abundantly unfair that the school district should enter into litigation on many of these cases in which the school district can provide a free appropriate public education. We seek a cap on these expenses. Savings for Byram Hills is estimated at \$20,000 per year per student.

c) Education Law 4402(1) (b)(3)(a) requires specific assessments for children suspected of a disability. The district seeks relief from this mandate which exceeds the federal law. This law precedes the New York State Assessment System (RTI) Response To Intervention and (AIS) Academic Intervention Services. This law is an example of not reevaluating the implications of one law once other mandates were added. We estimate the savings to be \$20,000 per year and improved instructional time for students

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Byram Hills Board of Education**

Mr. Ira Schulman, President

Mr. Brett Summers, Vice President

Dr. Leslie Blum Cziner

Dr. Alban Burke

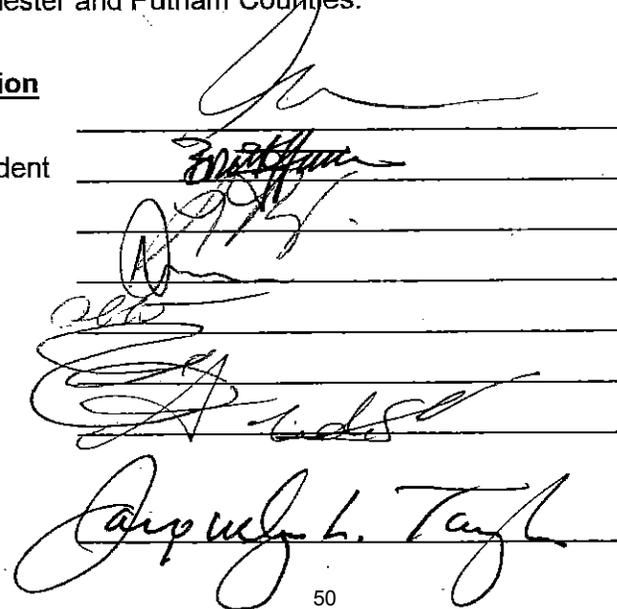
Ms. Robin Glat

Ms. Joyce Meiklejohn

Dr. Ann Tedesco

**Superintendent**

Dr. Jacquelyn L. Taylor



Handwritten signatures of the Byram Hills Board of Education members and Superintendent Dr. Jacquelyn L. Taylor, each followed by a horizontal line.

## Mandate Review Request #2012040009

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pelham Union Free School District  
**Type of Local Government:** School District  
**County:** 12182

**Name of Mandate:** Wicks Law

**Type of Mandate:** Statute

**Citation for Mandate:** General Municipal Law 101

**Description of Mandate:** Exempt School Districts from Wicks Law.

**Recommended Change:** Amend the Wicks Law to exempt school districts from its requirements.

**Estimated Savings from the Recommended Change to the Local Government:** \$1.5 million in Nassau, Suffolk and Westchester Counties

**Estimated Statewide Savings from the Recommended Change:** Approximately \$5 Million.

**Description of Methodology Used in Estimating Savings:** Annual savings based on state estimates and projections.

**PELHAM UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION  
18 FRANKLIN PLACE  
PELHAM, NEW YORK 10803**

**MOTION TO APPROVE MANDATE RELIEF RESOLUTION - WICKS LAW**

**BE IT RESOLVED** by the Pelham 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Pelham 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pelham 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:

**Wicks Law Reform** – to exempt school districts from the General Municipal Law 101 because it requires that there be four major prime contracts with separate and independent bidding and award: construction, heating ventilation and air conditioning (HVAC); plumbing; and electrical with aggregate cost exceeding \$3 million in New York City, \$1.5 million in Nassau, Suffolk and Westchester Counties, and \$500,000 in the rest of New York State. Every state except New York has a much more efficient, effective way of providing protections for subcontractors without over-burdening taxpayers. The Pelham School District just completed a \$24 million bond where this law’s impact became very apparent.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Adopted: March 12, 2012 Regular Board Meeting

## Mandate Review Request #2012040010

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pelham Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Tiers 3 & 4 Contributions After 10 Years

**Type of Mandate:** Statute

**Citation for Mandate:** N.Y. Const. art. 5, § 7

**Description of Mandate:** To restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service.

**Recommended Change:** Revoke the applicable section of the 2000 pension enhancement legislation.

**Estimated Savings from the Recommended Change to the Local Government:** The suspension of this contribution has artificially inflated the cost of pension contributions to local municipalities while a

**Estimated Statewide Savings from the Recommended Change:** Unknown.

**Description of Methodology Used in Estimating Savings:** Based upon ERS and TRS cost estimates in determining ongoing and future percentages to support the cost of operating these two retirement systems.

**PELHAM UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION  
18 FRANKLIN PLACE  
PELHAM, NEW YORK 10803**

**MOTION TO APPROVE MANDATE RELIEF RESOLUTION -  
TIERS 3 & 4 CONTRIBUTIONS AFTER 10 YEARS**

**BE IT RESOLVED** by the Pelham 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Pelham 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pelham 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:

**Tiers 3 & 4 Contributions** after 10 years – to restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation. The suspension of this contribution has artificially inflated the cost of pension contributions to local municipalities while a reinstatement of this contribution would help restore pension integrity, but with a more reasonable cost to municipalities.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Adopted: March 12, 2012 Regular Board Meeting

## Mandate Review Request #2012040011

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pelham Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment to the Taylor Law

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Allows salary step increases when a contract expires, should be amended to equalize the two sides when contract negotiations are stalled.

**Recommended Change:** To amend the law to freeze contract clauses upon expiration of a current contract if negotiations are not settled.

**Estimated Savings from the Recommended Change to the Local Government:** Will vary from contract to contract.

**Estimated Statewide Savings from the Recommended Change:** Unknown.

**Description of Methodology Used in Estimating Savings:** Is determined by when a settlement is reached between both parties.

**PELHAM UNION FREE SCHOOL DISTRICT  
BOARD OF EDUCATION  
18 FRANKLIN PLACE  
PELHAM, NEW YORK 10803**

**MOTION TO APPROVE MANDATE RELIEF RESOLUTION -  
TRIBOROUGH AMENDMENT TO THE TAYLOR LAWS**

**BE IT RESOLVED** by the Pelham 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Pelham 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pelham 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:

**Fiscal Reform: the Triborough Amendment to the Taylor Law** – under Section 209-a(1)(e) of the Civil Service Law, which allows salary step increases when a contract expires, should be amended to equalize the two sides when contract negotiations are stalled. Step increase in the Pelham School District amount to 2.58% and must be paid even when no contract is agreed upon by both parties. This situation poses a difficult condition when negotiating a new contract under the terms of the tax cap legislation.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

Adopted:        March 12, 2012 Regular Board Meeting

## Mandate Review Request #2012040012

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Union-Endicott Central School District  
**Type of Local Government:** School District  
**County:** Broome/Tioga

**Name of Mandate:** See Attached

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** See Attached

**Description of Mandate:** See Attached

**Recommended Change:** See attached

**Estimated Savings from the Recommended Change to the Local Government:**  
unsure

**Estimated Statewide Savings from the Recommended Change:** unsure

**Description of Methodology Used in Estimating Savings:** combination

**12-3-G10**

Wherefore, Governor Andrew Cuomo and the State of New York have created a Mandate Relief Council, which is responsible for reviewing and advancing proposals to reduce the statutory and regulatory burden on local governments and school districts; and

Wherefore, school districts in New York may refer to the Mandate Relief Council proposals to reduce unfunded mandates and other statutory or regulatory burdens; and

Wherefore, the Board of Education for the Union-Endicott Central School District has considered recommendations for the Mandate Relief Council.

Now therefore Be It Resolved, that the Board of Education for the Union-Endicott Central School District hereby requests the Mandate Relief Council to advance the following proposals for the benefit of public school districts in New York State:

1. Reduce New York State special education requirements to the levels required by federal law and regulation. New York State education law and regulations requires the provision of special education services that far exceeds the levels required by federal law and regulations, at a significant cost to taxpayers.
2. Amend New York State teacher tenure laws and regulatory certification requirements to encourage teachers to become multiply certified and to provide school districts with greater flexibility in the hiring and assignment of teachers.

  
Deputy District Clerk

Dated: 3/13/12  
Endicott, NY

## Mandate Review Request #2012040013

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Union-Endicott Central School District  
**Type of Local Government:** School District  
**County:** Broome/Tioga

**Name of Mandate:** See Attached

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** See Attached

**Description of Mandate:** See Attached

**Recommended Change:** See attached

**Estimated Savings from the Recommended Change to the Local Government:**  
unsure

**Estimated Statewide Savings from the Recommended Change:** unsure

**Description of Methodology Used in Estimating Savings:** combination

**12-3-G10**

Wherefore, Governor Andrew Cuomo and the State of New York have created a Mandate Relief Council, which is responsible for reviewing and advancing proposals to reduce the statutory and regulatory burden on local governments and school districts; and

Wherefore, school districts in New York may refer to the Mandate Relief Council proposals to reduce unfunded mandates and other statutory or regulatory burdens; and

Wherefore, the Board of Education for the Union-Endicott Central School District has considered recommendations for the Mandate Relief Council.

Now therefore Be It Resolved, that the Board of Education for the Union-Endicott Central School District hereby requests the Mandate Relief Council to advance the following proposals for the benefit of public school districts in New York State:

1. Reduce New York State special education requirements to the levels required by federal law and regulation. New York State education law and regulations requires the provision of special education services that far exceeds the levels required by federal law and regulations, at a significant cost to taxpayers.
2. Amend New York State teacher tenure laws and regulatory certification requirements to encourage teachers to become multiply certified and to provide school districts with greater flexibility in the hiring and assignment of teachers.

  
Deputy District Clerk

Dated: 3/13/12  
Endicott, NY

## Mandate Review Request #2012040014

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Potsdam Central School District  
**Type of Local Government:** School District  
**County:** 11779

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** Amendment (clause (e) of subdivision 1 of section 209-a of the Civil Service Law

**Description of Mandate:** The Triborough Amendment to the state's Taylor Law requires school districts to pay salary increases in the form of "step" and "lane" increments to employees – even after a collective bargaining agreement expires. Step and lane increases are salary increases that teachers receive for accumulating another year of service or attaining additional education and are unrelated to performance.

**Recommended Change:** Reform New York State's Triborough Amendment so that school districts are not required to pay wage increases under an expired contract.

**Estimated Savings from the Recommended Change to the Local Government:** \$147,497 annually

**Estimated Statewide Savings from the Recommended Change:** \$93.5 million annually

**Description of Methodology Used in Estimating Savings:** By excluding wage increases from the Triborough Amendment, NYSSBA estimates that school districts in New York could save as much as \$93.5 million annually. This calculation is based on an average annual statewide salary step increase for teachers of 2 percent, an estimate by the New York State Association of Management

Advocates for School Labor Affairs. Applying this 2 percent estimate to total teacher salaries of \$18.7 billion in

the 2008-09 school year results in a total of \$374 million that is attributable to step increases.

## **Resolution to Repeal the Triborough Amendment to the Taylor Law**

Whereas: The Triborough Amendment to the NYS Taylor Law requires school districts to pay salary increases in the form of “step” and “lane” increments to employees – even after a collective bargaining agreement expires; and

Whereas: The step salary increases transpire whether or not the economic and market conditions dictate a sustainable condition for businesses, taxpayers or schools to viably support and extend them; and

Whereas: The Triborough Amendment creates a disincentive for school district employee bargaining units to accept terms and conditions less costly than those allowed in the previous contract in spite of economic realities; and

Whereas: School district employee bargaining units have a distinct advantage in collective bargaining as they may significantly delay or reject proposals brought to the table by the board of education, especially if the district is seeking some form of contract concessions to require employees to assume a greater share of their contract costs;

Therefore Be It Resolved That: The Potsdam Central School Board of Education request a review of section 209-a of the civil service law known as the Triborough Amendment by the Governor’s Mandate Relief Council;

Be It further Resolved That: The Potsdam Central School Board of Education urges the Governor’s Mandate Relief Council to declare this law “unsound, unduly burdensome or costly so as to require it to be eliminated or reformed: and

Be It further Resolved That: The Potsdam Central School Board of Education urges the Governor’s Mandate Relief Council to submit an amendment of section 209-a of the civil service law to the Governor and state legislature which would eliminate the requirement of school districts to pay salary increases under an expired collective bargaining agreement.

Reference: “NYSSBA Essential Fiscal Reform Playbook”

## Mandate Review Request #2012040015

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Irvington Union Free School District  
**Type of Local Government:** School District  
**County:** 12992

**Name of Mandate:** Tiers 3 & 4 Contributions after 10 Years

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** New York Retirement & Social Security - article 19 Law Secs 902 b.1, b.2, b.3

**Description of Mandate:** 2000 legislation ended the required 3% employee contribution for Tiers 3 and 4 employees outside of NYC after 10 years of membership.

**Recommended Change:** Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation.

**Estimated Savings from the Recommended Change to the Local Government:** Unknown at this time. Rates TRS/ERS

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

# BOARD OF EDUCATION

## IRVINGTON UNION FREE SCHOOL DISTRICT

6 Dows Lane, Irvington, New York 10533-1328

TEL: (914) 591-8501 FAX: (914) 591-9781

John Dawson, President  
Robyne Camp, Vice President  
Robert Grados, Trustee  
James McCann, Trustee  
Phil Whitney, Trustee

Be it resolved by the Irvington 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,

### **THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Irvington 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Irvington 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:

**Restore 3% TRS and ERS employee contribution requirements for employees with over 10 years service by revoking the applicable section of the 2000 pension enhancement legislation, (New York Retirement and Social Security – Article 19 – Law §902 b.1., b.2., b.3.**

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Motion by Robyne Camp, second by Robert Grados**  
**Final Resolution: Motion Carries**  
**Yes: Robyne Camp, Robert Grados, James McCann, Phil Whitney**  
**No: John Dawson**

## Mandate Review Request #2012040016

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Irvington Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Last In, First Out - LIFO

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law Sections 2510 and 3013 (cities)

**Description of Mandate:** Seniority is the sole fac tor when reducing tenured staff.

**Recommended Change:** School districts must have the flexibility to reduce tenured staff on the bsis of more than the single criterion of seniority.

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

# BOARD OF EDUCATION

## IRVINGTON UNION FREE SCHOOL DISTRICT

6 Dows Lane, Irvington, New York 10533-1328

TEL: (914) 591-8501 FAX: (914) 591-9781

John Dawson, President  
Robyne Camp, Vice President  
Robert Grados, Trustee  
James McCann, Trustee  
Phil Whitney, Trustee

Be it resolved by the Irvington 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,

### **THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Irvington 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Irvington 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:

### **Last In, First Out – LIFO Education Law Sections 2510 and 3013**

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Motion by Robyne Camp, second by Phil Whitney**

**Final Resolution: Motion Carries**

**Yes: Robyne Camp, Robert Grados, James McCann, Phil Whitney**

**No: John Dawson**

## Mandate Review Request #2012040017

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Irvington Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Special Education mandates that exceed Federal Law

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** N/A

**Description of Mandate:** There are over 200 NYS special education laws and regulations that exceed federal IDEA requirements. These mandated items must be followed by a "T" even while other mainstream programs are being compromised.

**Recommended Change:** State can provide more flexibility or alter the regulations in many areas while still ensuring an appropriate level of services and support for each designated student.

**Estimated Savings from the Recommended Change to the Local Government:** Unable to be determined at this time.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

# BOARD OF EDUCATION

## IRVINGTON UNION FREE SCHOOL DISTRICT

6 Dows Lane, Irvington, New York 10533-1328

TEL: (914) 591-8501 FAX: (914) 591-9781

John Dawson, President  
Robyne Camp, Vice President  
Robert Grados, Trustee  
James McCann, Trustee  
Phil Whitney, Trustee

Be it resolved by the Irvington 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,

### **THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Irvington 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Irvington 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:

**Align New York Special Education Laws with Federal Laws (SED Document: New York State Law, Regulations and Policy Not required by Federal Law/Regulation/Policy – Revised January 2011)**

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**Motion by Robert Grados, second by James McCann**

**Final Resolution: Motion Carries**

**Yes: Robyne Camp, John Dawson, Robert Grados, James McCann, Phil Whitney**

## Mandate Review Request #2012040018

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Hastings-on-Hudson  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Tier 3 and 4 exemption from pension contribution beyond Year 10

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law Article 19, Law § b.1, b.2, b.3

**Description of Mandate:** Teachers in Tiers 3 and 4 make no contribution to the State Pension Fund once they reach the tenth year of service.

**Recommended Change:** Teachers in Tiers 3 and 4 will make a 3% annual contribution to the State Pension Fund during each year of service.

**Estimated Savings from the Recommended Change to the Local Government:** \$446,000 for the 2011-12 school year, 1.3% of current tax levy

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Used the existing staff salaries and years of service to estimate dollar value. This would be an increasing annual dollar amount given growth in salaries over remaining years of service.

