



2011 MANDATE RELIEF REDESIGN TEAM REPORT

MANDATE *Relief*

Final Report

December 2011

A Report to the Governor on Accomplishments and Opportunities

Mandate Relief Redesign Team

Chair

Larry Schwartz, *Secretary to the Governor*

Team Members

Stephen Acquario, *New York Association of Counties, Executive Director*

Maggie Brooks, *Monroe County Executive*

Peter Baynes, *New York Conference of Mayors, Executive Director*

Sam Teresi, *Mayor of Jamestown*

Jeff Haber, *New York State Association of Towns, Executive Director*

David Steiner, *New York State Department of Education, Commissioner**

Valerie Grey, *New York State Department of Education, Chief Operating Officer*

Robert Reidy, *New York State Council of School Superintendents, Executive Director*

Kevin Casey, *New York State School Administrators Association, Director*

Timothy Kremer, *New York State School Boards Association, Executive Director*

Andy Pallotta, *New York State United Teachers, Executive Vice-President*

Steve Allinger, *New York State United Teachers, Director of Legislation*

Fran Turner, *Civil Service Employees Association, Director of the Legislative and Political Action Department*

Kevin Law, *Long Island Association, President*

Kenneth Adams, *New York State Business Council, President & CEO*

Heather Briccetti, *New York State Business Council, Acting President & CEO***

William Mooney, *Westchester County Association, President*

Micah Lasher, *Office of New York City Mayor Michael R. Bloomberg*

Ed Malloy, *New York State Building Trades Association*

Carol Kellermann, *Citizens Budget Commission, President*

Senator Betty Little, *Senator Little was appointed by the Majority Leader of the Senate*

Senator Andrea Stewart-Cousins, *Senator Stewart-Cousins was appointed by the Minority Leader of the Senate.*

Assemblyman Denny Farrell, *Assemblyman Farrell was appointed by the Speaker of the Assembly*

Assemblyman Marcus Molinaro, *Assemblyman Molinaro was appointed by the Minority Leader of the Assembly*

Barbara Bartoletti, *League of Woman Voters, Legislative Director****

Michael McManus, *New York State Professional Fire Fighters Association, Inc., President****

Richard Wells, *Police Conference of New York, President****

* Dr. Steiner was the Commissioner of the Department of Education during the Mandate Relief Redesign Team meetings held during this period. Upon his appointment as the new Commissioner in May, John B. King was asked to serve on the Mandate Relief Redesign Team.

** Ms. Briccetti was asked to serve as the Business Council's representative to the Mandate Relief Redesign Team when Kenneth Adams was nominated to head the Empire State Development Corporation.

*** These members were asked to join the Mandate Relief Redesign Team subsequent to the issuance of Executive Order #6 on January 5, 2011.

December 21, 2011

The Honorable Andrew M. Cuomo
Governor of New York
State Capital
Albany, New York 12224

Dear Governor Cuomo:

I am pleased to submit this final report outlining the progress made in the area of mandate relief during the 2011 Legislative Session, most notably the creation of the Mandate Relief Council to carry on the work of the Mandate Relief Redesign Team, and also the recommendations advanced by the Executive based on the Redesign Team's input that were not enacted by the Legislature.

The State relies on its municipalities and school districts to deliver vital services to its residents and often prescribes exactly how these services should be provided. This limits flexibility and increases costs. While local governments have been consistently vocal about this issue, their voice has traditionally fallen on deaf ears in Albany.

The Mandate Relief Redesign Team has brought the right group of people together to change this dynamic and raise the profile of the issue while delivering real savings to taxpayers. Mandate relief initiatives from the 2011 Legislative Session that you signed into law will save more than \$125 million. Regulatory reforms born from this process will save an additional \$40 million.

There are many more opportunities for local savings. Team members discussed, evaluated, and scored hundreds of recommendations to remove overly prescriptive mandates and expand local options. During this process many critical issues were raised, such as the consideration of ability-to-pay in the binding arbitration process, the increased cost of employee pensions, and the spiraling cost of special education. A list of mandate relief proposals was culled through this process and delivered to the Legislature by the Executive. However, many of these recommendations were not agreed to by the Legislature and were not ultimately included in the final bill, which means there is more work to do.

To ensure that progress continues, we partnered with the Legislature to create a new Mandate Relief Council that will begin work on January 15, 2012. Building on a recommendation from the Team's Preliminary Report, this new Council is charged with reviewing and referring statutory and regulatory unfunded mandates to the Legislature and to Executive agencies for modification or repeal. This Council will carry on the important work of the Redesign Team.

I congratulate the Legislature on their engagement and on the progress made to date, and I encourage them to continue in this effort. Our local taxpayers are calling for real reform, and the steps outlined in this report will save an additional \$245 million.

I want to highlight the Redesign Team's tireless efforts – a true reflection of the importance of mandate relief – and commend the Team members for their honest dialog, their submissions of ideas, evaluation of recommendations and their partnership in this important process. I am honored to have had the opportunity to work with each member of this Team. Through their efforts, we are reducing government spending, providing property tax relief and helping to reinvigorate the economy.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lawrence Schwartz". The signature is written in a cursive, flowing style.

Lawrence Schwartz

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I. Introduction

Governor Cuomo has made it a priority to fundamentally redesign and reform government to make it more affordable and efficient by tying spending to performance, accountability, and efficiency. Towards this goal, the Governor created the Mandate Relief Redesign Team by Executive Order No. 6.

The State relies on its municipalities and school districts to deliver vital services to its residents and often prescribes exactly how these services should be provided. Whether it is overly prescriptive procurement rules for schools, forcing cities, towns and villages to fill out redundant paperwork, or limiting the options counties have to provide services, these mandates can be very specific and often focus on process rather than outcomes.

The cost of these mandates is borne by taxpayers, and local governments often have to cut other vital services to comply. The Mandate Relief Redesign Team brought forward and reviewed proposals to end the State's micromanagement. Through doing so, it is reducing government spending, providing property tax relief, and helping to reinvigorate the economy.

The Mandate Relief Redesign Team Process

From March 1, 2011, when the Preliminary Report was submitted to the Governor, through the end of May, the Mandate Relief Redesign Team ("Team") continued a rigorous schedule of meetings with stakeholders.

- **March 21, 2011, on Procurement, Facilities, Reporting and Publishing Proposals**
- **April 11, 2011, on Transportation and Environment Proposals**
- **May 2, 2011, on Public Protection and Education Proposals**
- **May 16, 2011, on Human Services Proposals**

Prior to each of these public meetings, members were given a list of mandate relief proposals within the given topic, including relief ideas suggested by Team members, state agencies, and the public. Representatives from relevant state agencies joined the Team to discuss each of the proposals, and open and honest dialog ensued on the strengths and potential drawbacks of the various mandate relief options. Following these discussions, members were asked to score each proposal based on whether they supported or opposed advancing the proposal. In all, the Redesign Team considered more than 230 discrete mandate relief proposals since the Preliminary Report. A complete list of the proposals discussed is included in Appendix B of this report.

From these discussions, more than 70 proposals were advanced by the Executive to the Legislature for consideration. If all of these proposals were enacted, they would provide an estimated \$370 million annually in statutory mandate relief.

Mandate Relief Progress to Date

Negotiations with the Legislature produced a package of mandate relief items that was signed by Governor Cuomo into law. Nearly all of the enacted proposals had been previously reviewed and discussed by the Mandate Relief Redesign Team, and several additional items were added to the final package by the Legislature. Most notably, the Governor and Legislature agreed to establish a combined Legislative and Executive Mandate Relief Council charged with reviewing and referring statutory and regulatory unfunded mandates to the Legislature and to Executive agencies for modification or repeal.

