

Let's

FREEZE New Mandates

and

ROLLBACK

Some Others ...



ECASB LEGISLATIVE BREAKFAST 2010
in partnership with

The League of Women Voters
Western Region PTA
Erie-Niagara School Superintendents Association
WNY School Business Officials
WNY Association School Personnel Administrators
WNY School Public Relations Association
Erie County Association of Educational Office Professionals
Committee for Identifying and Developing Educational Leaders)
IDAB (Instructional Development Advisory Board)
and Promoting Partnerships in Public Education, Inc.

Erie County Association of School Boards

Legislative Team Leader: Lorie Sabo, Erie 2 CC BOCES
Co-Leader: Richard Hegmann, Akron Central Schools

Special Guest: Martin Reid, Deputy Director of
Governmental Affairs, New York State School Boards Association

February 6, 2010

NYS School Districts could SAVE MILLION\$ a YEAR

if the legislature would roll back
the internal audit requirements.

AUDITS

Has the quest for
accountability
gone too far?

*“The information
that we get
is very similar
to the information
covered in the
External Audit.
It is a redundant
function that is
keeping auditing
firms in business.”*

*- School
Superintendent
Quote*

ISSUE:

The attempt to avoid another Roslyn means school districts are now audited multiple ways every year, at considerable expense to taxpayers. The result: A lot of expense and very little to show in the way of fraud or mismanagement. School districts, and New York State, could save money by eliminating redundant and unnecessary auditing.

EXAMPLE:

In the Cleveland Hill School District, the new requirements have increased school district auditing expenditures by nearly \$37,000 for Internal Auditor and Claims Auditor. In addition, to be in compliance with Internal Auditor findings, Cleve Hill allocated an additional position at a cost of \$40,000 per year, to deal with the compliance issue. On top of these costs, time spent with the internal auditor with district employees amounts to approximately \$1,000/year.

It has cost the Cleveland Hill School District \$121,000 over the past three years to meet this mandate for redundant internal auditing.

QUESTION:

What will you do to eliminate the internal audit mandate?

Change this Mandate and Save \$

**Over the Top ...
Reporting and accountability
are just common sense.
But, when it's redundant and duplicative,
it's just dollars and cents wasted.**

The table at right shows examples of the yearly cost to implement the internal control audit mandated in the 5-Point Plan. Extrapolate this to 690 districts and it totals some \$8 Million per year across NYS.

One report, the "Analysis of the Effectiveness of School Fiscal Accountability Legislation," collected data from 393 school officials in New York State, and estimated that the total direct cost to school districts of implementing the legislation exceeds \$30 million. In one district located in Erie County, the current cost associated with implementing the five-point plan is estimated, to date, to be \$121,000.

INTERNAL CONTROL AUDITOR

Orleans-Nia. BOCES	\$ 18,700.00
Orchard Park	\$ 10,979.00
Holland	\$ 9,310.00
Grand Island	\$ 11,000.00
Akron	\$ 7,000.00
Starpoint	\$ 9,600.00
Springville	\$ 11,880.00
Lakeshore	\$ 5,225.00
Forestville	\$ 4,725.00
Williamsville	\$ 21,000.00
Erie 1 BOCES	\$ 16,600.00
Brocton	\$ 18,100.00
Frontier	\$ 18,600.00
North Tonawanda	\$ 8,300.00
Silver Creek	\$ 12,750.00
Gowanda	\$ 10,200.00
Lackawanna	\$ 12,000.00
Eden	\$ 4,500.00
Alden	\$ 11,500.00
<u> Total:</u>	<u>\$221,969.00</u>
	<i>Average: \$ 11,682.58</i>

Summary of Mandated Audits

<u>Audit</u>	<u>Financial</u>	<u>Controls</u>	<u>Required</u>	<u>Frequency</u>
Independent	X	X	X	Annual
Single Audit	X	X	X	Annual
Extra Classroom	X	X	X	Annual
School Lunch	X	X	X	Annual
OSC	X	X	X	5-year
OSC-Special		X	X	As performed
Internal Control		X	X	Annual Risk Assessment
Internal Claims	X	X	X	Before any claim is paid