**BOARD OF EDUCATION  
HASTINGS-ON-HUDSON  
UNION FREE SCHOOL DISTRICT**  
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Phone: (914) 295-3099

Fax: (914) 478-6208

Eileen Baecher, President  
Jodie Meyer, Vice President

Trustees: Caryn Campbell  
Lindsey Hicks  
Donna Laing  
Gabrielle Lesser  
Wendy B. Naidich

**Be it resolved by the Hastings-on-Hudson 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Hastings-on-Hudson 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Hastings-on-Hudson 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:

**Amend Article 19, Law § b.1, b.2, b.3 to restore the 3% pension contribution requirement for Tier 3 and 4 members so that the contribution is again required in all years of service.**

For even a small district, this change would result in a significant cost savings. Our district has a very experienced staff and roughly three-quarters of our teachers no longer contribute to the pension system. A 3% contribution from these employees would be approximately \$446,000 in the 2011-2012 school year or 1.3% of our tax levy, and increasing amounts in future years. This change should be made in the interest of fairness and to provide relief to local taxpayers.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**DATED: March 20, 2012**

## Mandate Review Request #2012040019

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Hastings-on-Hudson  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** All provisions of existing contracts remain in force following the expiration of a contract.

**Recommended Change:** Following the expiration of a contract and until a new contract is negotiated, step, lane, and longevity salary increases will be frozen.

**Estimated Savings from the Recommended Change to the Local Government:** Initially, up to \$400,000 or roughly 1% of total budget

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Cost saving is a combination of one time and ongoing. The annual cost of step, lane, and longevity increases is approximately \$400,000 or 1% of our total budget. Not settling a contract within a year could save the full amount. More importantly, if these salary increases are not automatic, we would have the ability to reduce the rapidity of growth, which could save smaller amounts on an ongoing basis.

**BOARD OF EDUCATION  
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Eileen Baecher, President  
Jodie Meyer, Vice President

Trustees: Caryn Campbell  
Lindsey Hicks  
Donna Laing  
Gabrielle Lesser  
Wendy B. Naidich

**Be it resolved by the Hastings-on-Hudson 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Hastings-on-Hudson 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Hastings-on-Hudson 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:

**Amend Section 209-a(1)(e) of the Civil Service Law to provide a freeze on step, lane, and longevity increases if a contract expires.**

Salaries account for approximately 55% of our school district budget. Currently, the expected annual step, lane, and longevity changes represent a 1.0% increase in our district budget. When step, lane, and longevity increases remain in effect after a contract expires, the unions have little incentive to settle or consider provisions in subsequent contracts that are less costly to the District. This is particularly burdensome with the 2% tax levy cap. Automatic schedule increases drastically hamper our district's ability to effectively negotiate changes in contract terms in response to economic hardship.

Pension and health benefits add another 1.7%, so that even if we negotiate freezes in cost of living salary adjustments, we will regularly exceed the cap. To live within the 2% property tax levy cap, the district needs greater flexibility to reduce the impact of automatic pay increases and an enhanced capacity to restructure the most costly aspects of our collective bargaining agreements.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**DATED: March 23, 2012**

## Mandate Review Request #2012040020

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Hastings-on-Hudson  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Retirement Contribution Reserve Funds

**Type of Mandate:** Statute

**Citation for Mandate:** General Municipal Law, Section 6-r(c) or Education Law Section 521

**Description of Mandate:** Law allows for reserves for pension contributions for employees, but not for teachers. In order to smooth budget expense and ability to stay within tax levy cap, school districts should be allowed to set aside funds for this obligation whenever possible (for example, if contribution rates decline). The outcome of a budget requiring a cap override not being approved is so detrimental to maintaining the educational program, that districts should be given every means to avoid needing to seek an override.

**Recommended Change:** Either add "to the New York State Teachers' Retirement System" in the General Municipal Law Section 6-r(c), or add a similar provision to Education Law Section 521.

**Estimated Savings from the Recommended Change to the Local Government:** up to \$320,000/year

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** A two percentage point increase in our teacher pension obligation is currently about \$320,000. In a year where all of this increase needs to be covered under the tax levy cap, other spending will have to be decreased commensurately if we do not have the ability to reserve. This is really a prudent management practice rather than a current savings measure. As mentioned above, the 0% change in the tax levy that would result from a failed attempt to override the levy cap in order to pay for a pension contribution, would mean that our district would have to cut almost \$750,000 from non-contractual expenses - a dramatic hit to either staffing or program, which is what we're trying to save.

**BOARD OF EDUCATION  
HASTINGS-ON-HUDSON  
UNION FREE SCHOOL DISTRICT**  
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Wendy B. Naidich

**Be it resolved by the Hastings-on-Hudson 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Hastings-on-Hudson 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Hastings-on-Hudson 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:

**Amend Section 521 of Education Law to allow School Districts to establish TRS Reserve Fund.**

NYS allows school districts to establish Employee Retirement System (ERS) reserve funds in which to set aside monies for unexpected or significant increase in their annual pension contribution. Likewise, municipalities are permitted to establish similar funds for their annual pension contribution. However, school districts are unable to establish a Teachers Retirement System (TRS) reserve fund for this same purpose.

The S4067A-2011 bill vetoed by the Governor was different from the amendment we are requesting here. S4067A-2011 sought to allow school boards to borrow money to pay retirement costs. We are simply seeking an amendment that allows us to set aside money in a reserve fund. Pension contribution rates have varied dramatically over the past two decades, from almost zero to over 20%. Our district's teacher pension contribution for the 2011-12 school year represents just over \$2 million or 4.9% of our total budget. With such volatility in an expense obligation, and the limitation imposed by the tax levy cap for raising revenue in any particular year, we think it makes sense to allow for holding a reserve whenever possible. It will cost nothing to allow and will provide some help in our efforts to maintain programs that benefit the students.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**DATED: March 20, 2012**

## Mandate Review Request #2012040021

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** MAHOPAC CENTRAL SCHOOL  
**Type of Local Government:** School District  
**County:** Putnam County

**Name of Mandate:** Triborough Amendment to the Taylor Laws

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Enacted in 1982, the amendment mandates that all provisions of a public employee union contract—including those providing for automatic annual pay increases—must remain in effect even after the contract expires, regardless of changing local priorities and fiscal conditions.

The Triborough Amendment gives public employees an incentive to hold out when management is seeking contract concessions.

Triborough's toll on New York taxpayers is significant.

**Recommended Change:** Salary step increases should be frozen when a contract expires. Otherwise, the Triborough amendment to the Taylor Law creates a disincentive for unions from negotiating collective bargaining agreements due to the fact that salary step increases are ensured to continue until a new agreement succeeds the old one. For example, employees who are on a salary grid with step and lane changes will continue to receive those step and lane changes with or without a new collective bargaining agreement.

**Estimated Savings from the Recommended Change to the Local Government:** In Mahopac Central School District, this amounts to salary step increases of approximately 2% per year.

**Estimated Statewide Savings from the Recommended Change:** \$300 Million a year for public education.

**Description of Methodology Used in Estimating Savings:** 1) The 2% local cost was calculated during recent contract negotiations which equals approximately \$650,000. 2) The state dollar amount came from the Empire Center for New York State Policy Center, a Project of the Manhattan Institute for Policy Research. Info@EmpireCenter.org; Phone: 518-434-3100.

**MAHOPAC CENTRAL SCHOOL DISTRICT**  
**MANDATE RELIEF RESOLUTIONS**

**MANDATE RELIEF RESOLUTION - TRIBOROUGH AMENDMENT TO THE TAYLOR LAWS**

Be it resolved by the Mahopac 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Mahopac 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Mahopac 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:

**Triborough Amendment to the Taylor Laws**

Salary step increases should be frozen when a contract expires  
Section 209-a(1)(e) of the Civil Service Law

*The Triborough amendment to the Taylor Law disincentives unions from negotiating collective bargaining agreements due to the fact that salary step increases are ensured to continue until a new agreement succeeds the old one. For example, employees who are on a salary grid with step and lane changes will continue to receive those step and lane changes with or without a new collective bargaining agreement. In MCSD this amounts to salary step increases of approximately 2% per year.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

## Mandate Review Request #2012040022

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Mahopac Central School District  
**Type of Local Government:** School District  
**County:** Putnam

**Name of Mandate:** Burden of Proof

**Type of Mandate:** Statute

**Citation for Mandate:** Section 4404 of the Education Law, Laws of New York, 2007, Chapter 583.

**Description of Mandate:** Chapter 583 of the Laws of 2007 was enacted to provide that the burden of proof in an impartial due process hearing pursuant to §4404(1) of Education Law to challenge the recommendation of a Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE), or otherwise challenge actions or omissions relating to the provision of a free appropriate public education (FAPE) to a student with a disability, is generally placed on the school district (or State agency) providing special education to the student. The law creates an exception for impartial hearings in which the parent seeks tuition reimbursement for a unilateral placement in a private school. Chapter 583 took effect 60 days from August 15, 2007.

**Recommended Change:** Amend the Law to shift the burden of proof from schools back to the parent. This Chapter of the Law permits parents to unilaterally place children in private in-state or out-of-state programs, prior to any CSE determination. This forces the District to prove that appropriate in-house programs exist after the unilateral placement, rather than the parents being required to prove that their unilateral placement is appropriate before and if the placement were to be approved by the Committee on Special Education. For example, a child might be placed in a private program for a 12-month period of \$10,000 per month and the District has potential, retroactive liability to reimburse the parent for \$120,000 which may not be eligible for state aid reimbursement. Additional expenses may be incurred by the District should the Impartial Hearing Officer concur with the parent thus requiring the District to pay the parent for legal fees.

**Estimated Savings from the Recommended Change to the Local Government:** Varies on a case-by-case basis. The example used results in a District expense of more than \$120,000 for a 12-month period.

### **Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** A recent case currently under litigation would result in the District having to pay \$10,000 per month for 12 months which includes the ten month regular school year and a two month extended school year program for a total of \$120,000. In addition, if the District were required to pay for the parent's legal fees, the cost to the District could easily double.

**MANDATE RELIEF RESOLUTION – BURDEN OF PROOF**

Be it resolved by the Mahopac 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Mahopac 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Mahopac 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:

**Burden of Proof**

Amend the law that shifted the burden of proof from parents to schools, which is counter to the 2007 US Supreme Court decision §4404 of the Education Law, Laws of New York, 2007, Chapter 583

*This amendment permits parents to unilaterally place children in private in-state or out-of-state programs, requiring the district to prove that appropriate in-house programs exist rather than the parents being required to prove that their unilateral placement is appropriate before the placement is approved by the Committee on Special Education. For example, a child might be placed in a private program for a 12-month period of \$10,000 per month and the district has potential, retroactive liability to reimburse the parent for \$120,000 which may not be eligible for state aid reimbursement.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

## Mandate Review Request #2012050001

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** North Salem Central School District  
**Type of Local Government:** School District  
**County:** Westchester/Putnam

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-(a)(1)(e) of the Civil Service Law

**Description of Mandate:** Section 209-(a)(1)(e) of the Civil Service Law

**Recommended Change:** Amend statute to freeze salary step increases in expired collective bargaining agreements.

**Estimated Savings from the Recommended Change to the Local Government:** between \$200K & \$400K per year, plus increases in TRS & ERS

**Estimated Statewide Savings from the Recommended Change:** 243

**Description of Methodology Used in Estimating Savings:**  
<http://www.empirecenter.org/files/Triborough%20Final.pdf>. The local range is dependent upon how many individuals are eligible to move steps or lanes in a given year.

  
**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 – Triborough Doctrine 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,

**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: Section 209-(a)(1)(e) of the Civil Service Law should be, at a minimum, amended to eliminate automatic salary step increases in expired collective bargaining agreements. The mandatory salary step increases required by Section 209-(a)(1)(e) adds more than 2% to our budget each year. This State mandated increase alone puts North Salem over the new State mandated tax levy cap and is thus clearly unduly burdensome, costly and unsound. Amending this provision of the Civil Service Law as we are suggesting would preserve the original intent of the Triborough Doctrine. It would reserve basic union rights and at the same time give us the ability we now lack to negotiate needed changes to our costly, outdated contracts.

**BE IT FURTHER RESOLVED** that the Board directs the District Clerk 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.



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Mary Rhuda  
District Clerk

SEAL

## Mandate Review Request #2012050002

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** North Salem Central School District  
**Type of Local Government:** School District  
**County:** Westchester/Putnam

**Name of Mandate:** LIFO

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law, Article 51 ss 2510; Education Law, Article 61 ss 3013.

**Description of Mandate:** Education Law, Article 51 ss 2510; Education Law, Article 61 ss 3013.

**Recommended Change:** Repeal. These sections of the Education Law should be amended or repealed. Seniority should not be the sole factor in determining which state member(s) to retain when positions are being eliminated. These sections of the Education Law conflict with the new law and regulations related to annual performance reviews for teachers and principals.

**Estimated Savings from the Recommended Change to the Local Government:** Highest performing teachers & principals

**Estimated Statewide Savings from the Recommended Change:** Highest performing teachers & principals

**Description of Methodology Used in Estimating Savings:** Common Sense

  
**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 – Last In, First Out, 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,

230 June Road • North Salem • New York • 10560 – 1211

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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: Education Law Section 2510. Seniority should not be mandated as the sole factor when reducing tenured staff. This law is in direct conflict with the new annual professional performance review law for teachers and principals and thus must be eliminated; and

**BE IT FURTHER RESOLVED** that the Board directs the District Clerk 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.



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Mary Rhuda  
District Clerk

SEAL

## Mandate Review Request #2012050003

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** North Salem Central School District  
**Type of Local Government:** School District  
**County:** Westchester/Putnam

**Name of Mandate:** Special Education

**Type of Mandate:** Statute

**Citation for Mandate:** NYS 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 1/2011), <http://www.p12.nysed.gov/specialed/publications/partb-analysischart.htm>.

**Description of Mandate:** NYS 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 1/2011), <http://www.p12.nysed.gov/specialed/publications/partb-analysischart.htm>.

**Recommended Change:** The number of mandates should be reduced so as to align Federal Law. This can be done without compromising special education services. See, [http://www.lhcss.org/positionpapers/council\\_of\\_NY\\_Sp\\_Ed\\_Admin\\_appendix G.pdf](http://www.lhcss.org/positionpapers/council_of_NY_Sp_Ed_Admin_appendix_G.pdf). 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; and (ii) Education Law 4404, which shifted 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).

**Estimated Savings from the Recommended Change to the Local Government:** Between \$100,000 & \$500,000 in any given year

**Estimated Statewide Savings from the Recommended Change:** \$2-3 Billion over 5 years

**Description of Methodology Used in Estimating Savings:** See, <http://www.lhcss.org/positionpapers/mandatereliefplacement.pdf>. The local range reflects the fact that expenditures can vary widely from year to year depending upon the individual needs of the student population.

  
**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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☎ 914-669-5414 • ✉ FAX 914-669-8753 • 🌐 <http://www.northsalemschools.org>

**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

SEAL

## Mandate Review Request #2012050004

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Pleasantville Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Last In, First Out – LIFO:

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law Sections 2510 and 3013 (cities)

**Description of Mandate:** Last In, First Out – LIFO:  
Seniority should not be mandated as the sole factor when reducing tenured staff.

### **Recommended Change:** REQUEST FOR MANDATE RELIEF

BE IT RESOLVED by the Pleasantville Union Free 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, THEREFORE, BE IT RESOLVED, that we the members of the Board of Education of the Pleasantville Union Free 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.

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Pleasantville Union Free 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:

Last In, First Out – LIFO:

Seniority should not be mandated as the sole factor when reducing tenured staff. Education Law Sections 2510 and 3013 (cities)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester County.

**Estimated Savings from the Recommended Change to the Local Government:**  
over \$10,000.00

**Estimated Statewide Savings from the Recommended Change:** Millions

**Description of Methodology Used in Estimating Savings:** Cost of 3020a

## Mandate Review Request #2012050005

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Board of Education of Scarsdale Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Amend law to permit establishment of legal reserve for contributions to TRS

**Type of Mandate:** Statute

**Citation for Mandate:** Chapter 260 Of the laws of 2004 (see "description of mandate")below

**Description of Mandate:** Bill A 8920 is proposed to authorize the establishment of reserve funds by school district and boards of cooperative educational services for the purposes of making contributions to the NYS TRS

**Recommended Change:** See above

**Estimated Savings from the Recommended Change to the Local Government:** Relief from tax cap

**Estimated Statewide Savings from the Recommended Change:** Relief from tax cap

**Description of Methodology Used in Estimating Savings:** N/A

**RESOLUTION No. 1 OF BOARD OF EDUCATION OF SCARSDALE UFSD  
FOR MANDATE RELIEF CONCERNING TRS RESERVES**

**BE IT RESOLVED**, by the Scarsdale Union Free 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 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Scarsdale Union Free 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Scarsdale Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review **Bill No. A8920** that would authorize the establishment of school districts and boards of cooperative educational services reserve funds for the purposes of making contributions to the New York State Teachers' Retirement System.

