

# **UNFUNDED AND UNDERFUNDED STATE AND FEDERAL EDUCATION MANDATES**

## **STATE EDUCATION MANDATES – Partially or Unfunded Requirements**

### **Special Education**

Districts must provide education to special education students from age three to age twenty-two. This must be done in the least restrictive environment. The cost of providing assessments, evaluations, and specialized instructional services exceeds the funding provided by federal and state sources. In addition, non-instructional services within the review and appeal processes such as arbitration, mediation, and hearings result in extraordinary costs to the district. The personnel, administrative, and technology costs inherent in the delivery of appropriate services are exorbitant. Individual Education Plans dictate where a student must go to school, requiring outplacements and special education transportation. Special Education Transportation Currently, about \$165 million in mandated but unreimbursed transportation costs are incurred by school districts for students in special education programs. “504 Services” For Physically Disabled Students School districts are required to provide students with disabilities with accommodations that will assist in their learning according to federal law. This may include any disability that is not covered by special education. Teachers must accommodate all needs written into a student’s “504 plan.” State and local options are constrained.

### **Transportation to School for the General Student Population**

Districts are required to provide transportation to all students in grades K through 6 who live two miles or more from the school. Regional districts received transportation reimbursement for about 70% of these costs in FY14, even though 100% was originally promised as an incentive for districts to regionalize. In addition, municipal school district aid was eliminated during lean budget years and has not been restored.

### **McKinney-Vento and Costs Associated with Homeless and Transient Students**

This component of the federal Elementary and Secondary Education Act requires that schools accept any homeless student who wishes to attend the public school. In addition, McKinney-Vento requires the school district to transport any homeless students living in their district to the district of their last permanent address. .

### **Services to English Language Learners:**

Specially trained teachers must provide services to students who are “English Language Learners (ELLs).” In fact, all educators who serve these students and the administrators who supervise them must complete special professional development training as a regulatory requirement. The forty-five hours of training must be completed by SY 15-16. There are educational materials and testing costs associated with the ELL services that are provided. • All communications that need to be sent to the homes of all students (not just ELL) whose parents do not speak English as their first language must be translated into their native languages. The number of languages spoken, and in need of translation, is growing. • ELL training is required even when only one (1) student in the district is an ELL student. • Districts are required to provide Sheltered English Immersion services for students whose first language is not English. Districts are responsible for developing procedural manuals, forms, parent outreach, interpreters, and translation of documents. Districts are also required to provide Sheltered English Immersion training in Categories 1, 2, 3, and 4 for all staff who work with English Language Learners. All levels and types of services as provided for English-speaking students must be provided for ELL students in their primary language. Every student whose first language is not English is required to be assessed, to determine language proficiency upon registration and admission to the public school; stages of language acquisition need to be determined in order to identify the level of services required for each student. Students must also be supported by staff members in order for them to participate in Massachusetts English Language Acquisition – Oral (MELA-O) and Massachusetts English Proficiency Assessment (MEPA) in reading and writing as well as the MCAS assessments.

### **Education Evaluation:**

Recently promulgated regulations require the implementation of a new educator evaluation system for teachers, administrators and superintendents. The regulations require renegotiation of collective bargaining agreements for unionized educators and a much longer evaluation process for principals, nonunion department heads, and central office administrators, including superintendents. Preliminary estimates are that building administrators may need Unfunded Mandates – Updated for 2014 4 | Page to commit up to ten additional hours per week to fulfill the requirements of the new regulations, while the superintendent and central office staff will need more time to fulfill their obligations. In addition, there will be the requisite professional training and development to educate the affected professionals about new standards and evaluation processes. The Educator Evaluation System Imposed upon All Districts by DESE Regulation Starting with the Race to the Top Districts, but continuing as an imposed mandate upon all districts in 2013-14, a new educator evaluation system must be implemented. This is a highly prescriptive and detailed system requiring considerable commitment of time to conceive, implement, and utilize. There are mandated hours of training for evaluatees and more extensive training required for evaluators. It is estimated that at least ten hours a week of a principal’s time must be devoted to implementing the new evaluation system. In addition, there is language that must be collectively bargained.