The enacted mandate relief package will save local governments and taxpayers over \$125 million annually.

Although progress was made, opportunity for additional relief still exists. Proposals advanced by the Executive but not enacted in the final agreement with the Legislature would save local governments and school districts an additional \$245 million each year and would provide greater flexibility as they administer programs. Other proposals that were not enacted include a constitutional amendment to control the proliferation of new unfunded mandates, as well as a proposal to ease the burden of existing mandates by allowing local governments to seek a complete waiver from a burdensome regulatory mandate.

In addition to these constitutional and statutory proposals, state agencies are pursuing a number of regulatory reforms that were identified in the Redesign Team's Preliminary Report to ease the mandate burden on local governments and school districts. It is estimated that these reforms will save an additional \$40 million annually.

II. Mandate Relief Items Enacted into Law

Working with the Legislature, Governor Cuomo signed into law a number of mandate relief proposals reviewed by the Mandate Relief Redesign Team. This mandate relief package begins to give schools and local governments greater flexibility, improves services, and saves taxpayers money. This package also ensures that the entrenched web of burdensome state mandates will continue to be addressed.

Reform or repeal of statutory mandates requires partnership with the Legislature, which is now ensured by the creation of a Mandate Relief Council. This Council will carry on the work and the collaborative process of the Redesign Team. This eleven-member council, which will be comprised of Executive and Legislative representatives, will be chaired by the Secretary to the Governor and will begin work on January 15, 2012. Building on a recommendation from the Team's Preliminary Report, this new Council is charged with reviewing and referring statutory and regulatory unfunded mandates to the Legislature and to Executive agencies for modification or repeal.

The Mandate Relief Council will review mandates on its own initiative to determine whether they are unsound, unduly burdensome, or costly. Local governments are also empowered to request that a specific statute, regulation, rule, or order of state government be reviewed by the Council to determine if it should be reformed. The Council is to report by December 15 each year on the work it has undertaken.

Along with the creation of the Council, the Governor and Legislature agreed to ease the current process by which a local government can petition for approval of an alternative to a regulatory mandate by: 1) streamlining the content requirements for such petitions; 2) allowing a local government petitioner to appeal a state agency decision to the Mandate Relief Council; and 3) establishing a hearing process for review of a state agency's determination to rescind approval of a regulatory alternative. Removing these barriers will allow local governments to better take advantage of this rarely used process that provides local government flexibility.

In addition to creating the Mandate Relief Council and making it easier for local governments to implement alternatives to regulatory mandates, the following mandate relief proposals were enacted, nearly all as part of Chapter 97 of the Laws of 2011.

Providing Procurement Flexibility

- Allow local governments, including school districts, to directly purchase ("piggyback") from Federal General Services Administration Schedule 70 contracts (information technology and telecommunications hardware, software and professional services), Federal General Services Administration e-government and defense supply contracts, and county public works contracts.
- Authorize the Office of General Services (OGS) to provide centralized services in the form of purchases of electricity to political subdivisions, including school districts.

Eliminating Unnecessary Paperwork

- Ease the signature requirements for the filing of local laws with the Department of State, which will enable the development of an electronic filing system.
- Eliminate certain unnecessary or duplicative requirements for filing of certificates and plans with the Division of Housing and Community Renewal.

Lessening Highway and Transportation Costs

- Authorize the State Department of Transportation to exchange services, materials, and equipment with local municipalities and public authorities.
- Provide local governments with additional flexibility to use their own labor to perform Consolidated Local Street and Highway Improvement Program (“CHIPS”) work on projects costing \$100,000 to \$250,000.
- Eliminate the requirement that local governments collect and return deposits for copies of plans and specifications for transportation projects.

Lowering Public Safety Costs

- Remove the statutory salary requirements for municipal chiefs of police.
- Allow municipalities with populations of 10,000 or more to recover the costs of police training from new municipal employers of their trainees.
- Allow one district attorney to prosecute identity theft crimes that occur in multiple counties.
- Allow intrastate transfers of people sentenced to interim probation supervision.
- Provide that the cost of prosecuting inmates who are patients in state mental health facilities shall be borne by the State Department of Corrections and Community Supervision.

Easing the Burden on Local Social Services Agencies

- Authorize counties to make child care subsidy and kinship guardianship payments electronically.
- Extend the duration of a foster boarding home license or certificate from one to two years.
- Require notification of the local social services department when an incapacitated person dies.
- Make permanent the family assessment response (FAR) program, which permits local social service departments, with the State Office of Children and Family Services (OCFS) approval, to use an alternative response to appropriate reports of child abuse and maltreatment, and remove the prohibition on New York City participating.

Providing Relief to Schools

- Change the required census of Pre-K children from annually to every two years.
- Authorize school boards to enact a policy to provide student transportation based upon patterns of actual ridership.
- Ease school building aid penalties for late filing of final cost reports to more appropriate levels.
- Provide flexibility in claims auditing by allowing school districts to establish the position of deputy claims auditor to act in the absence of the appointed claims auditor and by allowing school districts with 10,000 or more students to audit samples of claims.
- Authorize up to three school districts with fewer than 1,000 students each to share a school superintendent.
- Authorize school districts to provide regional transportation services jointly with other districts or BOCES.

III. Opportunities for Additional Mandate Relief

In addition to the mandate relief proposals that have been enacted into law, the Governor advanced a number of other mandate relief proposals to the Legislature that were not enacted this year. All of these proposals were reviewed by the Redesign Team and represent additional legislative opportunities for relief to local governments, school districts, and their taxpayers. Taken together, these additional legislative proposals would save local governments and school districts \$245 million each year.

Upon the establishment of the Mandate Relief Redesign Team, several state agencies were directed to inventory the mandates they impose on local governments in order to identify opportunities for relief. As a result of this review, the Redesign Team's Preliminary Report identified dozens of opportunities for state agencies to ease the burden of regulatory mandates on local governments and school districts. State agencies are pursuing these opportunities, which collectively could save local governments an additional \$40 million annually, and agencies will continue to review their regulatory portfolios to identify additional opportunities for relief.

As the Mandate Relief Council continues the work of the Redesign Team, the recommendations below are presented as opportunities for reform and local savings that have already been discussed by stakeholders.

LEGISLATIVE MANDATE RELIEF OPPORTUNITIES

Preventing New Unfunded Mandates

- Enact a constitutional ban on unfunded mandates.
- Enact a statutory ban on unfunded mandates while the constitutional ban is being ratified.
- Create a process by which a local government can seek a complete waiver from a regulatory mandate.
- Require an improved fiscal note on all bills passed by the Legislature.

Providing Procurement Flexibility

- Increase the threshold under which a local government has the authority to make discretionary purchases from \$20,000 to \$50,000 on purchase contracts and from \$35,000 to \$50,000 on public works contracts.
- Allow local governments to conduct reverse auctions, award service contracts on the basis of "best value," and "piggyback" on a competitively bid contract established by another state or political subdivision.
- Permit a local government to satisfy its public advertising requirements through publication in the Procurement Opportunities Newsletter (the "Contract Reporter").