*Chapter 260 of the Laws of 2004 allowed public employers to create Retirement Contribution Reserve Funds: which basically are "rainy day funds" to defray the costs of future contributions to the Common Retirement Fund. This reform was sought after by local governments and their advocates in order to assist localities in managing their finance.*

*However, while the two retirement systems that make up the Common Retirement Fund were included in these reforms the New York State Teachers' Retirement System was not.*

*This bill seeks to remedy this situation, and allow public employers to create such reserve funds for future New York State Teachers' Retirement System contributions on the same basis as they are currently allowed to do for their CRF contributions: thus expanding the scope of the important and necessary reforms enacted by the Legislature in 2004.*

*Since the majority of the staff employed for school districts are teachers, it would be in the districts' best interest to allow for a separate reserve for this use. According to the Empire Center for New York State Policy, tax-funded annual contributions to TRS will quadruple over the next five years. According to NYSSBA, TRS contributions have accelerated from 0.36*

*percent of total teacher payroll in the 2002-03 school year to 8.6 percent in 2010-11, an increase of 2,300%.*

*Establishing a TRS would allow districts to amortize these costs, and stabilize tax rates.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the New York State Mandate Relief Council, Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the Senate and Assembly representing Westchester and Putnam Counties.

Signature \_\_\_\_\_ Title President, Board of Education,  
Scarsdale UFSD Date April 16, 2012

## Mandate Review Request #2012050006

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Board of Education of Scarsdale Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Revamp rate setting for special act school district

**Type of Mandate:** Statute

**Citation for Mandate:** NYS Education Law Article 89 section 4405

**Description of Mandate:** Rate-setting process for special act public school district is unfair and punitive

**Recommended Change:** Modify NYS special act public school district rate-setting process to allow special act districts to bill based on current costs and to ensure appropriate funding to serve a high-need student population.

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:** N/A

**Description of Methodology Used in Estimating Savings:** N/A

**RESOLUTION No. 2 OF BOARD OF EDUCATION OF SCARSDALE UFSD  
To Revamp Rate-Setting for Special Act School Districts**

**BE IT RESOLVED**, by the Scarsdale Union Free 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 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Scarsdale Union Free 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.

**BE IT FURTHER RESOLVED**, that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Scarsdale Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review **New York Education Law – Article 89 - 4405** Computing Responsibility for Special Educational Services for Certain Children with handicapping conditions:

- 1) To modify NY special act public school district rate-setting process to allow special act districts to bill based on current costs (similar to BOCES), and
- 2) To ensure appropriate funding to serve a high-need student population.

*Section 200.9 defines tuition rates for approval programs educating students with disabilities ages 3-21 years old who have been enrolled pursuant to Article 81 and 89 of the Education Law. Tuition rate year means the July 1<sup>st</sup> through June 30<sup>th</sup> fiscal year for which a tuition rate is calculated that is two years subsequent to the base year, unless it is a budgeted based rate, reconciliation rate, or rate based on audit.*

*This outdated formula should be changed so that tuition rates make sense and schools can budget in real time; current mechanism mean special act districts have to sort out reimbursement facts and dollars years later. These formulas need to be changed without regard to total state budget dollars. This impacts every school district, as we all have special needs students that benefit from these important special education services provided.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the New York State Mandate Relief Council, Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the Senate and Assembly representing Westchester and Putnam Counties.

President, Board of Education,  
Signature \_\_\_\_\_ Title Scarsdale UFSD Date April 16, 2012

## Mandate Review Request #2012050007

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Potsdam Central School District  
**Type of Local Government:** School District  
**County:** St. Lawrence

**Name of Mandate:** Health Insurance Contribution

**Type of Mandate:** Statute

**Citation for Mandate:** Article 31 of the NYS Education Law

**Description of Mandate:** Current law requires Boards of Education to negotiate increases in health insurance premium contributions from employees. The Potsdam CSD supports the New York State School Boards Association proposal to create a minimum contribution for all school employees.

**Recommended Change:** This language was provided by the New York State School Boards Association:

Section 1. A new section 1527-a is added to article 31 of the education law to read as follows:

§1527-a. Health care premium contribution. 1. The following terms used in this article shall have

the following meanings:

a. "Employer" shall mean the school district or board of cooperative educational service (BOCES) by which the employee is paid.

b. "Employee" shall mean any individual instructional or non-instruction staff employed by a

school district or board of cooperative educational services.

c. "Retiree" shall mean any former employee who has retired from a school district or board of

cooperative educational services.

d. "Health care premium" shall mean the total cost of any employee or retiree health care

benefit plan which provides for payment or reimbursement of health care expenses, health care

services, disability payments, or any other benefits under a policy of insurance or contract with an individual or group.

2. Notwithstanding any provisions or law to the contrary, in collectively bargaining agreements

entered into on or after the effective date of this chapter, the contribution amount to be due and

payable by each employer shall not exceed eighty-five percent of the total health care benefit premium for an individual employee and shall not exceed seventy-five percent of the total health care benefit premium for an employee electing family coverage. The remainder of the total health care premium shall be paid by the employee or retiree.

§ 2. This act shall take effect immediately; provided, that this act shall apply to contracts entered into, issued, renewed, modified, altered, or amended on or after such effective date.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$404,000.00

**Estimated Statewide Savings from the Recommended Change:** According to NYSSBA, these changes could save as much as \$2,169 per teacher and \$2,507 per retiree, depending on the type of pla

**Description of Methodology Used in Estimating Savings:** For the Potsdam CSD we calculated the savings if all of our employees and retirees paid a minimum of 15% of an individual health insurance premium and 25% of a family plan instead of the existing contributions which are lower.

## **Resolution to Establish Maximum Healthcare Contributions**

Whereas: Health insurance coverage is collectively bargained between school officials and their employee bargaining units; and

Whereas: Existing law makes it difficult for schools to negotiate health insurance packages that take into account economic realities or include higher employee contribution rates; and

Whereas: According to the New York State Department of Education, Fiscal Analysis and Research Unit, school districts experienced double-digit increases in health insurance costs over the last decade and this trend is expected to continue; and

Whereas: According to the Kaiser Family Foundation, the national average for employer health insurance contributions in all industries is 81 percent for single coverage and 70 percent for family coverage; and

Whereas: Based on data from a 2010 NYSSBA survey, school districts contributed an average of 90 percent toward individual insurance plans of newly hired teachers in 2009-10 and about 88 percent toward family coverage, and

Whereas: Health insurance rate increases are outpacing the gains achievable at the bargaining table when a school board is attempting to negotiate a higher employee contribution rate;

Therefore Be It Resolved That: The Potsdam Central School Board of Education urges the Governor's Mandate Relief Council to declare the lack of a consistent employer contribution floor for health insurance to be "unsound, unduly burdensome or costly so as to require it to be eliminated or reformed: and

Be It further Resolved That: The Potsdam Central School Board of Education request that the Governor's Mandate Relief Council support an amendment to Article 31 of the Education Law in relation to adding a new health care premium contribution section; and

Be It further Resolved That: The proposed amendment to Article 31 of the Education Law place a statewide maximum employer contribution rate of 85 percent for individual health insurance coverage and 75 percent for family coverage for both active employees and retirees.

Reference: "NYSSBA Essential Fiscal Reform Playbook"

## Mandate Review Request #2012050008

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Chappaqua Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** New York Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions

**Type of Mandate:** Statute

**Citation for Mandate:** New York Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions  
[http://law.onecle.com/new-york/education/EDN04404\\_4404.html](http://law.onecle.com/new-york/education/EDN04404_4404.html)  
§4404 of the Education Law, Laws of New York, 2007, Chapter 583

**Description of Mandate:** Provides that in an impartial due process hearing pursuant to § 4404 of NY Education Law to challenge the recommendation of a school district relating to the provision of services to a student with a disability, the burden of proof is placed on the school district providing special education to the student.

**Recommended Change:** Align New York State law with the 2005 US Supreme Court decision, Schaffer v. West, by placing the burden of proof onto the parties challenging a school district's recommendations pursuant to § 4404 of NY Education Law.

**Estimated Savings from the Recommended Change to the Local Government:** Approximately \$100,000 in yearly excess cost, plus testing, time, etc.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculated on the basis of an immediate positive correlation of approximately \$100,000 increase in settlement fees for the year immediately following such 2007 law and remaining at about the same level to date (settlement costs from 2006 to date: 2006-07: \$68,410; 2007-08: \$65,450; 2008-09: \$164,102; 2009-10: \$108,044; 2010-11: \$150,325; 2011-12 Budgeted: \$150,000; 2012-13 Adopted Budget: \$160,000).

## CHAPPAQUA CENTRAL SCHOOL DISTRICT

Be it resolved by the Chappaqua 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Chappaqua 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Chappaqua 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 Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions**

**[http://law.onecle.com/new-york/education/EDN04404\\_4404.html](http://law.onecle.com/new-york/education/EDN04404_4404.html)**

**§4404 of the Education Law, Laws of New York, 2007, Chapter 583**

**<http://www.p12.nysed.gov/specialed/publications/policy/burdenproof.pdf>**

**BE IT FURTHER RESOLVED** that, the Chappaqua Central School district asks, by resolution of its governing body, that the Mandate Relief Council amend the 2007 above-referenced statute that shifted the burden of proof in impartial hearings on services to children with disabilities to align New York State law with the 2005 US Supreme Court decision, Schaffer v. West, by placing the burden of proof onto the parties challenging a school district's recommendations in such impartial hearings, in so far as such amendment to the law would save the school district numerous hours of unnecessary testing and preparation time and approximately \$100,000 in yearly excess cost calculated on the basis of an immediate positive correlation of approximately \$100,000 increase in settlement fees for the year immediately following such 2007 law and remaining at about the same level to date (settlement costs from 2006 to date: 2006-07: \$68,410; 2007-08: \$65,450; 2008-09: \$164,102; 2009-10: \$108,044; 2010-11: \$150,325; 2011-12 Budgeted: \$150,000; 2012-13 Adopted Budget: \$160,000).

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the NY State Mandate Relief Council, 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.

Signature: 

Title: District Clerk/Admin. Asst.  
To Superintendent

## Mandate Review Request #2012050009

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Chappaqua Central School District  
**Type of Local Government:** School District  
**County:** Westchester County

**Name of Mandate:** Transportation

**Type of Mandate:** Statute

**Citation for Mandate:** New York Education – Part 3 – § 3635 Transportation  
[http://law.onecle.com/new-york/education/EDN03635\\_3635.html](http://law.onecle.com/new-york/education/EDN03635_3635.html)

**Description of Mandate:** Requires public school districts to transport in-district school age children attending private school to such private institutions located up to 15 miles from their homes.

**Recommended Change:** Reduce the mileage limits for private school out-of-district transportation from 15 miles to 5 miles, thereby alleviating the burden on our public schools of subsidizing private school transportation that is excessive and that financially benefits private institutions, and thereby offsetting the loss of revenue from consistent yearly reductions of state aid to public schools for transportation costs

**Estimated Savings from the Recommended Change to the Local Government:**  
\$1.05 Million annual savings.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculation of cost of each bus route for in-district school age children being transported by the Chappaqua Central School District to a private school within a 15 mile radius of their homes.

## CHAPPAQUA CENTRAL SCHOOL DISTRICT

Be it resolved by the Chappaqua 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Chappaqua 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Chappaqua 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 Education – Part 3 – § 3635 Transportation**  
**[http://law.onecle.com/new-york/education/EDN03635\\_3635.html](http://law.onecle.com/new-york/education/EDN03635_3635.html)**

**BE IT FURTHER RESOLVED** that, with respect to the above-referenced statute, the Chappaqua Central School district asks, by resolution of its governing body, that the Mandate Relief Council reduce the mileage limits for private school out-of-district transportation from 15 miles to 5 miles, which would result in annual savings of approximately \$1.05 Million, thereby offsetting the loss of revenue from consistent yearly reductions of state aid to public schools for transportation costs, and, as noted by the Lower Hudson Council of School Superintendents Recommendations for Mandate Relief dated December 2011, thereby alleviating the burden on our public schools of subsidizing private school transportation that is excessive and that financially benefits private school investors, trustees, and parents who have chosen these as alternatives to their local public school.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the NY State Mandate Relief Council, 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.

Signature: 

Title: District Clerk/Admin. Asst.  
To Superintendent

## Mandate Review Request #2012050010

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Chappaqua Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment to the Taylor Law

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Provides that upon the expiration of a collective bargaining contract, public employers must maintain all provisions of public employee contracts in effect, including automatic annual salary increases in the form of increased “step” payments.

**Recommended Change:** Reform the Triborough Amendment to the Taylor Law by freezing automatic step increases in salary upon the expiration of public employee contracts, thereby preventing automatic and uncontrollable increases to school district budget expenses, and thereby adhering to the original intent of the Triborough Doctrine to maintain the status quo for fair and meaningful collective bargaining.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$1.265 Million annual savings.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Product of the total salaries from all bargaining units multiplied by the average percentage of annual step increases.

## CHAPPAQUA CENTRAL SCHOOL DISTRICT

Be it resolved by the Chappaqua 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Chappaqua 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Chappaqua 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:

**Triborough Amendment to the Taylor Law  
Section 209-a(1)(e) of the Civil Service Law**

**BE IT FURTHER RESOLVED** that, with respect to the above-referenced statute, the Chappaqua Central School district asks, by resolution of its governing body, that the Mandate Relief Council reform the Triborough Amendment to the Taylor Law by freezing automatic step increases in salary upon the expiration of public employee contracts, thereby preventing automatic and uncontrollable annual increases of approximately \$1.265 Million to the Chappaqua Central School District budget expenses, and thereby adhering to the original intent of the Triborough Doctrine to maintain the status quo for fair and meaningful collective bargaining.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the NY State Mandate Relief Council, 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.

Signature:



Title: District Clerk/Admin. Asst.  
To Superintendent

## Mandate Review Request #2012050011

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** City of Rye  
**Type of Local Government:** City  
**County:** Westchester

**Name of Mandate:** triborough amendment

**Type of Mandate:** Statute

**Citation for Mandate:** 5 Perb 3037  
NYS Civil Service Law 209-a (1) (e)

**Description of Mandate:** Continuation of contract benefits while new contract is being negotiated

**Recommended Change:** Delete from current law

**Estimated Savings from the Recommended Change to the Local Government:** (2008-11) During current contract for Police and Fire \$97,989

**Estimated Statewide Savings from the Recommended Change:** Unknown

**Description of Methodology Used in Estimating Savings:** Annualized step increases in compensation and annual increases in health insurance premiums for 7 employees hired in Police and Fire department since contracts expired in 2008



At a special joint meeting of the City Council of the City of Rye and the Rye City School District Board of Education held on April 21, 2012, Board Member Nathan made a motion, seconded by Councilwoman Brett to adopt the following Resolution:

**Joint Resolution of the Rye City School District and the City of Rye**

Be it RESOLVED by the Rye City School District Board of Education and the Mayor and the Council of the City of Rye that meaningful mandate relief must be enacted by the cooperative efforts of the New York State Legislative and Executive branches in order to provide relief to jurisdictions that are in compliance with the limits of annual growth in the local property tax levy, and

WHEREAS, the joint Mandate Relief Council comprised of representatives of both the Legislative and Executive branch of New York State is currently tasked with reviewing and implementing mandate relief reforms as a part of comprehensive tax reforms for overburdened New York taxpayers, and

WHEREAS, both the provision of essential services and the quality of educational opportunities and city programs are being negatively impacted by the current 2% tax cap, and

WHEREAS, repealing State statutes such as the Triborough Amendment would immediately improve the ability of the school district and city to control costs, and

WHEREAS, the repeal of the Wicks Law would also provide immediate savings in the cost of capital improvements by reducing the requirements for multiple contractors on construction projects, and

WHEREAS, the costs of public employee pension contributions are increasing at a rate that is unsustainable with the current exclusion language in the tax cap levy, and should be limited so that the state-mandated employer contribution rates are capped at the same growth rate increase as is allowed under the current tax cap, now

THEREFORE, BE IT RESOLVED that the Rye City School District Board of Education and the Mayor and Council of the City of Rye demand that the Governor and the Legislature, as well as the Mandate Relief Council in accordance with Article 24, Executive Law 666, act upon these specific items of concern, and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the NY State Mandate Relief Council, Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and Members of the State Senate and Assembly representing Rye.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Parker and Sack  
NAYS: None  
ABSENT: Councilmembers Filippi and Keith

ROLL CALL:

AYES: School Board President Slack, Board Members Belanger, Fox, Glassberg, Nathan, and Schmitt  
NAYS: None  
ABSENT: Board Member Egan

The Resolution was adopted by an 11-0 vote

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )  
CITY OF RYE )

I, Dawn F. Nodarse, Clerk of the City of Rye, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said Rye City Council and the Rye City School District Board of Education at a special Joint Meeting of the Rye City Council and the Rye City School District Board of Education duly called and held at the Rye City Hall on April 21, 2012 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Rye, New York, this 23rd day of April, 2012.

*Dawn F. Nodarse*  
DAWN F. NODARSE  
CITY CLERK

SEAL

**RESOLUTION No. 3 OF BOARD OF EDUCATION OF SCARSDALE UFSD  
TO FREEZE AND RESTRICT NEW OR PENDING LEGISLATED UNFUNDED MANDATES**

**BE IT RESOLVED**, by the Scarsdale Union Free 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 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Scarsdale Union Free 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.

**BE IT FURTHER RESOLVED**, that, in accordance with Article 24, Executive Law 666, which establishes a Mandate Relief Council, the Scarsdale Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council review the following:

- 1) A revision of current legislation that requires a "review" of new mandate costs that includes a comprehensive cost analysis and determination of the funding source.
- 2) The practice of cost-shifting of mandated programs.
- 3) A freeze and review of all currently proposed and pending mandates.