* Source: Erie 1 BOCES

Erie County School Districts could SAVE MILLION\$ a YEAR

**if the legislature would roll back
the paperwork and reporting requirements.**

PAPER- WORK

It's important to collect data, but the current system of multiple plans and reports required by state and federal law and regulation wastes time and money. It's inefficient, cumbersome, repetitive and it costs money:

- **No report is ever discontinued.**
- **Reports are duplicated and redundant.**
- **Data and collection formats should be consolidated.**

ISSUE:

We urge the Legislature and State Education Department to support development of a coherent system, and work with the BOCES and Regional Information Centers that have already developed many parts of such a system. The opportunity is there to consolidate into a coherent, single system with flexibility for growth. This would free up money and time to directly benefit children, rather than paperwork.

The School Paperwork Elimination and Reduction Act would streamline planning and reporting requirements and would require the Commissioner of Education to conform state reporting requirements to federal law, where possible, and seek federal waivers to align state and federal requirements.

EXAMPLE:

The Sweet Home Central School District must complete 157 reports annually, expending an estimated 1514 hours to complete the reports.

QUESTIONS:

Are you in support of the School Paperwork Elimination and Reduction Act?

For something that appears to be so logical, why haven't more resources been dedicated to developing a single reporting system for the collection of common data?

What can you do to re-examine legislative regulations on reporting requirements?



MYTH: It's not about the money.

FACT: It is ALL about the money.

If the federal government can't fund it, and the state government can't fund it, it's completely unrealistic to expect local communities to be able to fund it.

If something is no longer FUNDED, then it should no longer be an expectation. We need to start prioritizing expectations. Which brings us to ...

The Elephants in the Room

EXAMPLE:

"Can we really afford Special Education?"

Special Education:

Underfunded ever since federal requirements were enacted nearly 40 years ago.

Unlike other states, NYS has additional requirements that add an estimated \$1.3 billion more to the annual cost.

If the federal government can't afford it and the state can't afford it and the localities can't afford it, does that change our expectations? If it doesn't change our expectations about what we want from special education in this state, then it's time to prioritize. Suggestions:

CHANGE the Taylor Law provisions that hamper school districts' ability to change salary adjustments or benefits. Why would anyone negotiate for anything different if it's not better than what you already have?

CHANGE the expensive 3020a process ... not just the legal costs, but the salary for the teacher and the substitute while the case drags on.

CHANGE WICKS law requirements that still drive up the cost of most school district construction.

CHANGE the laws so BOCES can offer municipal services, or non-state aided services.

CHANGE the mandate regarding Academic Intervention Services to make it more flexible. Rather than being so prescriptive, allow school districts the latitude to identify the problem and develop the solution.

CHANGE the requirement to give paid half days off for health screenings, that could just as easily take place on the employees' own time.

CHANGE, or at least redefine, what we consider to be the school year. Why must 180 days be confined to Sept. 1-June 30? There are at least three more months where children could benefit academically and socially in the school environment.

SCHOOLS SPEAK on UNFUNDED MANDATES: TOP 3 Cost Drivers in ECASB Districts

Several months ago, a local legislative aide requested more specific information about how school districts are impacted by unfunded mandates

We have asked our ECASB districts to identify their 3 most costly unfunded or underfunded mandates - and to put, as best they could, a price on what they cost local taxpayers.

What follows is our first effort at this initiative. It is an effort to put a price on how unfunded and underfunded mandates impact local taxes year after year.

In this era of shrinking resources, our hope is that this list will help generate some thought about whether districts might be released from some of these mandates ... or if the mandates might be revisited to make compliance less prescriptive and less costly.

We thank our member districts for their contribution of data and thoughts. As always, we thank our legislators for their time and attention to the issues and needs of education and communities.

New York State Assembly Districts



**Hon. Robin Schimminger
District 140**

School Districts: Buffalo, Ken-Ton, Tonawanda City

BUFFALO: No Report.

KEN TON

1) Special Education: \$13,001,000

2) Academic Intervention Services:
\$1,301,000

3) NYS Assessments: \$190,000.