- Allow local governments, including school districts, to enter into procurement credit card agreements.
- Allow the State, local governments and public authorities to purchase insurance policies for construction projects that cover owners, contractors, workers and the public through a single policy (“wrap up” insurance).
- Provide for more effective implementation of Project Labor Agreements by local governments and authorize alternative project delivery systems for certain public works projects.
- Expand the authority of the City of New York to award a contract both for a public work project, as well as the private facilities that need to be accommodated during such project (e.g., moving private energy, telecommunications or other facilities necessary to undertake the project), on the basis for the lowest bid for the combined project.

Eliminating Unnecessary Paperwork

- Allow local governments, including school districts, to meet newspaper publication requirements through posting both on an official website and in multiple conspicuous public places, and allow the City of New York to publish the City Record electronically.
- Remove the requirement that tax warrants be filed with individual county clerks and instead authorize single point electronic filing with the Department of State for all tax warrants necessary to affect liens and judgments against the real, personal, and other property of tax debtors.
- Ensure ongoing local government input into records retention requirements by empowering the Local Government Records Advisory Council to approve regulations governing the administration and maintenance of local government records.
- Eliminate additional unnecessary or duplicative requirements for filing of certificates and plans with the Division of Housing and Community Renewal.

Lessening Highway and Transportation Costs

- Authorize towns to designate certain town roads as low-volume roads and certain low-volume roads as minimum maintenance roads.
- Eliminate the requirement for back-lit school bus signs.
- Authorize school districts to allow parents of children with disabilities to opt-out of busing and, instead, be reimbursed for transporting and accompanying their child to school.

Lowering Public Safety Costs

- Make all police and peace officer basic training certificates of completion valid for five years.
- Establish progressive probation sentencing guidelines.

- Eliminate the requirement for pre-sentence investigations for youths eligible for Youthful Offender (“YO”) status who have been convicted of certain mandatory misdemeanors where sentences of probation or imprisonment aggregating 180 days or less will be imposed.
- Allow Sex Offender Registration Act (“SORA”) hearings for inmates at local correctional facilities to be conducted by video conference.
- Allow a judge to dispense with the need for a personal court appearance by a defendant when a video teleconference is deemed appropriate.
- Authorize probation authorities to issue temporary detainer warrants for probationers when no judge is available, require review by the sentencing court without unnecessary delay and within 48 hours, and direct the Office of Court Administration to make reasonable efforts to ensure that judges are available in each county to review the status of persons taken into custody for a violation of probation before a detainer warrant is issued.
- Give counties greater authority to determine housing of inmates in county jails by 1) allowing men and women receiving care or treatment in a facility-operated infirmary to be housed together provided that proper separation is maintained; 2) allowing inmates under age 19 to be housed with inmates under age 22; and 3) allow inmates under age 22 to be housed with adult offenders upon application to the State Commission of Correction.
- Permit sharing of information between probation and other law enforcement agencies regarding persons sentenced as Youthful Offenders (YO).
- Permit the destruction, after a notice and an opportunity for a hearing but prior to sentencing, of all but a representative sample of counterfeit goods seized by police and used in criminal cases.
- Allow district attorneys to hire assistant district attorneys who reside outside the county in which they are employed.

Easing the Burden on Local Social Services Agencies

- Provide administrative support and competitive grants, to the extent funds are available, to help Local Departments of Social Services (“LDSSs”) improve their child care fraud prevention activities, and to authorize LDSSs to defer or disallow subsidy payments to providers that make improper claims.
- Allow the Family Court to order LDSSs to investigate families only where there is a reasonable cause to suspect child abuse or neglect and to preclude the court from establishing a shorter timeframe for such investigations than required for any other child protective service (“CPS”) investigation.
- Amend the definition of educational neglect to apply only to children under age 14, thereby removing educational neglect allegations regarding adolescents over age 14 from local CPS caseloads.
- Allow parties, interested persons, and witnesses in family court preliminary and dispositional proceedings related to juvenile delinquents, termination of parental rights, persons in need of

supervision (“PINS”), abuse and neglect, and permanency hearings to appearance via electronic communication, such as by telephone or videoconference, upon application and court approval.

- Require new CPS supervisors to undergo common core training only if the supervisor has never had such training or if it has been longer than five years since the supervisor has had such training.
- Streamline the requirements for LDSS multi-year consolidated services plans, also known as child and family services plans, by allowing a LDSS to submit one multi-year service plan for a five-year cycle and submit updates on significant changes, providing more flexibility for public participation in the planning process, conforming to federal plan requirements and documenting local services options, and eliminating requirements to submit information available to the State through computer systems or in county plans submitted to other agencies.
- Eliminate the need for labor-intensive case adjustments due to changes in medical support coverage status and eliminates the limitations on cost recovery in Medicaid cases.

Providing Relief to Schools

- Eliminate state asbestos reporting requirements that exceed federal requirements under the Asbestos Hazard Emergency Response Act.
- Repeal the requirement that schools provide a form to parents of certain children with disabilities who are veterans of the Vietnam War for a report to the Division of Veterans’ Affairs for research purposes.
- Provide flexibility in claims auditing by allowing school districts with fewer than 1,000 students to forego an internal audit function.
- Repeal a duplicative requirement that school districts provide information to other agencies regarding certain students with disabilities.
- Repeal BOCES special education space planning requirements while retaining the requirement that school districts and BOCES ensure the stability and continuity of program placements for students with disabilities.
- Repeal the requirement for written parental consent prior to initial provision of special education services in a 12-month special service and/or program.
- Provide that a due process hearing must be requested within one year of the date the parent or district had knowledge of the issue, with exceptions as required by federal law and with an exception that a parent’s request for tuition reimbursement must be made within 180 days of the date the parent placed his/her child in the private school.
- Clarify that special education services for parentally-placed students do not include special classes or integrated co-teaching; clarify responsibilities for July / August services; change the date from June 1 to April 1 for a parent to request special education services; make mediation mandatory when due process complaints are sought; and establish regional rate methodologies for billing to districts.

Appendix A:

Mandate Relief Redesign Team Executive
Order No. 6 & Press Release

EXECUTIVE ORDER

No. 6 Establishing The Mandate Relief Redesign Team

January 5, 2011

WHEREAS, New York State's municipalities and school districts are encumbered with unfunded and underfunded mandates from state government;

WHEREAS, New York State's municipalities and school districts should administer services in the most efficient and effective manner possible so as to minimize the impact on local property taxpayers;

WHEREAS, property tax levies in New York grew by 73 percent from 1998 to 2008—more than twice the rate of inflation during that period;

WHEREAS, New York has the second highest combined state and local taxes in the nation and the highest local taxes in America as a percentage of personal income —79 percent above the national average;

WHEREAS, the median property taxes paid by New Yorkers are 96 percent above the national median;

WHEREAS, when measured in absolute dollars paid, Westchester, Nassau and Rockland are among the five highest taxed counties in the nation, ranking first, second and fifth, respectively;

WHEREAS, in 2009, when property taxes were measured as a percentage of home value, nine out of the top ten counties in the nation were all in Upstate New York;

WHEREAS, New York State government now faces unprecedented budgetary challenges, requiring fundamental changes in the way it does business, eliminating failed approaches and creating improved ways to serve the public;

WHEREAS, in order to reduce the burden of local property taxes, it is of compelling public importance that New York State conducts a rigorous, systematic and comprehensive review of mandates imposed on local governments, school districts and other local taxing districts, the reasons for such mandates and the costs on local governments, school districts and other local taxing districts that are associated with complying with such mandates; and