*What is the extent of unfunded or underfunded mandates in New York State that impact the education economy in the Lower Hudson Valley?*

- *There are 151 State and Federal public school unfunded or underfunded mandates under the following categories: Administration, Business, Facilities, Health/Safety, School-wide Instruction, Technology, Human Resources, Non-public Schools, and Transportation.*
- *In 2008-09, a group of nine Westchester school districts (READ) analyzed the costs of the unfunded mandates.*
- *Mandates were equivalent to 17% of a district's budget;*
- *In 2008-09, taxpayers in the READ districts funded \$117 million mandates;*
- *If these eight districts could have cut just a third of these costs, a \$39 million dollar savings would have been returned to taxpayers to provide greater efficiencies for schools.*

- *If extrapolated to all Westchester districts in 2011-12 with a 20% reduction in mandates, the savings would have been over \$1 Billion.*

*Since legislation of the tax cap, the following unfunded mandates have been proposed or legislated: printing of state assessments; scoring of state assessments; security of state assessments; concussion management and training; and anti-bullying regulations (Dignity for All Students Act).*

*Mandates are written with good intentions; however, in better economic times providing funding for these ideas was less challenging. It has been said that we are in a fiscal period defined as the "new normal". Those who propose new mandates, however well-intentioned, must also identify the funding sources and provide a well-researched plan that considers both long-term and in-kind costs to school districts. Unless this happens, there will be a continual escalation of costs.*

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the New York State Mandate Relief Council, Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the Senate and Assembly representing Westchester and Putnam Counties.

Signature  /s/ Jill Spieler President, Board of Education,  
Title  Scarsdale UFSD Date  April 16, 2012

## Mandate Review Request #2012050013

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Ardsley Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** Sec. 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Reform on the Triborough Amendment to the Taylor Laws to eliminate automatic step and lane increases when a contract expires. The fiscal environment and tax levy limit have created a "new normal" for school district budgeting. Within this paradigm, it is critical that these increases not be automatically guaranteed, and that there be a level playing field during the negotiaiton of a new contract.

**Recommended Change:** Salary step incrases should be frozen when a contract expires.

**Estimated Savings from the Recommended Change to the Local Government:** Triborough for our teachers currently costs \$515,000.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculations by school business official, estimated savings is annual.

WHEREAS, the Board of Education of the Ardsley Union Free School District believes that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit; and

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 educational 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;

THEREFORE, BE IT RESOLVED, that we, the members of the Board of Education of the Ardsley Union Free 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 Section 666, which establishes a Mandate Relief Council, the Ardsley Union Free 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:

Triborough Amendment to the Taylor Law [Sec. 209-a(1)(e) of the Civil Service Law]  
Salary step increases should be frozen when a contract expires; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester County.

## Mandate Review Request #2012050014

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Ardsley Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Last In, First Out - LIFO

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law Sections 2510 and 3013

**Description of Mandate:** School districts must have the flexibility to reduce tenured staff on the basis of more than the single criterion of seniority. Given the current NY certification regulations and the LIFO mandate, layoffs in areas such as foreign language or the sciences can create special challenges for a school district. These and other tenure areas created by Part 30 are not coextensive with the required teacher certifications.

**Recommended Change:** Seniority should not be mandated as the sole factor when reducing tenured staff.

**Estimated Savings from the Recommended Change to the Local Government:** Cost savings would be salary difference between the senior/junior teacher-\$60,000 per teacher inc benefits.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculations by school business official, estimated savings is annual.

WHEREAS, the Board of Education of the Ardsley Union Free School District believes that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit; and

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 educational 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;

THEREFORE, BE IT RESOLVED, that we, the members of the Board of Education of the Ardsley Union Free 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 Section 666, which establishes a Mandate Relief Council, the Ardsley Union Free 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:

Last In, First Out – LIFO [Education Law Sections 2510 and 3013].

Seniority should not be mandated as the sole factor when reducing pedagogical staff; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester County.

## Mandate Review Request #2012050015

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Ardsley Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Extension of Probationary Term of Pedagogical Employees (Administrators, Teachers and Teaching Assistants)

**Type of Mandate:** Statute

**Citation for Mandate:** Sections 2509(1)(a),2573(1)(a),3012(1)(a)3014(1) Education Law

**Description of Mandate:** The general probationary period prior to granting tenure to pedagogical employees should be extended from three years to five years.

**Recommended Change:** The general probationary period prior to granting tenure to pedagogical employees should be extended from three years to five years.

**Estimated Savings from the Recommended Change to the Local Government:** Cost savings would be salary difference between the senior/junior teacher-\$60,000 per teacher including benefits.

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Calculations by school business official, estimated savings is annual.

WHEREAS, the Board of Education of the Ardsley Union Free School District believes that mandate relief must be addressed by the New York State Legislature as school districts implement the property tax levy limit; and

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 educational 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;

THEREFORE, BE IT RESOLVED, that we, the members of the Board of Education of the Ardsley Union Free 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 Section 666, which establishes a Mandate Relief Council, the Ardsley Union Free 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:

Extension of Probationary Term of Pedagogical Employees (Administrators, Teachers and Teaching Assistants) [Sections 2509(1)(a), 2573(1)(a), 3012(1)(a), 3014(1) Education Law]  
The general probationary period prior to granting tenure to pedagogical employees should be returned to five years .

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, and the members of the State Senate and Assembly representing Westchester County.

## Mandate Review Request #2012070001

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Sayville Union Free School District  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** Allow School District to establish a TRS reserve.

**Type of Mandate:** Statute

**Citation for Mandate:** Amend Section 521 of Education Law to allow School Districts to establish TRS Reserve Fund.

**Description of Mandate:** Amend Section 521 of Education Law to allow School Districts to establish TRS Reserve Fund.

**Recommended Change:** Amend Section 521 of Education Law to allow School Districts to establish TRS Reserve Fund.

**Estimated Savings from the Recommended Change to the Local Government:** Would allow districts to level tax rates

**Estimated Statewide Savings from the Recommended Change:** Would allow districts to level tax rates

**Description of Methodology Used in Estimating Savings:** There is no cost saving but rather this will allow districts to manage tax increases due to increase in TRS not under our control

## Mandate Relief Resolution

This is to certify that the resolution listed below is a true excerpt from the official minutes of the Board of Education meeting held on May 17, 2012:

Motion made by Mr. deVenau, seconded by Mr. Verdone, "BE IT RESOLVED, that the Board of Education of Sayville Public Schools desires to send three mandates to the Mandate Relief Council;

NOW THEREFORE, BE IT RESOLVED, THAT THE Board of Education choose the following mandates for relief:

Allowing TRS Reserves Fund  
Fund 15 miles for private school out-of-district transportation  
Cost of NYS Test Scoring

Motion carried 6-0."

Maribeth Demetres  
District Clerk  
Sayville Public Schools  
99 Greeley Avenue  
Sayville, NY 11782  
631 244-6510

## Mandate Review Request #2012070002

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Sayville UFSD  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** Mandatory transportation for up to 15 miles out-of-district

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law 3635 - fully fund transportation to nonpublic schools as required by Education Law 3635

**Description of Mandate:** School Districts must provide transportation to nonpublic school students within the same mileage limits established for resident students.

**Recommended Change:** No change is recommended

**Estimated Savings from the Recommended Change to the Local Government:**  
\$306,000.00

**Estimated Statewide Savings from the Recommended Change:** \$ Millions

**Description of Methodology Used in Estimating Savings:** Our actual cost less transportation aid

## Mandate Relief Resolution

This is to certify that the resolution listed below is a true excerpt from the official minutes of the Board of Education meeting held on May 17, 2012:

Motion made by Mr. deVenau, seconded by Mr. Verdone, "BE IT RESOLVED, that the Board of Education of Sayville Public Schools desires to send three mandates to the Mandate Relief Council;

NOW THEREFORE, BE IT RESOLVED, THAT THE Board of Education choose the following mandates for relief:

Allowing TRS Reserves Fund  
Fund 15 miles for private school out-of-district transportation  
Cost of NYS Test Scoring

Motion carried 6-0."

Maribeth Demetres  
District Clerk  
Sayville Public Schools  
99 Greeley Avenue  
Sayville, NY 11782  
631 244-6510

## Mandate Review Request #2012070003

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Sayville Union Free School District  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** NYCRR 100.4 NYS Assessments grades 3-8

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** NYS should pay for and organize the scoring of all NYS Assessments used in the new APPR statute

**Description of Mandate:** All students grade 3 - 8 will take NYS assessments in ELA and Mathematics

**Recommended Change:** no change other than the state should organize and implement scoring. This would also address the issue that teracers can not score their own students' papers.

**Estimated Savings from the Recommended Change to the Local Government:** \$45,000.00 (about 30.00 per student grades 3 - 8)

**Estimated Statewide Savings from the Recommended Change:** \$ Millions

**Description of Methodology Used in Estimating Savings:** Used BOCES scoring cost, cost of substitutes, and teacher time)

## Mandate Relief Resolution

This is to certify that the resolution listed below is a true excerpt from the official minutes of the Board of Education meeting held on May 17, 2012:

Motion made by Mr. deVenau, seconded by Mr. Verdone, "BE IT RESOLVED, that the Board of Education of Sayville Public Schools desires to send three mandates to the Mandate Relief Council;

NOW THEREFORE, BE IT RESOLVED, THAT THE Board of Education choose the following mandates for relief:

Allowing TRS Reserves Fund  
Fund 15 miles for private school out-of-district transportation  
Cost of NYS Test Scoring

Motion carried 6-0."

Maribeth Demetres  
District Clerk  
Sayville Public Schools  
99 Greeley Avenue  
Sayville, NY 11782  
631 244-6510

## Mandate Review Request #2012070004

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Katonah-Lewisboro Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** Section 209-a(1)(e) of the Civil Service Law

**Description of Mandate:** Salary and step increases should be frozen when a contract expires.

**Recommended Change:** N/A

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

**BOARD OF EDUCATION  
KATONAH-LEWISBORO SCHOOLS**

Towns of Bedford, Lewisboro, North Salem, and Pound Ridge  
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*Mark Lipton, President  
Janet Harckham, Vice-President*

*Peter Breslin  
Charles Day  
Michael R. Gordon  
Warren Schloat  
Peter Treyz  
Jeremy Sabath, Student Board Member*

*Dr. Paul Kreutzer  
Superintendent of Schools*

*Kimberly A. Monzon  
District Clerk*



**EXTRACT OF MINUTES**

Meeting of the Board of Education of the  
Katonah-Lewisboro Union Free School District,  
in the County of Westchester, New York

June 1, 2012

\* \* \*

A special meeting of the Board of Education of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, was held within said School District on May 17, 2012, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Mark Lipton, President of the Board of Education; and

Board Members: Peter Breslin  
Charles Day  
Michael Gordon  
Janet Harckham  
Warren Schloat

There were absent: Peter Treyz

Also present: Kimberly A. Monzon, District Clerk

\*\*\*

Board President, Mr. Lipton offered the following resolution and moved its adoption:

**BE IT RESOLVED**, by the Katonah-Lewisboro Union Free 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Katonah-Lewisboro Union Free 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Katonah-Lewisboro Union Free 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:

Triborough Amendment to the Taylor Law; Salary step increases should be frozen when a contract expires.

Section 209-a(1)(e) of the Civil Service Law

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

The adoption of the foregoing resolution was seconded by Board Member, Michael Gordon and duly put to a vote, which resulted as follows:

AYES: 6

NOES: 0

ABENST: 1

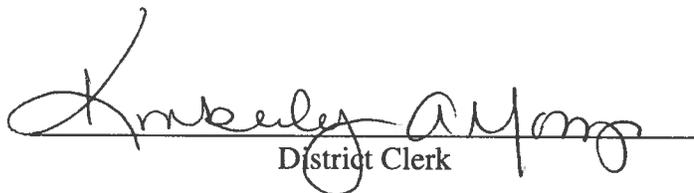
The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

I, Kimberly Monzon, District Clerk of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Board of Education of said Katonah-Lewisboro Union Free School District duly called and held on May 17, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Education and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Katonah-Lewisboro Union Free School District this 1st day of June, 2012.

  
District Clerk

(SEAL)

## Mandate Review Request #2012070005

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Katonah-Lewisboro Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Tiers 3 and 4 Contributions after 10 Years of Service

**Type of Mandate:** Statute

**Citation for Mandate:** New York Retirement and Social Security - Article 19 - Law §902 b.1, b.2, b.3

**Description of Mandate:** Members continue to retirement

**Recommended Change:** N/A

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

**BOARD OF EDUCATION  
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Charles Day  
Michael R. Gordon  
Warren Schloat  
Peter Treyz  
Jeremy Sabath, Student Board Member*

*Dr. Paul Kreutzer  
Superintendent of Schools*

*Kimberly A. Monzon  
District Clerk*

**EXTRACT OF MINUTES**

Meeting of the Board of Education of the  
Katonah-Lewisboro Union Free School District,  
in the County of Westchester, New York

June 1, 2012

\* \* \*

A special meeting of the Board of Education of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, was held within said School District on May 17, 2012, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Mark Lipton, President of the Board of Education; and

Board Members: Peter Breslin  
Charles Day  
Michael Gordon  
Janet Harckham  
Warren Schloat

There were absent: Peter Treyz

Also present: Kimberly A. Monzon, District Clerk

\*\*\*

Board President, Mr. Lipton offered the following resolution and moved its adoption:

**BE IT RESOLVED**, by the Katonah-Lewisboro Union Free 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Katonah-Lewisboro Union Free 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Katonah-Lewisboro Union Free 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:

Tiers 3 and 4 Contributions after 10 Years:

New York Retirement and Social Security – Article 19 – Law §902 b.1, b.2, b.3

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

The adoption of the foregoing resolution was seconded by Board Member, Michael Gordon and duly put to a vote, which resulted as follows:

AYES: 6

NOES: 0

ABENST: 1

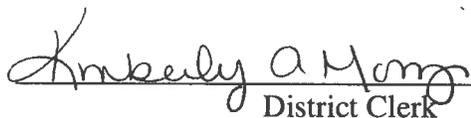
The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

I, Kimberly Monzon, District Clerk of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Board of Education of said Katonah-Lewisboro Union Free School District duly called and held on May 17, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Education and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Katonah-Lewisboro Union Free School District this 1st day of June, 2012.

  
\_\_\_\_\_  
District Clerk

(SEAL)

## Mandate Review Request #2012070006

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Katonah-Lewisboro Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Last In, First Out

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Education Law Sections 2510 and 3013

**Description of Mandate:** N/A

**Recommended Change:** N/A

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** N/A

**BOARD OF EDUCATION  
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Peter Treyz  
Jeremy Sabath, Student Board Member*

*Dr. Paul Kreuzer  
Superintendent of Schools*

*Kimberly A. Monzon  
District Clerk*



**EXTRACT OF MINUTES**

Meeting of the Board of Education of the  
Katonah-Lewisboro Union Free School District,  
in the County of Westchester, New York

June 1, 2012

\* \* \*

A special meeting of the Board of Education of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, was held within said School District on May 17, 2012, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Mark Lipton, President of the Board of Education; and

Board Members: Peter Breslin  
Charles Day  
Michael Gordon  
Janet Harckham  
Warren Schloat

There were absent: Peter Treyz

Also present: Kimberly A. Monzon, District Clerk

\*\*\*

Board President, Mr. Lipton offered the following resolution and moved its adoption:

**BE IT RESOLVED**, by the Katonah-Lewisboro Union Free 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Katonah-Lewisboro Union Free 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Katonah-Lewisboro Union Free 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:

Last In, First Out

Education Law Sections 2510 and 3013

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

The adoption of the foregoing resolution was seconded by Board Member, Michael Gordon and duly put to a vote, which resulted as follows:

AYES: 6

NOES: 0

ABENST: 1

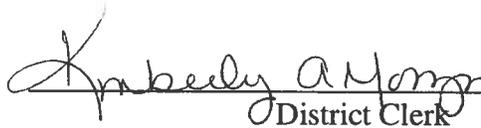
The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

I, Kimberly Monzon, District Clerk of the Katonah-Lewisboro Union Free School District, in the County of Westchester, New York, HEREBY CERTIFY that the foregoing annexed extract of the minutes of a meeting of the Board of Education of said Katonah-Lewisboro Union Free School District duly called and held on May 17, 2012, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Board of Education and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Katonah-Lewisboro Union Free School District this 1st day of June, 2012.

  
District Clerk

(SEAL)

## Mandate Review Request #2012070007

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Somers Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Teachers Retirement System Reserve Fund

**Type of Mandate:** Statute

**Citation for Mandate:** Section 521 of Education Law

**Description of Mandate:** To allow school districts to establish a Teachers Retirement System Reserve Fund. This would allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**Recommended Change:** Allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$0.00

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** This only allows us to create a reserve for this expense.

**SOMERS CENTRAL SCHOOL DISTRICT**  
**Adopted May 8, 2012**

**A. Mandate Relief #1**

Be it resolved by the Somers 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Somers Central School District initiate the process and 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 all mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Somers 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: Reform Section 521 of Education Law to allow school districts to establish a Teachers Retirement System Reserve Fund. This would allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**BE IT FURTHER RESOLVED** that a copy of this resolution, along with any necessary supporting documents, be submitted to the New York Mandate Relief Council for immediate consideration and action.