There are certainly others that may have just as great an impact but are hard to quantify (i.e. Triborough, Wicks, etc.).

TONAWANDA CITY SCHOOL DISTRICT

1) Internal Auditor ... \$11,800

2) Special Education ...
annual increases of 10-15%

3) State Reporting ...

Chief Informational Officer costs from \$50,000 for a teacher on assignment to the potential cost of \$80,000 if the BOE approves an Administrator



**Hon. Crystal Peoples
District 141**

School District: Buffalo

BUFFALO: No Report.



**Hon. Jane L. Corwin
District 142**

School Districts: Alden, Akron, Clarence, East Aurora, Iroquois

ALDEN

- 1) Academic Intervention Services- particularly at the secondary level.
- 2) Special Education programs
- 3) NYS Assessment and scoring programs

AKRON

1) No Child Left Behind: When NCLB was originally authorized it was to have been fully funded, and this has not occurred. While many regulations within NCLB have a positive impact on schools and education, its lack of funding imposes additional financial hardship on districts.

2) Academic Intervention Services, Response to Intervention and Special Education are designed to support challenged learners and these are necessary programs for our children. The concern is with funding them. Given the need to provide appropriate educational supports for our students' success, and the lack of federal and state funding to fully support these programs, it would help districts greatly if flexibility in the regulations existed so we could appropriately and creatively design and implement programs that meet our students' needs.

3) BOCES Aid ... Districts rely on their BOCES for shared services. I would like a review of all BOCES services that are only partially aided and have them receive full/maximum aid. For example, the aid for shared BOCES staff is currently

capped at \$30,000 of their salary. We purchase BOCES personnel by FTE and in many instances districts exceed this cap and lose valuable aid opportunity.

CLARENCE

- 1) Special Education and IDEA:**
\$1,502,000
- 2) Academic Intervention Services:** \$50,000

3) Internal audit: \$23,000

EAST AURORA

- 1) External Auditor:**
\$54,000 over the last 3 years
- 2) Internal Auditor:**
\$58,500 over the last 3 years
- 3) Risk Management Services:**
\$60,000 (Includes various inspections, building surveys, asbestos management, safety committees and plans, hazardous waste removal, etc).

IROQUOIS

- 1) Academic Intervention Service**
Yr.1 - \$133,000
Yr.2 - \$139,000
Yr.3 - \$145,000
Total: **\$417,000**
- 2) Homeless Student Instruction**
Yr.1 - \$30,700
Yr.2 - \$35,000
Yr.3 - \$41,000
Total: **\$106,000**
- 3) Internal Audit**
Yr.1 - \$13,300
Yr.2 - \$16,300
Yr.3 - \$17,000
Total: **\$46,600**

Iroquois also expends \$50,000 to \$64,000 every 5 years for our required Building Condition Survey.



**Hon. Dennis Gabryszak
District 143**

School Districts: Cheektowaga Central, Cheektowaga-Sloan, Cleveland Hill, Depew, Lancaster, Maryvale

CHEEKTOWAGA

- 1) 5-point plan
- 2) Special Education
- 3) Assessments and Testing

CHEEKTOWAGA-SLOAN

- 1) Internal Audit
- 2) Escalated Special Education Costs

CLEVE HILL

- 1) 5 Point Plan: \$121,000**
- 2) Reporting Requirements:**
\$198,900
- 3) Academic Intervention Services: \$2,232,000**

DEPEW UFSD

- 1) The Triborough amendment
- 2) Costs for scoring NYS assessments
- 3) Special education costs

LANCASTER

- 1) LEA for IDEA ... \$ 1,675,400**
- 2) Private School Transportation ...\$725,000**
- 3) Academic Intervention Services ... \$400,000**
- 4) Alternative Instruction of Suspended Students ... \$330,000**
- 5) Private School Health Services ...\$127,000**
- 6) Disaster Recovery (IT Function)... \$119,000**
Total of top 6 ... **\$ 3,376,000**

Hon. Dennis Gabryszak Con't ...