WHEREAS, such a review will look for the best and most cost- efficient and cost- effective ways to deliver mandated programs and services and identify mandates that are ineffective, unnecessary, outdated and duplicative;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and statutes of the State of New York, do hereby order as follows:

A. Definitions

As used herein, the following terms shall have the following meanings:

1. “State agency” or “agency” shall mean any state agency, department, office, board, bureau, division, committee, council or office.
2. “State officer or employee” shall have the meaning given in Section 73 of the Public Officers Law.
3. “Local government” shall mean a county, city, town, village or special district.
4. “School district” shall mean a common, union free, central, city or central high school district.
5. “Unfunded mandate” shall mean (i) any legal requirement that a local government provide or undertake any program, project or activity, or increase spending for an existing program, project, regulation or activity on behalf of New York State; or (ii) any legal requirement that a local government grant a new property tax exemption or broaden the eligibility, or increase the value of an existing property tax exemption; or (iii) any legal requirement that otherwise would likely have the effect of raising property taxes, and which fails to provide any funding.
6. “Underfunded mandate” shall mean (i) any legal requirement that a local government provide or undertake any program, project or activity, or increase spending for an existing program, project, regulation or activity on behalf of New York State; or (ii) any legal requirement that a local government grant a new property tax exemption or broaden the eligibility, or increase the value of an existing property tax exemption; or (iii) any legal requirement that otherwise would likely have the effect of raising property taxes, and which fails to provide sufficient funding.

B. Mandate Relief Redesign Team

1. There is hereby established the Mandate Relief Redesign Team (“Team”) that shall provide independent guidance for, and advice to, the Governor.
2. The Governor shall appoint up to 20 voting members of the Team. The members of the Team shall include: state officers or employees with relevant expertise; two members of the New York State Assembly, one recommended by the Speaker of the Assembly and one recommended by the Minority Leader of the Assembly; two members of the New York State Senate, one recommended by the Temporary President of the Senate and one recommended by the Minority Leader of the Senate; and stakeholders, including representatives of:
 - a. cities;
 - b. counties;
 - c. towns and villages;
 - d. school districts;
 - e. organized labor;
 - f. businesses; and
 - g. other relevant sectors.
3. Vacancies shall be filled by the Governor, and the Governor may appoint additional voting and non-voting members to the Team as necessary. Members of the Team shall serve at the pleasure of the Governor.

4. The Governor shall designate a Chair or Co-Chairs from among the members of the Team.
5. The Lieutenant Governor and the Director of the Budget shall serve as ex officio, non-voting members of the Team.
6. A majority of the total members of the Team who have been appointed shall constitute a quorum, and all recommendations of the Team shall require approval of a majority of its total members.
7. The Team shall attempt to engage and solicit the input of a broad and diverse range of groups, organizations and individuals.

C. Cooperation with the Team

1. Every agency or authority of New York State shall provide to the Team every assistance and cooperation, including use of New York State facilities, which may be necessary or desirable for the accomplishment of the duties or purposes of this Executive Order.
2. Staff support necessary for the conduct of the Team's work may be furnished by agencies and authorities (subject to the approval of the boards of directors of such authorities).

D. Duties and Purpose

1. The Team shall focus on the New York State's service delivery structure that requires school districts, local governments and other local taxing districts to administer and fund mandated programs. The Team shall look for ways to reduce the costs of mandated programs on schools and local governments by determining how school districts and local governments may be given greater ability to control costs. The Team shall look at the reason for delays in state reimbursement for mandated programs. The Team shall look at the practice of cost-shifting of mandated programs.
2. In performing its work, the Team shall identify opportunities for eliminating or reducing unfunded and underfunded mandates imposed by the New York State government on local governments and school districts.
3. The Team shall commence its work no later than January 7, 2011. On or before March 1, 2011, the Team shall submit its first report to the Governor of its findings and recommendations for consideration in the budget process for New York State Fiscal Year 2011-12. The Team shall submit quarterly reports on its continuing review thereafter. The Team shall make its final recommendations to the Governor not later than the end of the State Fiscal Year 2011-12, at which time it shall terminate its work and be relieved of all responsibilities and duties hereunder.

G I V E N under my hand and the Privy Seal of the State in the City of Albany on this fifth day of January in the year two thousand eleven.

/s/ Andrew M. Cuomo
BY THE GOVERNOR

/s/ Steven M. Cohen
Secretary to the Governor



State of New York | Executive Chamber
Andrew M. Cuomo | Governor

For Immediate Release: January 7, 2011

Contact: Press Office | press.office@exec.ny.gov | 518.474.8418

GOVERNOR CUOMO ANNOUNCES MEMEBERS OF THE MANDATE RELIEF REDESIGN TEAM

Governor Andrew M. Cuomo today announced the members of his “Mandate Relief Redesign Team” (“Team”). The Team, established by an Executive Order announced by Governor Cuomo at his State of the State of Address, is charged with reviewing existing unfunded and underfunded mandates imposed by the New York State government on school districts, local governments, and other local taxing districts. These mandates are typically legal requirements that a local district provide a program, project, or activity on behalf of the state.

The Team includes representatives from private industry, education, labor, and government and will look for ways to reduce the costs of mandated programs, identify mandates that are ineffective and outdated, and determine how school districts and local governments can have greater ability to control expenses. The Team is chaired by Senior Advisor to the Governor Larry Schwartz.

“The enormous burden of unfunded and underfunded mandates is breaking the backs of taxpayers, counties and municipalities across the state,” Governor Cuomo said. “These mandates are throwing budgets out of balance and sending local property taxes through the roof. This diverse team of leaders and public servants fulfills the commitment to bring stakeholders to one table in order to work together to deliver relief and results for New Yorkers.”

Governor Cuomo today participated in the Team’s first meeting via conference call. The Team will submit a first set of recommendations to the Governor by March 1, 2011 for consideration in the Fiscal Year 2011-12 budget process. The Team will continue its review until the end of Fiscal Year 2011-12.

The members of the team are as follows:

- Stephen Acquario, *Executive Director, NYS Association of Counties*
- Maggie Brooks, *Monroe County Executive*,
- Peter Baynes, *Executive Director of the New York Conference of Mayors*
- Sam Teresi, *Mayor of Jamestown*
- Jeff Haber, *New York State Association of Towns, Executive Director*
- David Steiner, *New York State Department of Education, Commissioner (unconfirmed)*
- Valerie Grey, *New York State Department of Education, Chief Operating Officer*
- Robert Reidy, *New York State Council of School Superintendents, Executive Director*
- Kevin Casey, *New York State School Administrators Association, Director*
- Timothy Kremer, *New York State School Boards Association, Executive Director*

- Andy Pallotta, *New York State United Teachers, Executive Vice-President*
- Steve Allinger, *New York State United Teachers, Director of Legislation*
- Fran Turner, *Civil Service Employees Association, Director of the Legislative and Political Action Department*
- Kevin Law, *Long Island Association, President*
- Kenneth Adams, *New York State Business Council, President*
- William Mooney, *Westchester County Association, President*
- Micah Lasher, *Office of New York City Mayor Michael R. Bloomberg*
- Ed Malloy, *New York State Building Trades Association.*
- Carol Kellermann, *Citizens Budget Commission, President*
- Senator Betty Little. *Senator Little was appointed by the Majority Leader of the Senate.*
- Senator Andrea Stewart-Cousins. *Senator Stewart-Cousins was appointed by the Minority Leader of the Senate.*
- Assemblyman Denny Farrell. *Assemblyman Farrell was appointed by the Speaker of the Assembly.*
- Assemblyman Marcus Molinaro. *Assemblyman Molinaro was appointed by the Minority Leader of the Assembly.*