**School Choice:**

This program requires all school districts to admit students from other districts in the state unless the host school district takes action to restrict or prohibit accepting non-resident students from other Massachusetts school districts. Unfunded Mandates – Updated for 2014 6 | Page • Admitted choice students’ siblings are thereafter entitled to enrollment in the school also, even when there is little or no space for new local students to enroll. Districts losing students to choice have no control over the students who choose to leave and are charged for the cost of those students as assessments on the Cherry sheet. • With declining enrollments and constraints on local funds, it is expected that this “free-market-choice” of school districts will expand causing a drain on resources from more vulnerable school districts. This will have an effect on the capacity to address issues for low-income school districts often having the neediest students.

**Charter Schools:**

School districts have no control over students who wish to attend charter schools rather than the local district. Local residents have no say in how these schools operate or how their tax dollars are used unless they happen to be selected by the charter school to serve on its board of trustees. In other words, charter schools operate outside the reach of city, town, and regional government. • Many persuasive arguments have been made to demonstrate such counter-intuitive outcomes as lower numbers of special education students enrolled, the virtual absence of limited English proficient students, and the ability of charters to transfer students out of their school back to the public school district. • We believe that the current charter school funding formula is unreasonable because it draws away from a city or town (or region) chapter 70 allocation Staffing Professional Development: With the enactment of Education Reform, all teachers and other professional staff

**Staffing Professional Development:**

With the enactment of Education Reform, all teachers and other professional staff must be re-certified every five years. The district must provide professional development required for recertification, with no cost to the individual employee. Highly Qualified Staff: This requirement is a mandate that ensures employment of and reporting on highly qualified staff members and requires a substantial investment of time and money at all school levels. In many cases, there is insufficient guidance for districts that enables administrators to assist teachers and professional staff to meet the requirements established by DESE. (For example, appropriate licensure and completion of a designated number of courses is required for teaching assignments for which licensure may not exist at this time.)

## **SIMS & EPIMS**

The state requires that each district have software in place that will allow districts to report data on all students and staff in a format that is compatible with the state databases. This process has been very time-consuming and costly to districts for training and updates. With EPIMS, the labor and technology costs of providing the information to DESE are significant. Many hours are required to collect and verify information, upload it to DESE, and continually review to ensure accuracy. Administrative costs are incurred to complete the Teacher Quality Improvement Plan (TQIP) and update information. In addition, significant time is consumed by communicating with teachers and administrators to ensure validity of reporting. Unfunded Mandates – Updated for 2014 7 | Page With respect to SIMS, it must be recognized the reporting requirements consume significant secretarial hours and require extensive technology fund investment in terms of hardware (administrative computers) and reporting systems (student software programs). There are multiple reports required during the course of the school year

### **Reporting & Auditing**

The school district must provide timely reports to the state throughout the year. There is a financial end-of-year report that takes a great deal of time to prepare. An outside auditing firm must audit this report each year. Student Activity Accounts: In a town it is required that these funds be kept in accounts under control of the Town Treasurer. The funds are deposited in an agency fund. Each school has a checkbook that allows the school to keep a small amount of cash to pay bills as needed. The checking accounts are reimbursed through a system that requires them to complete a form for reimbursement and attach the documentation. This is sent to the Business Office for verification and then sent to the Treasurer's Office. These accounts must have a minimum of an internal audit yearly and an audit from an outside firm every three years. The town auditors perform a yearly audit on these accounts. Although this allows for more accountability, it adds a great deal of time to the workload of existing staff to monitor and process the transactions

### **Administrative Mandates with Cost Implications**

*Crisis Prevention Intervention (CPI) training* – requires that the district provide training for instructors who then instruct a majority of staff members in techniques to de-escalate student crises. Associated costs are incurred to hire substitutes for classes whose teachers are required to participate in training.

*Pre-school requirements* – Districts must ensure that they provide integrated (ratio of regular and special education) settings for all students in accordance with the regulations of Early Education and Care. The requirements for assessment, evaluation, and provision of services are costly.

## **Building Maintenance**

Districts have a requirement to spend a minimum amount to maintain buildings and are required to pay “union scale” otherwise known as “prevailing wage,” on projects for repairs and maintenance when done by an outside contractor. This mandate results in higher costs for many skilled trade services. The following is a list of annual inspections and tests required by the state for maintenance of buildings:  
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Boiler inspections; • air tank inspections; • fire alarm tests; • fire suppression tests (kitchens); • fire extinguisher tests; • elevator & chair lift inspections; • under-ground tank inspections/replacements, • drainage back-flow controls, • stage rigging inspections; • Integrated Pest Management Plans (use of pesticides) including community notifications; • fire sprinkler tests; and asbestos inspections