MOVED Sarena Meyer

SECONDED Linda Graffitti

VOTE 5-0

## Mandate Review Request #2012070008

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Somers Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** APPR Third Party Testing

**Type of Mandate:** Statute

**Citation for Mandate:** Education Law §3012-c

**Description of Mandate:** Amend Education Law §3012-c regarding the Annual Professional Performance Review (APPR). Eliminate third party testing requirements associated with APPR local assessments.

**Recommended Change:** Eliminate third party testing requirements associated with APPR local assessments. For districts to be unable to use local assessments which are graded by their own teachers puts an additional financial burden on the districts by requiring districts to pay other companies to do that.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$35,000.00

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Costs associated with the third party testing plus hourly costs for those involved in the planning for a carrying out of this matter.

**SOMERS CENTRAL SCHOOL DISTRICT**  
**Adopted May 8, 2012**

**A. Mandate Relief #2**

Be it resolved by the Somers 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Somers Central School District initiate the process and 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 all mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Somers 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: Amend Education Law §3012-c regarding the Annual Professional Performance Review (APPR). Eliminate third party testing requirements associated with APPR local assessments. Somers was the first school district in the county to approve the APPR rubric. We continue to work within this framework to develop a fair and balanced review. This has cost the district approximately \$20,000 and hundreds of hours, for which we will be reimbursed \$10,000 over four years. For the district to be unable to use local assessments which are graded by our own teachers puts an additional financial burden on the district by requiring us to pay other companies to do that for us.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**BE IT FURTHER RESOLVED** that a copy of this resolution, along with any necessary supporting documents, be submitted to the New York Mandate Relief Council for immediate consideration and action.

MOVED Sarena Meyer

SECONDED Ifay Chang

VOTE 5-0

## Mandate Review Request #2012070009

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Somers Central School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Special Education: Burden of Proof

**Type of Mandate:** Statute

**Citation for Mandate:** Appeal Procedures for Children With Handicapping Conditions.

**Description of Mandate:** Amend the law that shifted the burden of proof from parents to schools, which is counter to the 2007 US Supreme Court decision.

**Recommended Change:** Parents now have the ability to place their children out of district without even enrolling their child in our local school. Placing the burden of proof back onto parents from the schools would not only align the law with a Supreme Court decision, but also would save the district money in regards to legal costs and the extra staff time required for CSE meetings and supporting documents.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$50,000 +

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Legal costs associated with this process plus staff time devoted to these matters.

**SOMERS CENTRAL SCHOOL DISTRICT**  
**Adopted May 8, 2012**

**A. Mandate Relief #3**

Be it resolved by the Somers 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,

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Somers Central School District initiate the process and 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 all mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Somers 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: Article 89 - §4404 Appeal Procedures for Children With Handicapping Conditions. Parents now have the ability to place their children out of district without even enrolling their child in our local school. Placing the burden of proof back onto parents from the schools would not only align the law with a Supreme Court decision, but also would save the district money in regards to legal costs and the extra staff time required for CSE meetings and supporting documents.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

**BE IT FURTHER RESOLVED** that a copy of this resolution, along with any necessary supporting documents, be submitted to the New York Mandate Relief Council for immediate consideration and action.

MOVED Sarena Meyer

SECONDED Linda Graffitti

VOTE 5-0

## Mandate Review Request #2012070010

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Elwood Union Free School District  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** Exclusion from the tax cap of any special education costs associated with student placements outside the district

**Type of Mandate:** Statute

**Citation for Mandate:** Chapter 97 of New York State Laws of 2011

**Description of Mandate:** New York Tax Cap legislation includes in a school district's tax cap the costs associated with special education student placements outside the district.

**Recommended Change:** Recommend an amendment of the tax cap legislation to exclude from a school district's tax cap any special education costs associated with student placements outside the district.

**Estimated Savings from the Recommended Change to the Local Government:** \$270,000 a year excluded from tax cap

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** The cost of three student placements at a cost of \$90,000 each.

**WHEREAS**, the recent tax cap legislation imposes a limit on the growth of the local school tax levy and in addition school districts have unprecedented funding shortfalls; and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of school districts;

**THEREFORE, BE IT RESOLVED** that the Elwood Board of Education requests the Mandate Relief Council to urge an amendment of the New York Tax Cap legislation to exclude from a school district's tax cap any special education costs associated with student placements outside the district.

## Mandate Review Request #2012070011

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Elwood Union Free School District  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** Exclusion from the tax cap of any increase in pension costs

**Type of Mandate:** Statute

**Citation for Mandate:** Chapter 97 of New York State Laws of 2011

**Description of Mandate:** Two percent of pension rate increases are currently included when determining a district's tax cap

**Recommended Change:** Exclude all pension cost increases when determining a district's tax cap

**Estimated Savings from the Recommended Change to the Local Government:** \$630,000 will be excluded from our district's tax cap

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Budgeted costs over the last three years

**WHEREAS**, the recent tax cap legislation imposes a limit on the growth of the local school tax levy and in addition school districts have unprecedented funding shortfalls; and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of school districts;

**THEREFORE, BE IT RESOLVED** that the Elwood Board of Education requests the Mandate Relief Council to urge an amendment of the New York Tax Cap legislation to exclude from a school district's tax cap all increases in district contributions to the pension funds.

## Mandate Review Request #2012070012

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Elwood Union Free School District  
**Type of Local Government:** School District  
**County:** Suffolk

**Name of Mandate:** Triborough Amendment

**Type of Mandate:** Statute

**Citation for Mandate:** New York Civil Service Law Article 14

**Description of Mandate:** Triborough Amendment

**Recommended Change:** Eliminate Triborough Amendment

**Estimated Savings from the Recommended Change to the Local Government:**  
\$400,000 a year in step, lane and longevity increases

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** analysis of current labor contracts

on a cooperative basis with other educational institutions against the New York State Education Department, the New York State Commissioner of Education and other proper parties, if any.

b. **and** Recommend the Board approve the following resolutions to submit to the New York State Mandate Relief Council:

1. **WHEREAS**, the Triborough Amendment to the New York State Taylor Law prohibits a school district from changing any provision in an expired labor contract until a new contract is signed, thus ensuring employees of step, lane and longevity increases if a contract expires;

**WHEREAS**, the Triborough Amendment creates a disincentive for school district bargaining units to settle or consider provisions in subsequent contracts that are less costly to the District and gives the bargaining units a distinct advantage in collective bargaining;

**THEREFORE, BE IT RESOLVED** that the Elwood Board of Education urges the Mandate Relief Council to declare the Triborough Amendment "unsound, unduly burdensome or costly so as to require it to be eliminated or reformed".

2. **WHEREAS**, the recent tax cap legislation imposes a limit on the growth of the local school tax levy and in addition school districts have unprecedented funding shortfalls; and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of school districts;

**THEREFORE, BE IT RESOLVED** that the Elwood Board of Education requests the Mandate Relief Council to urge an amendment of the New York Tax Cap legislation to exclude from a school district's tax cap any special education costs associated with student placements outside the district.

3. **WHEREAS**, the recent tax cap legislation imposes a limit on the growth of the local school tax levy and in addition school districts have unprecedented funding shortfalls; and

**WHEREAS**, unfunded and underfunded state mandates continually increase the obligations and expenditures of school districts;

**THEREFORE, BE IT RESOLVED** that the Elwood Board of Education requests the Mandate Relief Council to urge an amendment of the New York Tax Cap legislation to exclude from a school district's tax cap all increases in district contributions to the pension funds.

*Mr. LaMena moved and Mr. Gutekunst seconded. The motion carried 5 ayes, 0 nays.*

D. **RESIDENTS' REMARKS** - None

E. **EXECUTIVE SESSION** – At 8:36 p.m. Mr. Kaplan moved and Mr. Ciccone seconded a motion to go into executive session to discuss personnel matters and negotiations. The motion carried 5 ayes, 0 nays.

At 9:50 p.m. Mr. Kaplan moved and Mr. Ciccone seconded a motion to adjourn executive session. The motion carried 5 ayes, 0 nays.

The Board then acted on the motions in **TAB K**.

Mr. Kaplan moved and Mr. Ciccone seconded. The motion carried 5 ayes, 0 nays.

## Mandate Review Request #2012070013

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Edmeston Central School  
**Type of Local Government:** School District  
**County:** Otsego

**Name of Mandate:** Internal Auditor

**Type of Mandate:** Statute

**Citation for Mandate:** Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)

**Description of Mandate:** School Districts are required to have an internal auditor.

**Recommended Change:** Exempt school districts with an enrollment of less than 1000 students from the internal auditor requirement

**Estimated Savings from the Recommended Change to the Local Government:**  
\$20,650 over 3 years

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Edmeston Central School participated in a joint RFP through ONC BOCES, and the bidder selected quoted this cost over 3 school years. This bid was accepted at the April board meeting (minutes attached).

**Resolved, that the board of education of the Edmeston Central School District, Otsego County New York, hereby requests that the following mandates be reviewed by the Mandate Relief Council of the Governor of the State of New York:**

**Wicks Law - General Municipal Law §101**

We request legislation to exempt school districts from the requirements of the Wicks Law.

**Internal Audit Requirement - Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)**

We request that districts with fewer than 1,000 students be exempt from the internal audit requirement.

**Special Education Requirements – Part 200 of the Commissioners’ Regulations**

We request that all Part 200 regulations that impose requirements beyond federal law be eliminated.

Approved at the Board of Education Meeting June 14, 2012

**PRESENT**

Susan Gelatt, President  
John E. Holdorf, Vice President  
Timothy Johnson  
Laura Hawes  
Jeremy Robinson  
Brian Hunt  
Martha Winsor  
Alicia M. Bowen  
Mary Ellen Bates

**ABSENT**

Regular Meeting was called to order by Susan Gelatt at 7:00pm.

**GUESTS/VISITORS** Logged in our Visitor Book.

**PRESENTATION** Mrs. Stanton presented regarding the Just a Good Time Kid's Day held on March 17, 2012. Mr. Hunt presented on APPR.

**CORRESPONDENCE** Thank you received and read from Grey Bennis.

**MINUTES** On motion of John Holdorf, seconded by Laura Hawes, the Board approved the Minutes of the March 8, March 22 and April 4, 2012 meetings.

**BILL WARRANTS** The Board reviewed the Bill Warrants.

**TREASURER'S REPORT** The Board reviewed the Treasurer's Report for 3/31/12.

**CLAIMS AUDITOR REPORT** The Board reviewed the Claims Auditor Report.

**OLD BUSINESS:**

**SMART RESULTS** Mr. Hunt reported on SMART Results.

**HOGAN-SARZYNSKI BOARD POLICY MANUAL** Reviewed policies 21-30 again from the new Board Policy Manual.

**CAPITAL PROJECT DISCUSSION** Mr. Hunt and Mrs. Bowen discussed the timeline for the proposed project.

**BUDGET PROCESS DISCUSSION** The proposed budget was presented and discussed.

**NEW BUSINESS:**

**AMANDA CONKLIN** Upon the recommendation of the Superintendent and on motion of Laura Hawes, seconded by John Holdorf, it was RESOLVED that in compliance with the provisions of Section 3012 of the Education Law and Part 30.3 of the rules of the Board of Regents, that Amanda Conklin be appointed for tenure in the position of Guidance Counselor, who holds a valid NYS certificate permitting her to work in the aforementioned tenure area, and the Board of Education does hereby make this appointment effective September 1, 2012. Voting 5-0.

**SARA SCHALLERT** Upon the recommendation of the Superintendent and on motion of Jeremy Robinson, seconded by Laura Hawes, it was RESOLVED that in compliance with the provisions of Section 3012 of the Education Law and Part 30.3 of the rules of the Board of Regents, that Sara Schallert be appointed for tenure in the position of English Language Arts 7-12, who holds a valid NYS certificate permitting her to work in the aforementioned tenure area, and the Board of Education does hereby make this appointment effective September 1, 2012. Voting 5-0.

**BUDGET HEARING** On motion of John Holdorf, seconded by Timothy Johnson, the Board approved the School Budget Hearing Date of May 8, 2012 at 7pm.

**BUDGET VOTE** On motion of Timothy Johnson, seconded by Jeremy Robinson, the Board approved the School Budget Vote Date of May 15, 2012 from 12:00pm-8:00pm.

**BUDGET HEARING/VOTE OFFICIALS** On motion of Laura Hawes, seconded by John Holdorf, the Board appointed officials for the School Budget Hearing/Vote:  
Clerk-Alicia Bowen  
Assistant Clerk-Brenda Belden  
Voting Inspector-David Slentz

**ONC BOCES BOARD OF EDUCATION** The Board discussed the election of 3 members to the ONC BOCES Board of Education.

**LAST DAY OF CLASSES** On motion of Timothy Johnson, seconded by Jeremy Robinson, the Board approved the following resolution: RESOLVED that due to the fact Edmeston Central School is a Pre-K-12, one component school, Grades Pre-K-8 will be excused during regents week (June 13-21, 2012) making the last day of classes Tuesday, June 12, 2012.

**UNUSED EMERGENCY CLOSING DAYS** On motion of John Holdorf, seconded by Laura Hawes, the Board approved Friday, May 18, 2012, Friday, May 25, 2012 and Tuesday, May 29, 2012 as unused emergency closing days.

**12-MONTH EMPLOYEES** On motion of Laura Hawes, seconded by Jeremy Robinson, the Board approved Tuesday, May 29, 2012 as an additional vacation day for 12-month employees.

**TERRENCE KLINE** On motion of John Holdorf, seconded by Timothy Johnson, the Board accepted the retirement of Terrence Kline from his bus driver position effective June 30, 2012.

**SENIOR CLASS TRIP** On motion of Laura Hawes, seconded by Jeremy Robinson, the Board approved the Senior Class Trip to New York City and New Jersey for June 8-10, 2012.

**INTERNAL AUDITOR SERVICES** On motion of Laura Hawes, seconded by Timothy Johnson, the Board accepted the Internal Auditor Services Proposal of Management Advisory Group of NY, Inc. for 2012-2015 at a total cost of \$20,650, with a provision to opt out if the state mandate is rescinded.

**KIM ROSE** On motion of John Holdorf, seconded by Timothy Johnson, the Board approved Kim Rose as a CROP Activity Assistant at a pay rate of \$10 per hour.

**AUDREY ARNOLD** On motion of Laura Hawes, seconded by John Holdorf, the Board approved the unpaid leave request from Audrey Arnold for ½ day on May 11, 2012.

**SUPPLEMENTAL BOND RESOLUTION** On motion of Timothy Johnson, seconded by John Holdorf, the Board approved a Supplemental Bond Resolution amending the 12/8/11 Refunding Bond Resolution. (Copy in Supplemental Minutes)

**OTHER BUSINESS:**

**PRINCIPAL'S REPORT:** Mrs. Winsor discussed the following items: The Arts in Education Programs including Flame and Thula Sizwe. Student Learning Objectives were also presented to the staff members with a 20 minute presentation today during the staff meeting. All teachers were given a packet of information and were asked to begin to draft out their SLO's. The Inquiry Team met with 7-12 grade teachers and we presented the ELA Shifts as set forth by State Ed in the change to teaching the Core Curriculum. Shared corrections begin with training of scoring leaders tomorrow afternoon. We will be correcting with Morris and Laurens on Monday. 7 referrals for retentions have been received. Of these, two will be moved on and the rest have yet to have their meetings with the parents.

**SUPERINTENDENT'S REPORT:** Mr. Hunt discussed the following items: He will be attending 2 meetings with other area superintendents to discuss regional collaboration. We will be having community budget presentations on the next 3 Wednesday evenings. On April 25<sup>th</sup>, Jodi Hawes and he will present at the church hall in West Edmeston, May 3<sup>rd</sup>, Susan and he will present at the Edmeston Fire Dept, and on May 9<sup>th</sup>, he will present at the Edmeston Rotary Club meeting. Our assessment committee selected the STAR Assessment System for our student performance measure for the 2012-13 school year. Each student in grades K-12 will take an assessment 3 times per year in ELA and 3 times per year in Math. Our Wellness Committee will complete its review of the Wellness Policy this month. They will be working on the Tobacco Free School Policy. The APPR Committee will continue to meet to complete the APPR Plan for teachers by the end of this school year for implementation next school year.

**EXECUTIVE SESSION:** On motion of Laura Hawes, seconded by Jeremy Robinson, the Board moved to executive session at 8:25pm to discuss the medical, financial, credit, or employment history of a particular person or corporation.

On motion of Laura Hawes, seconded by Jeremy Robinson, the Board adjourned executive session at 9:42pm.

**REGULAR SESSION #2**

**2012-2013 BUDGET RESOLUTION** On motion of Timothy Johnson, seconded by Jeremy Robinson, the Board approved the 2012-2013 Budget Resolution:

RESOLVED that the Board of Education of Edmeston Central School be, and hereby is, authorized

To expend the sum set forth	\$ 9,151,785
To accumulate a planned balance	
For July 1, 2013	75,000
To levy the necessary tax for the above purpose.	

**RESOLUTION BUSINESS EDUCATION PROGRAM** On recommendation of the superintendent and on motion of Timothy Johnson, seconded by John Holdorf, the following resolution of reduction was presented:

- (a) 1 full-time Business Education Position effective June 30, 2012, in anticipation of a BOCES takeover of the Business Education Program.
- (b) The person holding this full-time position is MaryLynne Bridger.