MARYVALE:

- 1) **Private School Transportation**
(difficult to put a number on because it's rolled into Special Ed. transportation @ **\$530,000 per year**)
- 2) **Alternative Instruction of Suspended students:**
\$156,000 for past 3 years
- 3) **NCLB Testing: \$126,000 over the past 3 years**



Hon. Sam Hoyt
District 144
School Districts: Buffalo, Grand Island

BUFFALO: NO REPORT

GRAND ISLAND

- 1) Alt. Instruction ... \$558,000
- 2) AIS, CIO, RIT ... \$700,000
- 3) IDEA ... \$6,000,000
- 4) Auditing ... \$114,000
- 5) Private School Transportation and Health ... \$500,000
- 6) ARRA reporting ... \$50,000 (one-year)



Hon. Mark Schroeder
District 145
School Districts: Erie 1 BOCES, Orchard Park, West Seneca

Erie 1 BOCES: See compilation report on page 3

ORCHARD PARK

- 1) **Special Education**
- 2) **NCLB**
- 3) **Response to Intervention**

“It is very difficult to put a price to each area because some parts of the mandates are funded and others are not. The RtI we're just starting with and are using Federal stimulus money to help fund, but it was still an unfunded mandate. We are spending about \$650,000 over 2 years just for RtI, but will not know the true total cost for a few years. NCLB and Special Education are partially funded but not entirely, so it's very difficult to put a price tag to it when it involves parts of positions, etc.”

WEST SENECA

- 1) **Testing/scoring/data collection and reporting ...** this costs us at least **\$225,000** per year, including the salary for our Chief Information Officer.
- 2) **Academic Intervention Services** ... at least **\$75,000** per year, depending on what we include in this category.
- 3) **Payments to charter schools** are approximately **\$500,000** per year

- 4) **Private school transportation and nursing services ...** cost approximately **\$2 million** per year.

(Please note these figures are all approximate, and in no way reflect an opinion as to importance of each of these.)



Hon. Jack Quinn III
District 146
School Districts: Eden, Erie 2 Chautauqua Cattaraugus BOCES, Frontier, Hamburg, Holland, Hopevale, Lackawanna, Lake Shore, North Collins, Springville GI

EDEN

- 1) **Assessments and testing**
- 2) **Internal Audit:** \$11,300 over the last three years, and **External Audit: \$42,000** over the last three years ... for Eden and could be over \$100,000 for a large district.
- 3) **Special Education mandates** ... the entire program needs to be looked at. It is costing districts more and more each year.
- 4) **In addition, 3020A** has to be a priority. The process costs too much, and is far too lengthy. Why attempt to dismiss a teacher when you know that the process may hurt kids even more than the act itself. I believe the average around the state is \$136,000 per case and in many cases the teacher is put right back in the classroom.

ERIE 2 CC BOCES

- 1) **Internal Control Auditor:**
\$14,000 - 1 year
- 2) **External Auditor:** last 5 years -
\$120,000
- 3) **Internal Auditor:** last 2 years -
\$26,500
- 4) **Risk Management**
Implementation:\$135,000 - 1 year
- 5) **Fingerprinting:**\$12,000 - 1 year

FRONTIER

- 1) Special Education
- 2) Budget requirements on legal ads, timing, etc.
- 3) Legislation on mandates that are reactive without understanding impact of legislation

HAMBURG

- 1) **The testing associated with No Child Left Behind**
- 2) **Academic Intervention Services**
- 3) **The additional audit requirements.**

For the audit requirements, in:
2007-08 we spent app. \$35,000 and in 2008-09 \$40,000 and anticipate about \$42,000 for this year.”
Total additional cost audit requirements: \$117,000.

HOLLAND

- 1) **5-Point Plan:**
internal audit/claims audit
- 2) **Fingerprinting**
- 3) **5-Year Plan Building Conditions Survey**

HOPEVALE: N/A

LACKAWANNA

- 1) 5-Point Plan
- 2) Special Education
- 3) NCLB

LAKE SHORE

- 1) **09-10: Triborough Amendment - \$503,800** (for instructional staff)
- 2) **Auditing Requirements - \$30,000-\$35,000/year** (includes Claims Audit, Internal Audit and External Audit)

3) Special Education - Governor’s State Aid Proposal does away with Excess Cost Aid - Lake Shore’s funding drops from \$4.5 million to \$536,000 leaving a gaping hole in the District’s 2010-11 Revenue Budget while projected costs escalate.