Unfunded and underfunded mandates drive up costs of schools, municipalities, and the property taxes that support them. Due in part to these mandates, New York now has some of the highest taxes in the nation. For example:

- New York has the highest local taxes in America as a percentage of personal income — 79 percent above the national average;
- New York has the second highest combined state and local taxes in the nation;
- Median property taxes paid by New Yorkers are 96 percent above the national median;
- Property tax levies in New York grew by 73 percent from 1998 to 2008 — more than twice the rate of inflation during that period;
- When measured in absolute dollars paid, Westchester, Nassau, and Rockland are respectively the first, second and fifth highest-taxed counties in the nation;
- When property taxes were measured as a percentage of home value in 2009, nine out of the top ten counties in the nation were all in Upstate New York

Appendix B:

Mandate Relief Proposals Discussed by the
Mandate Relief Redesign Team

Procurement, Facilities, Reporting & Publishing Proposals Discussed by the Mandate Relief Redesign Team on March 21, 2011

#	Name	Description	Proposed by
Procurement Proposals			
1	Extend OGS' authority under State Finance Law ("SFL") § 97-g (2), (3), to provide centralized services in the form of purchases of electricity to political subdivisions, including school districts.	Extend OGS' authority under State Finance Law ("SFL") § 97-g (2), (3), to provide centralized services in the form of purchases of electricity to political subdivisions, including school districts. OGS has a legislative proposal that sets forth the necessary statutory changes. Based on OGS's experience to date, participating political subdivisions, such as municipal entities and school districts, can be expected to realize savings resulting from the state's direct purchase of electricity from the New York Independent Systems Operator ("NYISO"). A prior amendment to SFL §97-g allowed OGS to begin aggregating the load of other state agencies in an effort to achieve energy savings similar to the savings that OGS is experiencing as a Direct Customer of the NYISO. Since this amendment OGS initially began purchasing electricity for four (4) Department of Correctional Services (DOCS) facilities in late February and early March 2010 and has steadily increased the number of facilities up to twenty-one (21) facilities all located within the National Grid service territory. The Division of Criminal Justice Services was recently added in January 2011. OGS expects to achieve an estimated annual electric commodity savings for these agencies of 4%.	OGS
2	Amend Economic Development Law §142(4) to permit a local government to satisfy its public advertising requirements through publication in the <u>Procurement Opportunities Newsletter</u> (aka <u>Contract Reporter</u>).	Amend Economic Development Law §142(4) to permit a local government to satisfy its public advertising requirements through publication in the Procurement Opportunities Newsletter (aka Contract Reporter). (Recommended in the Statewide Electronic Procurement Opportunity Notification System (SEPONS) Report issued by State Procurement Council)	OGS, SED, NYCOM, Towns, NYSSBA,
3	Amend the general construction law and the New York city charter, in relation to the publication of the City Record	Amend section 60 of the General Construction Law and section 1066 of the New York City Charter (the "Charter"), to authorize the electronic publication of The City Record. Under General Construction Law § 60, The City Record, as the long-standing official newspaper of the City of New York, is deemed a "newspaper" for the purpose of any law requiring the publication or advertisement of a notice in a newspaper. This proposal would clarify that The City Record is deemed a "newspaper" if it is published in print or electronic form. The proposal also would amend section 1066 of the Charter, which governs The City Record, to authorize New York City Department of Citywide Administrative Services (DCAS) to publish The City Record in electronic form and to provide that electronic publication would have the same force and effect as print publication.	NYC

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4	Amend the General Municipal Law (“GML”) to increase a local government’s authority to make discretionary purchases from \$20,000 to \$50,000 (see GML §103(1)).	Amend the General Municipal Law (“GML”) to increase a local government’s authority to make discretionary purchases from \$20,000 to \$50,000 (see GML §103(1)). The authority for state agencies to make discretionary purchases was increased from \$15,000 to \$50,000 in 2006 (OGS has a higher discretionary threshold of \$85,000). See L. 2006, Chapter 56. A similar, proportionate, increase for political subdivisions should accomplish two goals: first, it would allow local governments, including school districts, to achieve savings through reduced administrative costs attributable to formal competitive procurements. In this respect, it should be noted that when a state public entity uses its discretionary purchasing authority, the State Procurement Council guidelines provide that the State agency must: ensure that the commodities and services acquired meet its form, function and utility needs; document and justify the selection of the vendor; document and justify the reasonableness of the price to be paid; buy from a responsible vendor; and comply with the agency’s internal policies and procedures. See http://www.ogs.state.ny.us/procurecounc/pdfdoc/guidelines.pdf and http://www.ogs.state.ny.us/procurecounc/pdfdoc/DiscretionaryPurchasingGuidelines.pdf OGS recommends that similar procurement guidelines accompany any legislative amendment enhancing a local government’s discretionary purchasing authority. Second, it will both encourage and allow local governments, including school districts, to engage in more procurements with small businesses, including certified minority and women business enterprises thereby supporting the state’s policy goals in these areas.	OGS, NYCOM, Towns, Public
5	Amend the General Municipal Law (“GML”) to increase a local government’s authority to make discretionary purchases on public works projects from \$35,000 to \$50,000 (see GML §103(1)).	Amend the General Municipal Law (“GML”) to increase a local government’s authority to make discretionary purchases on public works projects from \$35,000 to \$50,000 (see GML §103(1)). The authority for local governments to make discretionary purchases on public works projects was increased from \$20,000 to \$35,000 in 2009. The thresholds impose rigid requirements on essentially every project local governments engage in, as the total cost of all but the most minor of procurements exceed the current statutory parameters. The current competitive bidding thresholds decrease local government efficiency, as compliance with the statute imposes mandatory waiting periods and draws out the procurement of uncomplicated transactions for weeks at a time. Moreover, General Municipal Law § 103 does not allow local governments to negotiate the bidders for a better price or terms.	OGS, NYCOM, Towns, NYSSBA

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#	Name	Description	Proposed by
6	Amend GML § 103 by adding a new section to authorize a local government, including school districts, to award service contracts, including technology, on the basis of “best value”	Amend GML § 103 by adding a new section to authorize a local government, including school districts, to award service contracts, including technology, on the basis of “best value”. Use of the definition of “best value” set forth in State Finance Law §163(1)(j) is recommended. A best value award could result in savings for local governments by ensuring the acquisition results in a high quality product that meets the needs of local government. Procurements based on “best value” take into consideration a variety of factors including life cycle costs, past performance and a vendor’s ability to complete the contract on time.	OGS, SED, NYCOM, Towns, NYSSBA, NYSCOSS, SAANYS, Senate Minority Conference
7	Amend GML §103 by adding a new section to authorize a local government, including school districts, to directly purchase from Federal General Services Administration Schedule 70 (information technology and telecommunications hardware, software and professional services). (Called Piggybacking)	Amend GML §103 by adding a new section to authorize a local government, including school districts, to directly purchase from Federal General Services Administration Schedule 70 (information technology and telecommunications hardware, software and professional services). OGS recommends that the proposal be amended to be able to so purchase only where a centralized contract is not available.	OGS, SED, NYCOM, Towns, NYSSBA, NYSCOSS, SAANYS, Senate Minority Conference
8	Amend GML §104(1) to permit a local government, including school districts to directly purchase from certain federal contracts. (Called Piggybacking)	Amend GML §104(1) to permit a local government, including school districts, to directly purchase from certain federal contracts such as those supply schedules established under the Federal e-government act. In order to exercise this authority, the local governmental entity would be required to make a determination that such purchase will result in cost savings after all factors, including charges for services, materials and delivery, have been considered. Such determination would be retained in accordance with local policies and procedures.	OGS, NYCOM, Towns, NYSSBA, NYSCOSS
9	Amend GML §103 by adding a new section to authorize a local government, including school districts, to directly purchase from a competitively bid contract established by another state or political subdivision when certain facts are certified. (Called Piggybacking)	Amend GML §103 by adding a new section to authorize a local government, including school districts, to directly purchase from a competitively bid contract established by another state or political subdivision when certain facts are certified.	OGS, NYCOM, Towns, NYSSBA, NYSCOSS, Senate Minority Conference