Vote: 5-0

**RESOLUTION SPANISH POSITION** On recommendation of the superintendent and on motion of Laura Hawes, seconded by Jeremy Robinson, the following resolution of reduction was presented:

- (a) A 0.5 FTE position is reduced to 0.3 FTE for reasons of economy, effective June 30, 2012, in the tenure area of Foreign Languages.
- (b) The person holding this part-time position is Susan Knight.

Vote: 5-0

**RESOLUTION TEACHING ASSISTANT POSITION** On recommendation of the superintendent and on motion of Laura Hawes, seconded by Timothy Johnson, the following resolution of reduction was presented:

- (a) One (1) Teaching Assistant position is abolished for reasons of economy, effective June 30, 2012.

Vote: 5-0

**RESOLUTION DIRECTOR OF SPECIAL EDUCATION, CURRICULUM & INSTRUCTION**

On recommendation of the superintendent and on motion of John Holdorf, seconded by Jeremy Robinson, the following resolution of reduction was presented:

- (a) The Director of Special Education, Curriculum & Instruction from 1.0 FTE to 0.5 FTE for reasons of economy, effective June 30, 2012.
- (b) The person holding this full-time position is Mary Ellen Bates.

Vote: 5-0

**REGISTERED NURSE POSITION** On motion of Jeremy Robinson, seconded by Laura Hawes, the Board created an hourly Registered Nurse Position at \$15.00 hr. effective July 1, 2012.

**BOCES ADMINISTRATIVE BUDGET** The Board discussed a resolution to approve/defeat the Otsego/Northern Catskill BOCES Administrative Budget for the 2012-13 school year. (Copy in Supplemental Minutes)

**EXTRA AND CO-CURRICULAR APPOINTMENTS** The Board discussed the Extra and Co-Curricular appointments for the 2012-2013 school year.

**VOLUNTEER COACHES** The Board discussed Volunteer Coaches.

**0.5 FTE AIDE POSITION** On motion of John Holdorf, seconded by Jeremy Robinson, the Board approved creation of a 0.5 FTE Aide position, effective 9/1/12.

**BRANDON SLEEZER** On motion of John Holdorf, seconded by Timothy Johnson, the Board approved Brandon Sleezer as a volunteer varsity baseball assistant for the Spring 2012 season.

**CSE MINUTES** On motion of Laura Hawes, seconded by Jeremy Robinson, the Board approved the CSE Minutes from 3/27/12, 3/30/12, 4/2/12 and 4/3/12.

**ADJOURNMENT** On motion of Jeremy Robinson, seconded by Timothy Johnson, the Board adjourned at 9:51pm.

## Mandate Review Request #2012070014

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** City School District of New Rochelle  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Last In, First Out - LIFO

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Education Law Sections 2510 and 3013 (cities)

**Description of Mandate:** FISCAL REFORM

Last In, First Out – LIFO

Seniority should not be mandated as the sole factor when reducing tenured staff.

Education Law Sections 2510 and 3013 (cities).

Using Last In, First Out—LIFO is not educationally sound decision-making because it prohibits a district from considering such factors as, but not limited to, expertise, skill, quality of instruction and specialized certification. For example, teachers certified in French and Spanish all fall within the same tenure area of foreign language. While the least senior member of the foreign language department may be a “French expert” teacher, and no one else in the department possesses that same expertise, the least senior member, i.e., the “French” teacher, would be the faculty member excessed in the foreign language tenure area, thus forcing the district to either retain a less qualified member of the teaching staff, i.e. a “Spanish” teacher who may lack the certification required to teach the French class(es), or eliminate the program. This example is one of many possible scenarios that can affect multiple subject areas in secondary education outside of foreign language.

**Recommended Change:** Using Last In, First Out—LIFO is not educationally sound decision-making because it prohibits a district from considering such factors as, but not limited to, expertise, skill, quality of instruction and specialized certification. For example, teachers certified in French and Spanish all fall within the same tenure area of foreign language. While the least senior member of the foreign language department may be a “French expert” teacher, and no one else in the department possesses that same expertise, the least senior member, i.e., the “French” teacher, would be the faculty member excessed in the foreign language tenure area, thus forcing the district to either retain a less qualified member of the teaching staff, i.e. a “Spanish” teacher who may lack the certification required to teach the French class(es), or eliminate the program. This example is one of many possible scenarios that can affect multiple subject areas in secondary education outside of foreign language.

**Estimated Savings from the Recommended Change to the Local Government:**  
Unknown

**Estimated Statewide Savings from the Recommended Change:** Unknown

**Description of Methodology Used in Estimating Savings:** N/A

Transcript of minutes of the Special Meeting of the Board of Education of the City School District of the City of New Rochelle, County of Westchester, State of New York, held on 06/26/2012

Mary Jane Reddington moved, seconded by Deirdre Polow, that the following resolution be adopted:

**RESOLUTION NO. 12-354**

**RESOLUTION URGING STATE LAWMAKERS TO PROVIDE MANDATE RELIEF**

**BE IT RESOLVED**, by the City School District of the City of New Rochelle 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;

**THEREFORE, BE IT RESOLVED**, that we, the members of the Board of Education of the City School District of the City of New Rochelle, 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 City School District of the City of New Rochelle, a Small Cities school district located in the City of New Rochelle, County of Westchester, State of New York, with an enrollment of approximately 11,000 students for 2011-2012 school year, 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:

**FISCAL REFORM**

Last In, First Out – LIFO

Seniority should not be mandated as the sole factor when reducing tenured staff.  
Education Law Sections 2510 and 3013 (cities).

Using Last In, First Out—LIFO is not educationally sound decision-making because it prohibits a district from considering such factors as, but not limited to, expertise, skill, quality of instruction and specialized certification. For example, teachers certified in French and Spanish all fall within the same tenure area of foreign language. While the least senior member of the foreign language department may be a “French expert” teacher, and no one else in the department possesses that same expertise, the least senior member, i.e., the “French” teacher, would be the faculty member excessed in the foreign language tenure area, thus forcing the district to either retain a less qualified member of the teaching staff, i.e. a “Spanish” teacher who may lack the certification required to teach the French class(es), or eliminate the program. This example is one of many possible scenarios that can affect multiple subject areas in secondary education outside of foreign language.

And

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded 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; and, be it further

**RESOLVED**, that this resolution shall take effect immediately.

**VOTE ON RESOLUTION NO. 12-354 AS FOLLOWS:**

**AYES:** 5 (C. Petrone; D. Lacher; D. Polow; M.J. Reddington; R. Relkin)

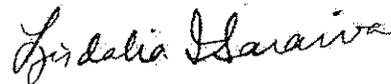
**NAYS:** 0

**ABSTENTIONS:** 0

**ABSENT:** 4 (J. Hastie; N. Brickel; L. Merchant; V. Orellana)

**RESOLUTION NO. 12-354 WAS APPROVED UNANIMOUSLY.**

**AUTHENTICATED AND CERTIFIED**



**LISDALIA I. SARAIVA  
SCHOOL DISTRICT CLERK**

## Mandate Review Request #2012110001

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Palmyra-Macedon Central School District  
**Type of Local Government:** School District  
**County:** Wayne & Ontario

**Name of Mandate:** Special Education

**Type of Mandate:** Statute

**Citation for Mandate:** New York State has over 200 Special Education statutes and regulations that exceed Federal requirements. See the New York State Education Department's document, "New York State Law, Regulations and Policy Not Required by Federal Law/Regulations/Policy - Revised May 2012" (<http://www.p12.nysed.gov/specialed/idea/2012regsanalysis.htm>)

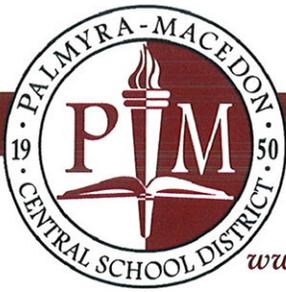
**Description of Mandate:** New York State has over 200 Special Education statutes and regulations that exceed Federal requirements. See the New York State Education Department's document, "New York State Law, Regulations and Policy Not Required by Federal Law/Regulations/Policy - Revised May 2012" (<http://www.p12.nysed.gov/specialed/idea/2012regsanalysis.htm>)

**Recommended Change:** Reduce the costs of special education by eliminating State mandates that exceed federal requirements as described above. See also the Council of New York Special Education Administrators' "Mandate Relief 2011 Position Paper" (<http://www.cnysea.net/images/stories/pdfs/Mandate-Relief-Position-3-16-11.pdf>) for more specific recommendations.

**Estimated Savings from the Recommended Change to the Local Government:** Undetermined; 10% reduction in Spec.Ed. instructional expenses would result in over \$700,000 annual savings

**Estimated Statewide Savings from the Recommended Change:** Undetermined; 10% reduction in Spec.Ed. instructional expenses would result in over \$1.1 billion annual savings

**Description of Methodology Used in Estimating Savings:** Savings estimates are based on 2009-2010 Special Education Instructional Expenses as reported on the 2010-2011 New York State School Report Card Fiscal Accountability Supplement. 2009-2010 Special Education instructional expenses for Palmyra-Macedon totaled \$7,067,638; Statewide Special Education instructional expenses totaled \$11.3 billion in 2009-2010.



# Palmyra-Macedon Central School District

Claudia McLaughlin, District Clerk



PROJECT LEAD THE WAY  
**PLTW**



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The undersigned, District Clerk of the Palmyra-Macedon Central School District, does hereby certify that at a regular meeting of the Board of Education of said School District held on the 8<sup>th</sup> day of May, 2012, at which all nine members were present, on a motion duly made and carried unanimously, the Board approved the following Resolution #89:

**Whereas** The NYS Mandate Relief Council is an executive and legislative council charged with reviewing and advancing proposals to reduce burdens on local governments and school districts;  
**Whereas** school districts may appeal directly to the Council with their mandate relief ideas and proposals via a weblink: <http://www.governor.ny.gov/webform/mandatereviewquestform>;

**BE IT RESOLVED**, that the Palmyra-Macedon Central School District Board of Education submits the following proposals for mandate relief:

1. The Annual Professional Performance Review (APPR). This law amounts to one of the costliest, underfunded administrative mandates in the history of public education. The requirements for implementation are driving local costs far in excess of the funding provided by the State. In addition, there is no basis in research for the use of high-stakes testing to measure teacher quality.
2. Rebuild special education. Reduce the costs of special education by eliminating state mandates that exceed federal Individuals with Disabilities Education Act (IDEA) requirements, specifically the 200 mandates layered on top of federal requirements.
3. Demonstrated competence vs. Seat Time. Public education must be results-driven. Seat time (units of study) does not promote this model. Flexibility in seat time will allow students to demonstrate competence in an area of study regardless of time requirements. A process must be adopted to allow districts to grant academic credit where students can challenge assessments. For students who have gaps in learning skills, the ability to spend more time in a given area would benefit further development of readiness skills. Minimum required minutes for courses of study must be abolished thereby giving local Boards of Education the flexibility to address the learning needs of every student.
4. Middle-Level Requirements. Section 100.4 of the Regulations of the Commissioner of Education must be reviewed and modified to provide flexibility for educators to focus on time on task where it is needed, rather than required.

**BE IT FURTHER RESOLVED**, that the Board authorizes the Superintendent to submit these proposals to the Mandate Relief Council for consideration.

*Claudia McLaughlin*  
Claudia McLaughlin  
District Clerk

*July 19, 2012*  
Date



*The Pal-mac Way is Every Day*

## Mandate Review Request #2012110002

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Palmyra-Macedon Central School District  
**Type of Local Government:** School District  
**County:** Wayne & Ontario

**Name of Mandate:** Units of Study requirements

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** §§100.4 & §§100.5 of the Commissioner of Education's regulations

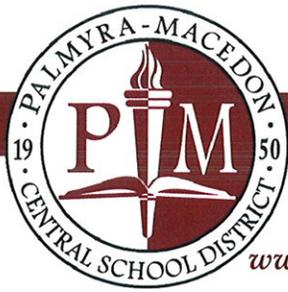
**Description of Mandate:** Commissioner's regulations mandate units of study, a minimum number of minutes per week (seat time), by grade level and subject area.

**Recommended Change:** Public education must be results-driven. Seat time (units of study) does not promote this model. Flexibility in seat time will allow students to demonstrate competence in an area of study regardless of time requirements. A process must be adopted to allow districts to grant academic credit where students can challenge assessments. For students who have gaps in learning skills, the ability to spend more time in a given area would benefit further development of readiness skills. Minimum required minutes for courses of study must be abolished thereby giving local Boards of Education the flexibility to address the learning needs of every student.

**Estimated Savings from the Recommended Change to the Local Government:** Possible staff savings; primary reason for change not fiscal; unsound, unduly burdensome, and not in best interest of students

**Estimated Statewide Savings from the Recommended Change:** Possible staff savings; primary reason for change not fiscal; unsound, unduly burdensome, and not in best interest of students

**Description of Methodology Used in Estimating Savings:** Elimination of seat time requirements may allow some school districts to realize savings in staffing costs based on students needs. However, primary reason for the recommended change is not fiscal; the mandates are unsound, unduly burdensome, and do not serve the best interests of students.



# Palmyra-Macedon Central School District

Claudia McLaughlin, District Clerk



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The undersigned, District Clerk of the Palmyra-Macedon Central School District, does hereby certify that at a regular meeting of the Board of Education of said School District held on the 8<sup>th</sup> day of May, 2012, at which all nine members were present, on a motion duly made and carried unanimously, the Board approved the following Resolution #89:

**Whereas** The NYS Mandate Relief Council is an executive and legislative council charged with reviewing and advancing proposals to reduce burdens on local governments and school districts;  
**Whereas** school districts may appeal directly to the Council with their mandate relief ideas and proposals via a weblink: <http://www.governor.ny.gov/webform/mandatereviewquestform>;

**BE IT RESOLVED**, that the Palmyra-Macedon Central School District Board of Education submits the following proposals for mandate relief:

1. The Annual Professional Performance Review (APPR). This law amounts to one of the costliest, underfunded administrative mandates in the history of public education. The requirements for implementation are driving local costs far in excess of the funding provided by the State. In addition, there is no basis in research for the use of high-stakes testing to measure teacher quality.
2. Rebuild special education. Reduce the costs of special education by eliminating state mandates that exceed federal Individuals with Disabilities Education Act (IDEA) requirements, specifically the 200 mandates layered on top of federal requirements.
3. Demonstrated competence vs. Seat Time. Public education must be results-driven. Seat time (units of study) does not promote this model. Flexibility in seat time will allow students to demonstrate competence in an area of study regardless of time requirements. A process must be adopted to allow districts to grant academic credit where students can challenge assessments. For students who have gaps in learning skills, the ability to spend more time in a given area would benefit further development of readiness skills. Minimum required minutes for courses of study must be abolished thereby giving local Boards of Education the flexibility to address the learning needs of every student.
4. Middle-Level Requirements. Section 100.4 of the Regulations of the Commissioner of Education must be reviewed and modified to provide flexibility for educators to focus on time on task where it is needed, rather than required.

**BE IT FURTHER RESOLVED**, that the Board authorizes the Superintendent to submit these proposals to the Mandate Relief Council for consideration.

*Claudia McLaughlin*  
Claudia McLaughlin  
District Clerk

*July 19, 2012*  
Date



*The Pal-mac Way is Every Day*

## Mandate Review Request #2012110003

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Palmyra-Macedon Central School District  
**Type of Local Government:** School District  
**County:** Wayne & Ontario

**Name of Mandate:** Annual Professional Performance Review

**Type of Mandate:** Statute

**Citation for Mandate:** NY State Education Law §3012-c & §§100.2(o) and Subpart 30-2 of the Commissioner of Education's regulations.

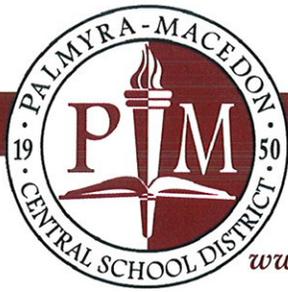
**Description of Mandate:** Statute and regulations require school districts to replace their existing Annual Professional Performance Review process for teachers and principals with a mandated process described in the New York State Education Department's 92-page guidance document, "Guidance on New York State's Annual Professional Performance Review for Teachers and Principals to Implement Education Law §3012-c and the Commissioner's Regulations."

**Recommended Change:** Repeal amendments to NY State Education Law §3012-c & §§100.2(o) and Subpart 30-2 of the Commissioner of Education's regulations to return authority to local Boards of Education.

**Estimated Savings from the Recommended Change to the Local Government:**  
New mandate - costs presently undetermined

**Estimated Statewide Savings from the Recommended Change:** New mandate - costs presently undetermined

**Description of Methodology Used in Estimating Savings:** Costs of this new unfunded mandate have yet to be determined; school districts have only just begun the compliance process. However, costs associated with the new requirements are expected to be unduly costly. The costs include additional curriculum writing & alignment, teacher training, principal training, unit development, lesson development, purchase & development of instructional materials, purchase and/or development of new assessments, professional development, test data management resources and staffing, scoring, collective bargaining, lead evaluator training, upgrades to student information management systems, data inquiry, hardware upgrades, software additions, technical support, and lost instructional time. These costs are in addition to typical expenses for schools and in most cases do not replace or allow districts to reduce costs in other areas.