NORTH COLLINS: No Report

SPRINGVILLE GRIFFITH

- 1) **No Child Left Behind**
- Multiple Components;
- 2) **Personnel Development Plan for Special Ed.**
- 3) **TIE: Mandated Testing and Scoring; All of the Audit requirements and the Wicks Law.**

Detail on Costs for Mandated Audits for Springville GI:

06-07
External Audit: **\$13,300.**
Claims Audit: **2,568.75**
Total: \$15,868.75

07-08
External Audit: **\$11,921.**
Internal Audit: **9572.**
Claims Audit: **2904.25**
Total: \$24,581.25

08-09
External Audit: **\$12,900.**
Internal Audit: **9000.**
Claims Audit: **3331.25**
Total: \$25,231.25

**TOTAL OVER 3 YRS:
\$65,681.25**



**Hon. James Hayes
District 146
School Districts: Amherst, Sweet Home, Williamsville**

AMHERST

- 1) **IDEA Programs and costs associated**
- 2) **NCLB and Academic Intervention Services**
- 3) **NYS Deficit Reduction Plan**

SWEET HOME

- 1) **Special Education**
- 2) **Academic Intervention Services**
- 3) **NYS Assessment Administration and Scoring**

WILLIAMSVILLE

1) **IDEA Program** – It was to be fully funded by the Federal Government. However, the District receives only about 21% of cost for services it must perform per government laws and regs. Although funding has not been met, the District must continue to meet the IDEA program requirements.

2) **NCLB and NYS Reporting** – The District is mandated by laws and regs to administer, score and report assessments back to Federal and State Education departments. The costs are more than teaching and administration time and expense. There is program development and implementation expense and it becomes necessary to develop curriculum toward student assessment.

3) **New York State Deficit Reduction Plan (DRP)** – The actual DRP in school district aid creates an unfunded mandate. Although budget cuts will occur it is anticipated that communities will not support the loss of educational program changes needed to meet the combined DRP and zero increase in State Aid. This creates a double reduction in State Aid to school districts in one fiscal year. It becomes difficult to manage both cuts in the same year. Many communities will be faced with a decision on whether to approve higher tax levies to sustain their school’s programs. If the budgets are approved, the New York State DRP is ultimately being passed on to the local school taxpayers and therefore it has become an unfunded mandate.

NYS Senate Representatives



Sen. William Stachowski
District 53
School Districts:
Buffalo,
Cheektowaga,
Cheektowaga-Sloan,
Cleve Hill, Eden,
Erie 1 BOCES,
Frontier, Hamburg,
Hopevale,
Lackawanna,
Maryvale, West
Seneca



Sen. Dale Volker
District 59
School Districts:
Alden, Depew, East
Aurora, Erie 2CC
BOCES, Holland,
Iroquois, Lake
Shore, Lancaster,
North
Collins, Orchard
Park, Springville-
GI



Sen. Antoine Thompson
District 60
School Districts:
Buffalo, Grand
Island, Tonawanda
City



Sen. Michael Ranzenhofer
District 61
School District:
Akron,
Amherst,
Clarence, Ken-
Ton, Sweet
Home,
Williamsville

Schools Speak On Unfunded and Underfunded Mandates Con't. **Alpha Order Reference for Senate Legislative Districts**

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Con’t next page ...

(Lancaster con't ...)

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- 2) Academic Intervention Services ... cost us at least \$75,000 per year, depending on what we include in this category.
- 3) Payments to charter schools are approximately \$500,000 per year.
- 4. Private school transportation and nursing services ... cost approximately \$2 million per year.

(Please note these figures are all approximate, and in no way reflect an opinion as to importance of each of these.)

WILLIAMSVILLE

- 1) IDEA Program – It was to be fully funded by the Federal Government. However, the District receives only about

21% of cost for services it must perform per government laws and regs. Although funding has not been met, the District must continue to meet the IDEA program requirements.