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#	Name	Description	Proposed by
10	Joint Bidding for New York City	Allow NYC to award a contract both for a public work project as well as the private facilities that need to be accommodated during such project (i.e. moving private energy, telecommunications or other facilities necessary to undertake the project) on the basis for the lowest bid for the combined bid (instead of just the lowest bid for public work). The City currently has authorization to do this for certain projects. This eases the process by which the City undertakes construction projects by lessening conflicts between the owners of the private facilities and the contractors undertaking the project.	NYC
11	"Wrap Up" Insurance	Allow the State, local government and public authorities to purchase insurance policies for construction projects that cover owners, contractors, workers and the public through a single policy. This lessens the cost by eliminating multiple policies. (Note: SCA, EDC and other corps/authorities are already exempt from the prohibition.)	NYC
12	Bid documents	Currently, school districts are required to forward to the Education Department all bid documents related to competitive bids for transportation services. This includes all winning and losing bid documents. This is apparently an SED regulation and not in GML. Propose eliminating the requirement for such documents to be forwarded to the Department and requiring only that the school district attest to the existence of such documents and to their adherence to the process. The districts will be subject to auditing and monitoring by SED and independent auditors. Such audits will reveal whether there were any missteps made.	NYAPT
13	Allow school districts to enter into national credit card contracts	Allow school districts and BOCES to enter into procurement card agreements with out-of-state local governments and school districts	SED, SAANYS
14	Clarify that BOCES has the authority to contract for telecommunications on behalf of their component school districts	BOCES can operate and service school district equipment used for telecommunications and technology services and computer networks, however, State law currently limits or prohibits certain types of school district-BOCES relationships. When procuring high tech equipment, school districts would benefit if BOCES contracted for these purchases on their behalf, ensuring that the school district' equipment is compatible with BOCES' telecommunication and network equipment and allowing BOCES and district personnel to efficiently service the equipment. State law would need to be amended to require standardization where BOCES and school districts wish to use compatible equipment, or the same equipment, and districts would be required to procure such equipment.	SED, SAANYS
15	Allow for reverse auctions	Enable local governments and school districts to hold reverse auctions in which vendors bid against one another in real time	SED, NYCOM, Towns, NYSSBA, SAANYS, Senate Minority Conference

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#	Name	Description	Proposed by
16	Requiring Municipalities to Use Preferred Source Vendors	Eliminate the 15 percent price preference for preferred source goods. Under current law, local governments must purchase commodities and services from Preferred Source Vendors, which can have prices that exceed the prevailing market price by as much as 15%.	NYCOM
17	Using technology to streamline contracting	Adopt electronically-formatted school transportation contracts and school bus purchase contracts to eliminate unnecessary paperwork, avoid delays in the approval of such contracts, and ensure timely submittal and payment.	NYAPT
18	For Consolidated Local Street and Highway Improvement Program (CHIPS) - Increase the existing cap of \$100,000 to \$250,000 on work that may be performed under force account by municipalities.	<p>With the rising construction costs, many municipalities would like the option of performing more work with their own labor forces rather than using the competitive bidding process for the “construction” costs of CHIPS capital projects. Competitive bidding threshold for CHIPS was raised from \$50,000 to \$100,000 in the 1990s. Perhaps, the cap for the CHIPS program should be increased to be in line with the Wicks Law, which was overhauled by the 2008-09 Enacted Budget. The thresholds for triggering Wicks Law mandates, which require State and local governments to issue multiple construction contracts for most public works projects, were increased to:</p> <ul style="list-style-type: none"> - \$3 million in New York City, - \$1.5 million in the downstate suburbs, and - \$500,000 Upstate. <p>Current competitive bidding threshold for CHIPS = \$100k. Total no. of Municipalities receiving CHIPS funds is 1590.</p>	DOT, Towns
19	Increase the bonding requirement on contracts for "construction or improvement of highways" from \$250,000 to \$1M.	This limits municipality agency flexibility on low-risk jobs and causes difficulty for small firms like D/M/WBEs. Although the cost of the bonding is on the contractor, the cost is passed onto the municipality as the project owner. In the last 5 years NYSDOT used a bonding company to complete construction projects 2-3 times. Statewide, local governments have used a bonding company to complete construction projects 2-3 times in the past year. In 2010, there were 103 projects under \$1M.	DOT
20	Eliminate the requirement to Refund Plan Sales Costs	Refunds are due to: a) plan purchasers who submit a bid, then return the plans within 30 days of award; b) all plan purchasers if all bids are rejected; and c) plan purchasers who do not submit a bid get the difference between what they paid and production cost. This is a time consuming process for municipalities and of little value to plan buyers since plan costs are in almost every instance a trivial fraction of bid costs.	DOT
21	Administrative Ease: Ease limit on purchase of services contracts	Permit LDSS to enter into multi-year contracts for the purchase of services; current requirements limit contract terms to 12 months.	OCFS

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#	Name	Description	Proposed by
Facility Related Proposals			
22	Amend the Scaffold Law to permit evidence in work site liability cases regarding fault.	Project insurance has become a huge cost factor. Insurance accounts for 3 percent of sales, according to one participant. A big insurance cost-driver is the liability coverage attributable to the Scaffold Law. Under this law, absolute liability is imposed on project owners in cases of worksite injuries, regardless of who is to blame. The result of the current law is that project insurance costs get needlessly inflated and the cost is passed on to both the state and local district property tax payers.	NYSSBA
23	Visual Inspections	Eliminate on-site visual inspections of building projects (meaning on-site inspections)	SED, SAANYS, Public
24	Annual Building Inspections	Require school building inspections once every three years rather than annually. Require building condition surveys once every six years rather than every five years.	Public
25	Smart Growth	Eliminate compliance with the recently adopted Smart Growth Legislation for the vaster majority of school projects. Retain it only for work in new land acquisition and new construction.	SED, SAANYS
26	School Facilities report card	Eliminate School Facilities report card	SED, SAANYS
27	Asbestos	Eliminate state requirements for reporting beyond the federal requirements of the Asbestos Hazard Emergency Response Act	SED, SAANYS
28	Reduce Duplicative Child Day Care Regulations	<p>Review and amend School Aged Child Care regulatory requirements to modify or waive requirements that may be unnecessary where the program is operated at a location which is also a public school. OCFS imposes physical plant requirements for provision of child day care, including SACC programs located in public school buildings currently in use for elementary, middle or secondary education. Standards used by school districts for building and equipment safety are not the same as OCFS standards for SACC programs. Several child day care providers requested that physical plant requirements for SACC be modified when operated from a public school building to be more in line with school standards.</p> <p>OCFS will review SACC regulatory requirements to modify or waive requirements that may be unnecessary where the program is operated at a location which is also a public school. Potential modifications include: the use of barriers to keep children from touching radiators and pipes; the number of toilet facilities; and need for children to be escorted to toilet facilities.</p>	OCFS