# Palmyra-Macedon Central School District

Claudia McLaughlin, District Clerk



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The undersigned, District Clerk of the Palmyra-Macedon Central School District, does hereby certify that at a regular meeting of the Board of Education of said School District held on the 8<sup>th</sup> day of May, 2012, at which all nine members were present, on a motion duly made and carried unanimously, the Board approved the following Resolution #89:

**Whereas** The NYS Mandate Relief Council is an executive and legislative council charged with reviewing and advancing proposals to reduce burdens on local governments and school districts; **Whereas** school districts may appeal directly to the Council with their mandate relief ideas and proposals via a weblink: <http://www.governor.ny.gov/webform/mandatereviewquestform>;

**BE IT RESOLVED**, that the Palmyra-Macedon Central School District Board of Education submits the following proposals for mandate relief:

1. The Annual Professional Performance Review (APPR). This law amounts to one of the costliest, underfunded administrative mandates in the history of public education. The requirements for implementation are driving local costs far in excess of the funding provided by the State. In addition, there is no basis in research for the use of high-stakes testing to measure teacher quality.
2. Rebuild special education. Reduce the costs of special education by eliminating state mandates that exceed federal Individuals with Disabilities Education Act (IDEA) requirements, specifically the 200 mandates layered on top of federal requirements.
3. Demonstrated competence vs. Seat Time. Public education must be results-driven. Seat time (units of study) does not promote this model. Flexibility in seat time will allow students to demonstrate competence in an area of study regardless of time requirements. A process must be adopted to allow districts to grant academic credit where students can challenge assessments. For students who have gaps in learning skills, the ability to spend more time in a given area would benefit further development of readiness skills. Minimum required minutes for courses of study must be abolished thereby giving local Boards of Education the flexibility to address the learning needs of every student.
4. Middle-Level Requirements. Section 100.4 of the Regulations of the Commissioner of Education must be reviewed and modified to provide flexibility for educators to focus on time on task where it is needed, rather than required.

**BE IT FURTHER RESOLVED**, that the Board authorizes the Superintendent to submit these proposals to the Mandate Relief Council for consideration.

*Claudia McLaughlin*  
Claudia McLaughlin  
District Clerk

*July 19, 2012*  
Date



*The Pal-mac Way is Every Day*

## Mandate Review Request #2012110004

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Public Schools of the Tarrytowns  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** No mandate currently exists

**Type of Mandate:** Statute

**Citation for Mandate:** No mandate currently exists

**Description of Mandate:** Under the Taylor Law, local government agencies lack sufficient discretion in controlling increases in employee health insurance costs.

**Recommended Change:** Using the same approach that was taken via the APPR legislation in mandating that teachers contracts be negotiated to conform with the provisions of that legislation, the Governor should prepare a program bill for submission to the state legislature capping school district contributions to employee health insurance premiums at a level equal to the lowest contribution percentage paid by the state for any category of full-time state employee.

**Estimated Savings from the Recommended Change to the Local Government:** \$527,000 (.8% of total school budget)

**Estimated Statewide Savings from the Recommended Change:** 8% of total health insurance costs on average, comparable % of total budget as % calculated for Tarrytowns

**Description of Methodology Used in Estimating Savings:** Current statewide average school employee contribution to health insurance is approximately 12% based on NYSSBA data, which happens to be the average rate in the Tarrytowns School District. Savings represents 8% increase in employee contributions needed to hit an estimated average state employee contribution level of 20%.

## **HEALTH BENEFITS COSTS RESOLUTION**

WHEREAS, school districts in the New York State generally contribute a higher percentage towards the cost of health insurance premiums than employers in the private sector contribute to the cost of health insurance premiums for their employees; and

WHEREAS, school districts in New York State generally contribute a higher percentage towards the cost of employee health insurance premiums than the State of New York contributes to the cost of health insurance premiums for state employees; and

WHEREAS, the Triborough Amendment to the Taylor Law has the effect of restricting school districts from adjusting their health insurance premium contributions to make them more consistent with contribution levels in the private sector and state government; therefore be it

RESOLVED, that the State Mandate Relief Council request that the Governor prepare a program bill for submission to the state legislature capping school district contributions to employee health insurance premiums at a level equal to the lowest contribution percentage paid by the state to any category of full-time state employee.

## Mandate Review Request #2012110005

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Public Schools of the Tarrytowns  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Continuum of Services

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Title 8 Codes, Rules and Regulations of New York State Section 200.6

**Description of Mandate:** Establishes special education class size and teacher assignment restrictions

**Recommended Change:** Eliminate references to specific class size and teacher assignment limits

**Estimated Savings from the Recommended Change to the Local Government:** \$100,000.00

**Estimated Statewide Savings from the Recommended Change:** Unknown

**Description of Methodology Used in Estimating Savings:** Regrouping of students based on needs profiles instead of mandated class size limits.

## **SPECIAL EDUCATION MANDATE RELIEF RESOLUTION**

WHEREAS, there are 204 New York State special education mandates that exceed federal law; and

WHEREAS, these mandates are only partially funded by the federal and state governments and therefore direct disproportionate levels of local school district resources away from the general education program; and

WHEREAS, many if not all of these excess state mandates could be eliminated without negatively impacting school district responsibility to provide an appropriate continuum of supports and services for students with disabilities; and

WHEREAS, the class size mandates deny school districts the flexibility necessary to make efficient and effective use of personnel in accordance with the individual needs of students with disabilities; therefore be it

RESOLVED, that the State Mandate Relief Council request the Governor to direct the State Education Department to eliminate state regulations mandating class sizes for students with disabilities and resource rooms.

## Mandate Review Request #2012110006

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Public Schools of the Tarrytowns  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Request for new law restricting unfunded mandates

**Type of Mandate:** Statute

**Citation for Mandate:** There may currently be a restriction that is supposed to apply when the legislature is considering a mandate with cost implications for local school districts, but it has not been effective.

**Description of Mandate:** School districts are suffering from the impact of unfunded mandates in the form of laws passed by the state legislature and regulations adopted by the State Education Department. The most recent example of this is the significant cost implications of the APPR legislation.

**Recommended Change:** Future mandates under consideration by the State Department of Education or the State Legislature must be preceded by a comprehensive cost and funding source analysis with input from relevant local government agencies and that said impact analysis must be communicated in writing to all affected local agencies prior to enactment of any state regulation or law carrying cost implications for such agencies.

**Estimated Savings from the Recommended Change to the Local Government:** Applies to future mandates so cannot be determined at this time.

**Estimated Statewide Savings from the Recommended Change:** Unknown

**Description of Methodology Used in Estimating Savings:** Methodology will have to be determined in a manner appropriate to the specific mandate under consideration.

## **UNFUNDED AND UNDERFUNDED MANDATE RESOLUTION**

WHEREAS, there are 151 state and federal public school unfunded or underfunded mandates as of January 2012 affecting school administration, business, health/safety, instruction, technology, human resources, non-public schools, and transportation; and

WHEREAS, it has been estimated that such mandates comprise between 17% and 20% of school district spending; and

WHEREAS, existing state legislation lacks any mechanism for estimating the potential cost and funding sources of new mandates when they are proposed; therefore be it

RESOLVED, that the State Mandate Relief Council refer existing legislation relating to underfunded and unfunded mandates to the Governor for modification and subsequent preparation of a program bill requiring that future mandates under consideration by the State Department of Education or the State Legislature must be preceded by a comprehensive cost and funding source analysis with input from relevant local government agencies and that said impact analysis must be communicated in writing to all affected local agencies prior to enactment of any state regulation or law carrying cost implications for such agencies; and

RESOLVED, that the provisions of this program bill should require assumption by the State of New York of all costs associated with the state mandated testing program and the state APPR regulations.

## Mandate Review Request #2012110007

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Ossining Union Free School District  
**Type of Local Government:** School District  
**County:** Westchester

**Name of Mandate:** Resolution for Mandate Relief

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Mandate Relief

**Description of Mandate:** Complete Review of All Mandates Including Pending, Newly Proposed, and Future Mandates

The Ossining Union Free School District requests reform of unfunded and underfunded New York State mandates with the goals of maintaining a “Children First” philosophy, reducing Ossining School District expenditures, and easing the tax burden of our community residents.

The Board of Education of the Ossining Union Free School District requests that a continued review of unfunded and underfunded mandates be conducted at the State level with the expectation of modification, reduction, and potential elimination of such mandates and the expectation of additional New York State funding to support those unfunded and underfunded mandates that remain, following a complete review and analysis.

The Ossining School District Board of Education also requests a complete freeze as well as review of any and all currently pending or newly proposed mandates. Additionally, prior to the adoption of any proposed or new mandate, the Ossining School District Board of Education requests a complete and comprehensive analysis of all costs and all definitive funding sources with the expectation that input from the Ossining School District will be considered in order to ensure that any proposed or new mandate will not produce onerous consequences for the Ossining Union Free District and that any proposed or new mandate will not be unsound.

**Recommended Change:** N/A

**Estimated Savings from the Recommended Change to the Local Government:** N/A

**Estimated Statewide Savings from the Recommended Change:** N/A

**Description of Methodology Used in Estimating Savings:** N/A

**REPORT OF THE SUPERINTENDENT**  
**22 May 2012**

**Confidential**

**SECTION A - BUSINESS OF THE BOARD**

**Resolution for Mandate Relief**

[Mr. Bill Kress and Dr. Phyllis Glassman]

The Ossining Union Free School District requests reform of unfunded and underfunded New York State mandates with the goals of maintaining a “Children First” philosophy, reducing Ossining School District expenditures, and easing the tax burden of our community residents.

The Board of Education of the Ossining Union Free School District requests that a continued review of unfunded and underfunded mandates be conducted at the State level with the expectation of modification, reduction, and potential elimination of such mandates and the expectation of additional New York State funding to support those unfunded and underfunded mandates that remain, following a complete review and analysis.

The Ossining School District Board Education also requests a complete freeze as well as review of any and all currently pending or newly proposed mandates. Additionally, prior to the adoption of any proposed of new mandate, the Ossining School District Board of Education requests a complete and comprehensive State level analysis of all costs and all definitive funding sources with the expectation that input from the Ossining School District will be considered in order to ensure that any proposed or new mandate will not produce onerous consequences for the Ossining School District and that any proposed or new mandate will not be unsound.

**Recommended Motion**

**BE IT RESOLVED**, that mandate relief must be addressed by the New York State Legislature as the Ossining Union Free School District and all New York State school districts implement the property tax level limit.

**BE IT FURTHER RESOLVED**, that the complete resolution on the attached pages be adopted by the Ossining School District Board of Education and forwarded to the New York State Mandate Relief Council, 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.



# OSSINING UNION FREE SCHOOL DISTRICT

190 Croton Avenue • Ossining, New York 10562-4599

Tel: (914) 941-7700 • Fax: (914) 941-2794

[www.OssiningUFSD.org](http://www.OssiningUFSD.org)

## BOARD OF EDUCATION

*Bill Kress, President*

*Dana Levenberg, Vice President*

**Kimberly Case**

**Graig Galef**

**Frank Schneckner**

**Steve Wardwell**

**Cindy Winter**

**Vanessa Celio**

*District Clerk*

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**Dr. Phyllis Glassman**

*Superintendent of Schools*

## BOARD OF EDUCATION RESOLUTION FOR MANDATE RELIEF

*Adopted 22 May 2012*

**BE IT RESOLVED** by the Ossining Union Free 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;

**THEREFORE, BE IT RESOLVED**, that we the members of the Board of Education of the Ossining Union Free 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.

**BE IT FURTHER RESOLVED**, that in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Ossining Union Free School District asks, by resolution of its governing body, that the Mandate Relief Council act upon the following requests to determine whether any specific statute, regulation, rule, or order of state government creates any unfunded mandates or is otherwise unsound, unduly burdensome, or costly so as to require that it be eliminated or reformed:



# OSSINING UNION FREE SCHOOL DISTRICT

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## **Complete Review of All Mandates Including Pending, Newly Proposed, and Future Mandates**

The Ossining Union Free School District requests reform of unfunded and underfunded New York State mandates with the goals of maintaining a “Children First” philosophy, reducing Ossining School District expenditures, and easing the tax burden of our community residents.

The Board of Education of the Ossining Union Free School District requests that a continued review of unfunded and underfunded mandates be conducted at the State level with the expectation of modification, reduction, and potential elimination of such mandates and the expectation of additional New York State funding to support those unfunded and underfunded mandates that remain, following a complete review and analysis.

The Ossining School District Board of Education also requests a complete freeze as well as review of any and all currently pending or newly proposed mandates. Additionally, prior to the adoption of any proposed or new mandate, the Ossining School District Board of Education requests a complete and comprehensive analysis of all costs and all definitive funding sources with the expectation that input from the Ossining School District will be considered in order to ensure that any proposed or new mandate will not produce onerous consequences for the Ossining Union Free District and that any proposed or new mandate will not be unsound.

## **Ossining Union Free School District Board of Education**

Bill Kress, President  
Dana Levenberg, Vice President  
Dr. Kimberly Case  
Graig Galef  
Frank Schnecker  
Steve Wardwell  
Cindy Winter

## **Superintendent of Schools**

Dr. Phyllis Glassman

## Mandate Review Request #2012110008

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Warren County  
**Type of Local Government:** County  
**County:** Warren

**Name of Mandate:** Indigent legal aid state funding restrictions and limitations on contracting for legal aid services

**Type of Mandate:** Statute

**Citation for Mandate:** County Law Article 18-B, Executive Law Sections 832 and 833, and State Finance Law Section 98-b.

**Description of Mandate:** The mandate concerns the state's indigent legal defense law and, more specifically, those aspects of the law that 1) establishes the state's local funding program and 2) disallows the use of contract attorneys to provide services where a Public Defender has a conflict.

**Recommended Change:** The Mandate Council consider changes to the statutes described which enable counties to contract with private firm conflict defenders and provide authority to the New York State Office of Indigent Legal Services to review a County's indigent legal services program and if found adequate, provide funding to the County without the need for the County to make further unnecessary improvements to its program so long as the County does not use the State funding to supplant the amount of County funds expended for the program as of 2012

**Estimated Savings from the Recommended Change to the Local Government:** Avoided future annual loss of present 2012 state aid - \$160,217 plus significant savings through use of contract attorneys

**Estimated Statewide Savings from the Recommended Change:** unknown

**Description of Methodology Used in Estimating Savings:** For State aid - assumed present contracts with state for improvements will be made but that it will be difficult if not impossible to come up with sufficient improvements to recapture funds that are being taken away in future years and re-offered under the new grant requirements For Contract Attorneys - we believe this approach will be administratively more efficient and cost less than using an assigned counsel list or other means allowed under statute

# Warren County Board of Supervisors

## RESOLUTION NO. 510 OF 2012

**Resolution introduced by Supervisors Westcott, Monroe, Taylor, Girard, Wood, Mason and Conover**

**REQUESTING THAT THE NEW YORK STATE MANDATE RELIEF COUNCIL REVIEW EXECUTIVE LAW §§832 AND 833, STATE FINANCE LAW §98-b AND COUNTY LAW ARTICLE 18-B CONCERNING THE FUNDING OF MANDATED LOCAL INDIGENT LEGAL SERVICES AND RESTRICTIONS ON THE MANNER IN WHICH THE SERVICES ARE OFFERED**

WHEREAS, the New York State Mandate Relief Council has been established to review mandates that are unsound, unduly burdensome or costly so as to require to be eliminated or reformed, and

WHEREAS, there currently exists two (2) mandates with regard to the provision of indigent legal services that are unduly burdensome and costly and that through broad brush application across the State become unsound and create costs to local taxpayers that would not exist but for the statutory mandate, and

WHEREAS, one of the troublesome mandates exists within County Law, Article 18-B which not only directs that County governments will provide and pay for indigent legal services, but is also very specific as to how the legal services will be provided so that a County is not able to efficiently and economically contract directly with attorneys to provide for these legal services when the Public Defender is unable to do so as a result of a conflict, and

WHEREAS, the County of Warren has had experience with a contract defender and experienced savings when indigent legal services were delivered in that fashion, but such arrangement was eliminated when a Court ruled in another part of the State that such contracted services were not allowed under statute, and

WHEREAS, another troublesome mandate concerns the funding provided by the New York State Office of Indigent Legal Services pursuant to Executive Law §§832 and 833 and State Finance Law §98-b, which has the effect of slowly eliminating State funds in the amount of just over Two Hundred Thousand

*RESOLUTION No. 510 OF 2012*

*PAGE 2 OF 3*

Dollars (\$200,000) per year that Warren County previously received in order to help offset some of the costs of providing indigent legal services, and

WHEREAS, the aforementioned statutes now require that funds provided by the State not supplant County funds and be used to improve legal services which requirement actually penalizes Warren County for already establishing and sufficiently staffing a Public Defender's office which provides adequate indigent legal services, and

WHEREAS, while Warren County has been able to identify some improvements that could be made to its Public Defender's office, much of the new funding needs to be used to offset the loss of the other State funding that used to be provided to the program, otherwise local taxpayers will experience increased cost and be unfairly or inequitably penalized, and

WHEREAS, it would therefore appear that both statutes are imposing burdensome requirements and costs that would not exist for the local County taxpayers but for the statutes, and further that the laudable goals of such statutes could still be accomplished by allowing for additional options and flexibility, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby requests that the New York State Mandate Relief Council review the specific statutes and regulations and the effects of the same as more specifically outlined in the preambles of this resolution and that the Mandate Council take such actions as may be permitted under the rules and regulations under which it was established to address the inequities and costs established by these State mandates, and be it further

RESOLVED, that the Mandate Council consider changes to the statutes described in the preambles of this resolution which enable counties to contract with private firm conflict defenders and provide authority to the New York State Office of Indigent Legal Services to review a County's indigent legal services program and if found adequate, provide funding to the County without the need for the County to

*RESOLUTION No. 510 OF 2012*

*PAGE 3 OF 3*

make further unnecessary improvements to its program so long as the County does not use the State funding to supplant the amount of County funds expended for the program as of 2012, and be it further

RESOLVED, that the Chairman of the Warren County Board of Supervisors, County Administrator, and/or County Attorney be and hereby are authorized to complete the information required on the Mandate Relief Council website or in consideration of the mandate and are hereby authorized to further describe the mandates outlined in this resolution and to further develop or expand upon the recommended changes as well as the estimated savings from the recommended changes and otherwise provide any other information that these County officials should deem necessary and/or advisable in seeking assistance from the Mandate Relief Council with regard to the mandates identified in the preambles of this resolution, and be it further

RESOLVED, that a copy of this resolution be sent to the New York State Association of Counties with the request that the organization provide assistance with this particular mandate relief, and be it further

RESOLVED, that the County Administrator contact other counties that may have similar concerns regarding the case of contract defender services and/or State funding for the indigent legal services mandate and that may be interested in submitting a similar application for mandate relief.