2) NCLB and NYS Reporting – The District is mandated by laws and regs to administer, score and report assessments back to Federal and State Education departments. The costs are more than teaching and administration time and expense. There is program development and implementation expense and it becomes necessary to develop curriculum toward student assessment.

3) New York State Deficit Reduction Plan (DRP) – The actual DRP in school district aid creates an unfunded mandate. Although budget cuts will occur it is anticipated that communities will not support the loss of educational program changes needed to meet the combined DRP and zero increase in State Aid. This creates a double reduction in State Aid to school districts in one fiscal year. It becomes difficult to manage both cuts in the same year. Many communities will be faced with a decision on whether to approve higher tax levies to sustain their school's programs. If the budgets are approved, the New York State DRP is ultimately being passed on to the local school taxpayers and therefore it has become an unfunded mandate.

NOTES ...

ECASB LEGISLATIVE TEAM

The Legislative Team is composed of representatives, alternates and Superintendents from member school districts. Team Members are the key communicators who link ECASB to lawmakers and the NYS Board of Regents. Some members are appointed by the NYSSBA Area 1 Director to serve on the National School Boards Association Federal Relations Network (FRN). Several members also participate in the New York State School Boards Association State Issues Conference (SIC). Team activities uphold a belief that school boards must anticipate trends and present recommendations before legislative issues escape local influence.

Members of the Erie County Association of School Boards Legislative Team

DISTRICT	MEMBER	ALTERNATE	SUPERINTENDENT
Akron	Richard Hegmann	Francis Dahill	Robin Zymroz
Alden	Amy Schadt	Paul Hutschenreuter	Dr. Lynn M. Fusco
Amherst	-----	-----	Laura Chabe
BOCES 1	Edward Cavan	Janet MacGregor-Plarr	Donald A. Ogilvie
BOCES 2	Lorie Sabo	Anne Ehrlich	Robert S. Guiffreda
Buffalo	Catherine Panepinto	-----	Dr. James Williams
Cheektowaga	Raymond Carr	Renee Wilson	De Bonenberger
Cheek-Sloan	Claire M. Ferrucci	Debra Smith	James Mazgajewski
Clarence	Jean Ranney	Julie Ann McCullough	Dr. Thomas Coseo
Cleveland Hill	Paul F. Kunkel	Julie Horton	Sharon Huff
Depew	Nancy Fumerelle	John Spencer	Dennis Ford (interim)
East Aurora	James Whitcomb	Kathyann Lorka	James C. Bodziak
Eden	Steve Cerne	Patrick Howard	Ronald Buggs
Frontier	Janet Plarr	Larry Albert	Ronald G. DeCarli
Gowanda	-----	-----	Charles Rinaldi
Grand Island	George Casey	Glenn Bobeck	Robert Christmann
Hamburg	Diane M. Reynolds	Patricia Brunner-Collins	Dr. Mark Crawford
Holland	Kelleen Kensy	-----	Dennis Johnson
Hopevale	Thomas Lunt	Barbara Ochterski	Cynthia Stachowski
Iroquois	Charles Specht	-----	Neil Rochelle
Ken-Ton	Thomas Noonan	-----	Mark Mondanaro
Lackawanna	Michael Sanders	Kevin Rozwood	Robert Zimmerman (interim)
Lake Shore	Cynthia Latimore	Dennis Feldman	Jeffrey R. Rabey
Lancaster	David Zalenski	Joseph Maciejewski	Edward Myszka
Maryvale	-----	Kristen Finn	Deborah Ziolkowski
North Collins	Mark Snow	Anne Ehrlich	Benjamin A. Halsey
Orchard Park	Carla Marrazzo	Natalie Schafer	Joan Thomas
Springville Gl	Joan Kelly	Michael Connors	Vicki A. Wright
Sweet Home	Dirk Rabenold	Douglas J. Galli	Geoffrey Hicks
Tonawanda	Joyce Hogenkamp	-----	Dr. Whitney Vantine
West Seneca	Janice Dalbo	Daniel Nagy	Jean Kovach
Williamsville	Dawn Cerra	Ramona Popowich	Dr. Howard Smith



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