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#	Name	Description	Proposed by
Reporting Requirement Proposals			
29	Annual Census	Change the annual census (of Pre-K children) requirement to every two years, as is done by some other states. This census exists for enrollment projections, not to determine actual enrollment or anything related to funding.	SED, SAANYS
30	Body Mass Index	Eliminate the requirement for school districts to notify students if their body mass index is high	SED, SAANYS
31	Corporal punishment report	Eliminate annual corporal punishment report as school climate survey is phased in	SED, SAANYS
32	Violent and disruptive incident report	Eliminate reports as school climate survey is phased in	SED, SAANYS
33	Streamline compliance reporting	Centralize and streamline school district reporting to decrease personnel and other costs associated with sometimes duplicative and unnecessary forms and other filing requirements.	SED, NYSSBA
34	Eliminate the requirement that school districts have an early grade class size reduction plan	Eliminate the requirement that school districts have an early grade class size reduction plan	SED, SAANYS
35	Eliminate the requirement that school districts have a Shared Decision Making Team	Eliminate the requirement that school districts have a Shared Decision Making Team	SED, SAANYS
36	Eliminate requirement of anti-idling reports	Eliminate the requirement for compiling reports related to compliance with anti-idling legislation as codified in Section 3637 of the Education Law. Such reports are not specified in the statute and the Department has no mechanism in place for collecting or analyzing such reports.	NYAPT
37	Flexibility in claims auditing	Provide flexibility in claims auditing. As recommended by the Comptroller, authorize school districts to establish the position of deputy claims auditor to act in the absence of the appointed claims auditor.	SED, OSC, SAANYS
38	Allow school districts with 10,000 or more students to audit samples of claims	As recommended by the Comptroller, authorize school districts with 10,000 or more students to audit samples of claims rather than an audit of every claim, and eliminate internal audit requirement for school districts with fewer than 1,000 students.	SED, OSC, NYSCOSS, SAANYS

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39	Foster Care System Simplification: Cumbersome and time-consuming permanency planning reporting requirements	Reduce the amount of detailed information required in permanency hearing reports to make them less time-consuming for LDSS to complete but still informative for the courts. OCFS hears from LDSS's that the report requires too much information (most of which is statutorily required) and diverts caseworker time from serving families. OCFS is in the process of trying to implement an automated report that would pre-fill as much as possible from the existing computerized case management system (CONNECTIONS) but that will not resolve all of the issues. Going forward, OCFS will put together focus groups with local social services districts and the courts to determine what information is necessary for the courts to make their required determinations and how much of the other information is critical to the process and try to reach some agreement of how to make the report shorter and more useful.	OCFS
40	Change and simplify the Consolidated Fiscal Report (CFR) and procedures. (MHL 41.18 (a))	The CFR is an annual comprehensive financial report required by OMH, OASAS, OPWDD and SED. Currently, each service agency (voluntary and county/municipal operated programs) receiving State Aid for a mental health service, is required to file a detailed statement of expenditures, revenue, staff, service volume, etc. for each location of each mental health service. (OMH identifies more than 80 distinct services.) This recommendation for mandate relief would make the process more efficient and effective by: 1) Reducing the number of distinct service types. The 80+ distinct services could be grouped into fewer categories which would considerably simplify the reporting process and save counties time and staff resources. 2) Eliminating the requirement that providers submit location-specific information. As counties are the primary "purchasers" of future services, this would allow them to specify whether agencies submit their CFRs with locations aggregated in the same county (or NYC) or by specific locations. This would reduce the amount of time it takes to report. 3) Changing the annual CFR submission to biennial, even triennial, submission. Two- and even three-year-old data will be adequate for most statewide and regional rate/fee setting. Reducing the reporting requirement from once a year to every other or every third year significantly reduces the reporting time.	OMH
41	Amend nursing home related regulations to allow for electronic record keeping	While medical records can be retained electronically for other types of providers, the regulations governing nursing homes may similarly retain their medical records in electronic form only. Similarly, the regulations are unclear as to whether financial and statistical records and cost reports must be in their original hard copy form or can be maintained on computer or microfilm.	Senator Betty Little
42	Amend adult care facility (ACF)/assisted living residence (ALR) reporting requirements to allow for the use of technology	DOH puts up barriers and obstacles to allowing use of technology in ACF's/ALR's. Develop regulations for electronic medical records, or a policy statement from DOH on EMR that are acceptable. Review requirements and practices used in businesses and what passes test for legal sufficiency on computerized records and oversight for other agency's access to those records - including Banking or Insurance Departments. The current practice of requiring backup paper records make EMR's useless.	Senator Betty Little

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43	Legal Authority (Sheriff's Annual Report)	Requires every sheriff, superintendent or commissioner of local correctional facilities to submit an annual report containing data on all prisoners received and discharged during the prior year from that facility. Most data required is duplicative of other information provided separately or is data that is of little or no import to modern criminal justice data analysis.	SCOC
44	Streamline reporting for SPDES water discharge permits	This fiscal year, DEC will work toward simplifying submission of monitoring reports and compliance deliverables by permit holders. In some cases a permit holder may currently be required to send their monitoring report to as many as five entities. DEC is working to reduce this to a single location.	DEC
45	Amend reporting for the Endangered and Threatened Species of Fish and Wildlife, Species of Special Concern	28 pages of regulation require that any land use, construction or action requires a lengthy and costly report of the possibility of any wildlife habitat being disturbed	Senator Betty Little
46	Eliminate unnecessary real property assessment reporting requirements	Section 1532 of the Real Property Tax Law (RPTL) requires that each County Director of Real Property Tax Services prepare and submit an annual report to the Commissioner of Taxation and Finance. These reports are unnecessary as the Department already receives such information via electronic receipt of local assessment rolls. Eliminating this reporting requirement will conserve local government resources without material impact to the State.	Tax & Finance
47	Establish single point electronic filing for State tax warrants	Legislation could streamline the present cumbersome process for recording New York State tax warrants by authorizing single point electronic filing at the Department of State for all tax warrants necessary to affect liens and judgments against the real, personal, and other property of tax debtors. Currently, such tax warrants must be filed with individual County Clerks across the State. Under the current inefficient process, a property transfer can still occur in spite of an existing tax lien because a warrant was not filed with that particular County Clerk's Office. The authorization for single point electronic-filing of tax warrants in order to create universal tax liens and judgments against all real, personal, and other tax debtor property will improve the State's recovery of tax debts, reduce workload at local County Clerk Offices, and improve administrative efficiencies and data management/retrieval.	Tax & Finance
48	Electronic delivery of Local Laws	Allow local governments to file local laws electronically with the Department of State.	DOS, NYCOM, Towns
49	Remove the requirement for local governments to submit annual reports	Title 19 NYCRR §1203.4 requires the preparation of annual reports for submission to DOS. DOS can require that the information be provided under its authority to investigate (Executive Law §381(3)).	DOS