## Mandate Review Request #2012110009

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Westhampton Beach  
**Type of Local Government:** Village  
**County:** Suffolk

**Name of Mandate:** Metropolitan Commuter Transportation Mobility Tax

**Type of Mandate:** Statute

**Citation for Mandate:** Article 23 of the Tax Law

**Description of Mandate:** The mandate imposes a .34% tax on the gross annual payroll of the Village.

**Recommended Change:** To repeal the tax for all local governments. This is especially important due to recent Nassau County Court decision which found the tax to be unconstitutional.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$13,000 to \$18,000

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** The estimated savings are the actual amounts the Village has paid to New York State for the "MTA Payroll Tax." The amount varies from one year to the next since it is based on the annual payroll.

**Village of Westhampton Beach  
Board of Trustees Meeting  
Thursday, September 6, 2012 at 7 p.m.**

**MANDATE RELIEF RESOLUTION**

WHEREAS, New York State leads the nation in local property taxes, in large part because New York leads the nation in imposing unfunded mandates upon 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 tax levy; and

WHEREAS, unfunded and underfunded mandates continually increase the obligations and expenditures of local governments, and a property tax levy limit without significant mandate reform will undoubtedly lead to cuts in services and decreased infrastructure maintenance; and

WHEREAS, coinciding with the property tax levy limit, local governments have been subject to stagnant state aid in the form of CHIPS and AIM programs; and

WHEREAS, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from direct local government programs; now therefore be it

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach affirm the obligation of the Governor and the members of the New York State Legislature to reform mandates that are unsound, unduly burdensome or costly, and thereby lead to high property taxes in New York State; and

BE IT FURTHER RESOLVED, that in accordance with Executive Law §666, which establishes a Mandate Relief Council, the Board of Trustees of the Village of Westhampton Beach asks, by resolution of its governing body and pursuant to §666 (4) which allows a petition for relief from a statutorily imposed mandate, 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 otherwise unsound, unduly burdensome or costly so as to require that it be eliminated or reformed:

**Metropolitan Commuter Transportation Mobility Tax**

Exempt local governments from payment of the tax under Article 23 of the Tax Law, similar to state legislation in 2011 which exempted payment of the tax for eligible public and private educational institutions and small businesses.

BE IT FURTHER RESOLVED, that this Board of Trustees fully supports the efforts of its local state legislators who voted against the creation of the tax and have since sponsored legislation to repeal said tax; now

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and the members of the Senate and Assembly representing Suffolk and Nassau Counties.

**ADOPTED:**                    **September 6, 2012**

**Motion by:**                **Deputy Mayor Hank Tucker**  
**Seconded by:**            **Trustee Ralph Urban**

**Vote:**                        **4-0**

**I HEREBY CERTIFY that the within is a true and correct copy of the original on file in my office and of the whole thereof.**

, Village Clerk

**Rebecca Molinaro**  
**Village of Westhampton Beach**

**Dated:** 9/19/12

## Mandate Review Request #2012110010

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Mahopac Central School District  
**Type of Local Government:** School District  
**County:** Putnam

**Name of Mandate:** Last In, First Out - LIFO

**Type of Mandate:** Regulation/Rule/Order

**Citation for Mandate:** Education Law Sections 2510 and 3013

**Description of Mandate:** Last In, First Out – LIFO Seniority should not be mandated as the sole factor when reducing tenured staff. Education Law Sections 2510 and 3013

**Recommended Change:** Be it resolved by the Mahopac 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,

THEREFORE, BE IT RESOLVED,

that we the members of the Board of Education of the Mahopac 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.

BE IT FURTHER RESOLVED that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Mahopac 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:

Last In, First Out - LIFO

Seniority should not be mandated as the sole factor when reducing tenured staff  
Education Law Sections 2510 and 3013 (cities)

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded 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.

**Estimated Savings from the Recommended Change to the Local Government:**  
Unsure

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Unsure

L.

**MANDATE RELIEF RESOLUTION - LAST IN, FIRST OUT - LIFO**

Be it resolved by the Mahopac 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,

**THEREFORE, BE IT RESOLVED,**

that we the members of the Board of Education of the Mahopac 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.

**BE IT FURTHER RESOLVED** that, in accordance with Article 24, Executive Law §666, which establishes a Mandate Relief Council, the Mahopac 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:

**Last In, First Out - LIFO**

Seniority should not be mandated as the sole factor when reducing tenured staff Education Law Sections 2510 and 3013 (cities)

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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.

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Board approved on 3/13/12

## Mandate Review Request #2012110011

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Laurens Central School  
**Type of Local Government:** School District  
**County:** Otsego

**Name of Mandate:** Wicks Law

**Type of Mandate:** Statute

**Citation for Mandate:** General Municipal Law 101

**Description of Mandate:** The Wicks law currently requires New York school districts to hire four separate contractors for school construction - a general contractor plus contractors for electrical, HVAC (Heating, Ventilation, and Cooling) and Plumbing.

**Recommended Change:** We request legislature to exempt school districts from the requirements of the Wicks Law.

**Estimated Savings from the Recommended Change to the Local Government:** \$171,000 for our small project. \$5.1 Million on our Large project.

**Estimated Statewide Savings from the Recommended Change:** 30% of Capital costs

**Description of Methodology Used in Estimating Savings:** 30% of total project costs based on state estimates.

**Laurens Central School  
Board of Education  
Home Ec Room - 7:30 PM  
September 19, 2012**

**Mandate Relief Council Request**

3. That the Laurens Central School District hereby requests that the following mandates be reviewed by the Mandate Relief Council of the Governor of the State of New York:

**Wicks Law - General Municipal Law §101**

We request legislation to exempt school districts from the requirements of the Wicks Law.

**Internal Audit Requirement - Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)** We request that districts with fewer than 1,000 students be exempt from the internal audit requirement.

**Teachers Retirement System Reserve - Reform Section 521 of Education Law** to allow school districts to establish a Teachers Retirement System Reserve Fund. This would allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**Motion made by T. Francisco, seconded by F. Nichols to approve the above mandate relief requests. Motion carried 5-0-0.**

## Mandate Review Request #2012110012

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Laurens Central School  
**Type of Local Government:** School District  
**County:** Otsego

**Name of Mandate:** Internal Auditor

**Type of Mandate:** Statute

**Citation for Mandate:** Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)

**Description of Mandate:** School districts are required to have an Internal Auditor.

**Recommended Change:** Exempt school districts with an enrollment of less than 1000 students from the internal auditor requirement. As a school district where 1% of our tax levy generates \$22,000 -\$24,000, the cost of this mandate is significant.

**Estimated Savings from the Recommended Change to the Local Government:**  
\$20,650 over 3 years

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Laurens central school participated in a joint RFP through ONC BOCES for an Internal Auditor. The awarded bidder quoted this cost over a 3 year period.

**Laurens Central School  
Board of Education  
Home Ec Room - 7:30 PM  
September 19, 2012**

**Mandate Relief Council Request**

3. That the Laurens Central School District hereby requests that the following mandates be reviewed by the Mandate Relief Council of the Governor of the State of New York:

**Wicks Law - General Municipal Law §101**

We request legislation to exempt school districts from the requirements of the Wicks Law.

**Internal Audit Requirement - Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)** We request that districts with fewer than 1,000 students be exempt from the internal audit requirement.

**Teachers Retirement System Reserve - Reform Section 521 of Education Law** to allow school districts to establish a Teachers Retirement System Reserve Fund. This would allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**Motion made by T. Francisco, seconded by F. Nichols to approve the above mandate relief requests. Motion carried 5-0-0.**

## Mandate Review Request #2012110013

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Laurens Central School  
**Type of Local Government:** School District  
**County:** Otsego

**Name of Mandate:** Teachers Retirement System Reserve Fund

**Type of Mandate:** Statute

**Citation for Mandate:** Section 521 of Education Law

**Description of Mandate:** This mandate restricts school districts from establishing a Teachers Retirement System Reserve fund.

**Recommended Change:** Reform section 521 of education Law to allow school district to establish a Teachers Retirement System Reserve Fund. This would allow school district more predictability for teacher retirement system payments, as currently allowed for the ERS System.

**Estimated Savings from the Recommended Change to the Local Government:** 0

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** This would allow us predictability for TRS Payments and allow some relief when building our budgets year to year.

**Laurens Central School  
Board of Education  
Home Ec Room - 7:30 PM  
September 19, 2012**

**Mandate Relief Council Request**

3. That the Laurens Central School District hereby requests that the following mandates be reviewed by the Mandate Relief Council of the Governor of the State of New York:

**Wicks Law - General Municipal Law §101**

We request legislation to exempt school districts from the requirements of the Wicks Law.

**Internal Audit Requirement - Chapter 263 of the Laws of 2005 (A6082-A/S5050-A)** We request that districts with fewer than 1,000 students be exempt from the internal audit requirement.

**Teachers Retirement System Reserve - Reform Section 521 of Education Law** to allow school districts to establish a Teachers Retirement System Reserve Fund. This would allow school districts more predictability for teacher retirement system payments, as currently allowed for the ERS system.

**Motion made by T. Francisco, seconded by F. Nichols to approve the above mandate relief requests. Motion carried 5-0-0.**

## Mandate Review Request #2012110014

**Note:** All information below was provided by the local government/Mandate Relief Council Member requesting that a mandate be reviewed. Neither the Council nor its staff has verified the accuracy of the information provided or made any other edits.

**Name of Local Government:** Town of Southampton  
**Type of Local Government:** Town  
**County:** Suffolk

**Name of Mandate:** Metropolitan Commuter Transportation Mobility Tax

**Type of Mandate:** Statute

**Citation for Mandate:** Article 23 of the New York State Tax Law enacted pursuant to Chapter 25 of the 2009 session laws of the State of New York (the "MTA Act")

**Description of Mandate:** (a) Metropolitan commuter transportation district. The metropolitan

commuter transportation district ("MCTD") means the area of the state included in the district created and governed by section twelve hundred sixty-two of the public authorities law.

(b) Employer. Employer means an employer required by section six hundred seventy-one of this chapter to deduct and withhold tax from wages, that has a payroll expense in excess of two thousand five hundred dollars in any calendar quarter; other than

(1) any agency or instrumentality of the United States;

(2) the United Nations; or

(3) an interstate agency or public corporation created pursuant to an agreement or compact with another state or the Dominion of Canada.

(c) Payroll expense. Payroll expense means wages and compensation as defined in sections 3121 and 3231 of the internal revenue code (without regard to section 3121(a)(1) and section 3231(e)(2)(A)(i)), paid to all covered employees.

(d) Covered employee. Covered employee means an employee who is employed within the MCTD.

(e) Net earnings from self-employment. Net earnings from self-employment has the same meaning as in section 1402 of the internal revenue code.

**Recommended Change:** Town of Southampton hereby requests that the Mandate Relief Council, pursuant to Executive Law §666(5), review the Metropolitan Commuter Transportation Mobility Tax, or the "MTA payroll tax," to determine whether the statute "is an unfunded mandate or is otherwise unsound, unduly burdensome, or costly so as to require that it be eliminated or reformed"; and the Town Board further requests that the Mandate Relief Council and/or the State Legislature exempt local governments, as well as the Town of Southampton, from payment of said MTA payroll tax pursuant to

Article 23 of the Tax Law, not unlike state legislation adopted in 2011 which exempted payment of the tax for eligible public and private educational institutions and small businesses; and be it further

**Estimated Savings from the Recommended Change to the Local Government:**  
\$130,801 in 2013 MTA Budget and \$132,710 in 2014 MTA budget

**Estimated Statewide Savings from the Recommended Change:**

**Description of Methodology Used in Estimating Savings:** Methodology used is budgeted payroll times .0034. And the estimated savingd is annually



**Southampton Town Board**

116 Hampton Road  
Southampton, NY 11968

Meeting: 10/23/12 06:00 PM  
Department: Town Council  
Category: Miscellaneous  
Prepared By: Jamie Cunningham  
Initiator: Chris Nuzzi  
Sponsors: Nuzzi, Throne-Holst, Fleming, Scalera, Malone  
DOC ID: 16157

**ADOPTED**

**RESOLUTION 2012-1041**

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## **Resolution in Support of Review of the MTA Payroll Tax by the Mandate Relief Council**

WHEREAS, in June of 2011, a property tax cap was signed into law pursuant to Chapter 97 of the Laws of 2011, establishing a limit on the annual growth, or increase of property taxes levied by local governments and school districts to 2%, or the rate of inflation, whichever is less; and

WHEREAS, despite laudable goals, unfunded and underfunded mandates can increase the obligations and expenditures of local governments, and a property tax levy limit without significant mandate reform will undoubtedly lead to cuts in services and decreased infrastructure maintenance; and

WHEREAS, the cumulative impact of satisfying unfunded and underfunded mandates diverts local money from direct local government programs; and

WHEREAS, the Metropolitan Commuter Transportation Mobility Tax (the "MTA payroll tax"), enacted in 2009, was subsequently repealed in 2011 for 78.2% of the entities that were required to pay the tax in the Metropolitan Commuter Transportation District ("MCTD"), which includes the County of Suffolk; and

WHEREAS, however, this repeal did not include local municipalities such as the Town of Southampton from continuing to pay into this tax; and

WHEREAS, taxing existing jobs has proven to have had a crippling effect on the economy and new job creation within the MCTD; indeed, this tax is having a severe negative impact on economic recovery, and is discouraging growth of new business and job creation when government should be promoting these objectives; and

WHEREAS, since the MTA payroll tax was enacted in 2009, the Town of Southampton has paid \$463,055.38 in said tax to date; and

WHEREAS, as most recently addressed in Town Board Resolution No. 923 of 2012, given the negative effect the MTA payroll tax has had on jobs and economic growth, as well as the effect on property taxes, the tax should be repealed for local government entities in the MCTD, removing the burden of this onerous tax from the taxpayers, and

WHEREAS, the Town Board of the Town of Southampton recognizes that it is government's obligation to reform mandates that are unsound, unduly burdensome, or costly, and which lead to higher property taxes in New York State; now therefore be it

RESOLVED, that, pursuant to Executive Law §666, which established a Mandate Relief Council, the Town Board of the Town of Southampton hereby requests that the Mandate Relief Council, pursuant to Executive Law §666(5), review the Metropolitan Commuter Transportation Mobility Tax, or the "MTA payroll tax," to determine whether the statute "is an unfunded mandate or is otherwise unsound, unduly burdensome, or costly so as to require that it be eliminated or reformed"; and be it further

RESOLVED, that the Town Board further requests that the Mandate Relief Council and/or the State Legislature exempt local governments, as well as the Town of Southampton, from payment of said MTA payroll tax pursuant to Article 23 of the Tax Law, not unlike state legislation adopted in 2011 which exempted payment of the tax for eligible public and private educational institutions and small businesses; and be it further

RESOLVED, that the Town Board fully supports the efforts of its local state legislators who voted against the creation of the MTA Payroll tax and have since sponsored legislation to repeal said tax; and be it further

RESOLVED, that a copy of this resolution shall be forwarded to the Governor, Senate Majority and Senate Minority Leaders, Assembly Speaker and the members of the Senate and Assembly representing Suffolk and Nassau Counties.

### **Financial Impact**

None

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chris Nuzzi, Councilman
<b>SECONDER:</b>	Anna Throne-Holst, Supervisor
<b>AYES:</b>	Throne-Holst, Malone, Scalera, Fleming, Nuzzi





MANDATE *Relief* COUNCIL

First Annual Report to the Governor and the Legislature