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#	Name	Description	Proposed by
50	Eliminate Operations and Maintenance (O&M) activities certification from the Consolidated Local Street and Highway Improvement Program (CHIPs).	Municipalities are required to provide certification for Operations and Maintenance (O&M) activities. Ability to use CHIPs for (O&M) was removed from the program in 2002 yet the certification is still required.	DOT
51	Filing of certificates of appointment or reappointment of members of Municipal Urban Renewal Agencies with DHCR.	Self explanatory - HCR does not need to know the identifies of these members	HCR
52	Filing certificates of appointment of members of Municipal Public Housing Authorities with DHCR	Self explanatory - Filing certificates of appointment of members of Municipal Public Housing Authorities with DHCR	HCR
53	Filing proposed urban renewal plans with DHCR even where there is no state assistance.	Self explanatory - HCR does not need the plans to perform its work	HCR
54	Filing of proposed Housing Authority Rules and Regulations with DHCR even where there is no state assistance.	Self explanatory - HCR does not need the rules to perform its work	HCR
55	Filing of Certificate of Establishment of Urban Renewal Agencies with both the Secretary of State <u>and</u> DHCR	Self explanatory - HCR does not need the certificates	HCR
56	Filing of proposed plans for development or redevelopment of public housing authority property with DHCR, even where there is no state assistance.	Self explanatory - HCR does not the plans to perform its work	HCR

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#	Name	Description	Proposed by
57	Filing of multiple environmental reports for same project - municipality applying for CDBG must submit a NEPA (federal environmental review) and SEQRA (State environmental review) checklist for same activity.	Coordination of agency/program review processes for co-funded projects for NYS SEQRA and US NEPA environmental. Review requirements. State should accept NEPA checklist and not impose SEQRA review as well.	HCR
58	Filing of federal single audit - OMB A 133	Recipients of Federal funding (HCR's recipient municipalities and non-profit organizations) must submit a single audit annually to HCR which must be compliant with the requirements of OMB A-133. This requires notification, tracking, recording, review and retention processes for every state agency that provides Federal funding to local and/or tribal governments, colleges, universities and other non-profit organizations (non-Federal). Numerous state agencies are requiring the same local governments and non-profit organizations to submit a copy of their single audit. This appears to be redundant and a waste of resources at the state and local level and that of non-profit organizations.	HCR
59	Article 25-AA (Agricultural Districts Law) Eliminate local requirement to file a preliminary notice of intent (this statute provides a measure of protection for farm operations from unduly restrictive local laws or ordinances)	Section 305, subd. 4 of the Agriculture and Markets Law - amend the legislation to eliminate the need to file a Preliminary Notice of Intent with the Department of Agriculture and Markets and the County Agricultural and Farmland Protection Board (AFPB). Currently, a regulated local government, public benefit corporation or State agency must submit a Preliminary and a Final Notice of Intent that examines a project's impact on farm operations located within a county adopted State certified agricultural district. The Preliminary Notice of Intent is a brief one to two page description of the project. Department staff have determined that this filing is unnecessary and the requirement should be eliminated from the AML.	Agriculture & Markets
Newspaper Publication Proposals			
60	Newspaper public announcements	Newspaper public notice provisions for permitting (SPDES and other DEC permits) are obsolete and extremely expensive. Relieving the regulated community (including local governments) of this burden could result in annual cost savings in the millions.	DEC
61	Publication Requirements	Allow local governments to post notices on their website instead of publishing in a newspaper	NYCOM, Towns

Note: The SED proposals included above reflect a combination of options that have been approved by the Board of Regents or will be considered by the Board of Regents in the future.

**Transportation & Environment Proposals Discussed by the Mandate Relief Redesign Team on
April 11, 2011**

#	Name	Description	Proposed by
Transportation Proposals			
1	Municipal Roadway Responsibility	Various State laws make municipalities responsible for the maintenance of municipal highways, such as town highways, city streets, village streets and county roads. Section 140 of the Highway Law provides an example of such a State law. Although section 140 and subdivision 9 of section 10 of the Highway Law authorize the Commissioner of Transportation to promulgate rules for the construction, improvement and maintenance of local roads, DOT's promulgation of such regulations has been limited. There is a proposal for municipalities to designate maintenance standards for low volume roads which DOT supports.	DOT, NYSAC, Towns
2	Road Preservation Bonds/Securities	Provide local governments with the authority to require commercial users of roads to underwrite the road repairs necessitated by damage caused by the user in the form of security or bonding.	Towns
3	Eliminate Operations and Maintenance (O&M) activities certification from the Consolidated Local Street and Highway Improvement Program (CHIPs).	Municipalities are required to provide certification for Operations and Maintenance (O&M) activities. Ability to use CHIPs for (O&M) was removed from the program in 2002 yet the certification is still required.	DOT
4	Street Sign Requirements	Eliminate excessive street sign requirements, including those on reflectivity and capitalization of all letters on the signs	Public
5	Increase Shared Services Agreements with Municipalities	With resources stretched to the limit in many jurisdictions, this tool allows state and municipalities to efficiently take advantage of each other's capabilities or assets. With shared services agreements, one party may provide a certain amount of services and receive the same value in return services. While each party may provide the same dollar value of services, the real saving is in the efficiencies achieved. To better serve highway users in NYS and state and local taxpayers, DOT has recently signed an agreement with Oneida county to allow for sharing of services, materials and equipment. DOT plans to use this template across the state. A legislative change would speed up the process.	DOT
6	Reauthorization - Streamline Project Development Process	The existing federal project development and delivery processes should be streamlined to allow implementation of needed improvements more quickly, saving time and money, without compromising environmental requirements. DOT is investigating ideas that will help streamline the project delivery process. One example: there should be one federal lead agency that coordinates all necessary federal reviews and approvals for a given project. This would help deliver both local and state projects more efficiently. Another example includes reducing federal requirements on small projects. A \$50,000 federal aid project should not have the same federal requirements as a \$50 M project.	DOT, NYSAC

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#	Name	Description	Proposed by
7	Revise FHWA mandates	Work with our federal representative to revise Federal Highway Administration (FHWA) Mandates. Examples include uniform process for Right of Way acquisitions, revision of FHWA's Manual on Uniform Traffic Control Devices, and uniform traffic sign regulations.	NYSAC
8	Streamline Right of Way Acquisition	Streamline Right of Way acquisition process to allow municipalities to purchase small parcels (less than 1 acre) using local methodology when State or Federal funding is involved.	NYSAC
9	Fuel Distribution	Allow municipalities to distribute fuel to other municipalities and not-for-profits without subject to sales tax.	NYSAC
10	Speed Limits	Authorize all towns to set speed limits within their jurisdictions	Towns
11	Speed Cameras	Allow the City to use cameras to fine drivers that speed, similar to the City's current red-light camera program.	NYC
School Transportation Proposals			
12	Clarify that BOCES and school districts have the ability to coordinate nonpublic school transportation through legislation	Districts are currently required to transport nonpublic school pupils with a specific distance to nonpublic schools. This option would help provide for cost effective practices and coordination of services by reducing employee and equipment costs.	SED, NYAPT
13	Require BOCES District Superintendents to collaborate with school districts, nonpublic schools and special education programs in designating bell times to ensure optimum utilization of school buses and school bus routes. This is currently allowable but there is no requirement for the coordination to occur.	There is currently no statutory or regulator requirement for BOCES and school districts to coordinate bell times. This option would help provide for cost effective practices and coordination of services by offering the opportunity to reduce employee and equipment costs. Standardizing bell times within BOCES and districts is recommended. There is no authority to compel nonpublic or religious schools to participate.	SED

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#	Name	Description	Proposed by
14	Enact legislation and/or regulation that would require adoption of a standardized annual school calendar to avoid conflicts wherein school buses are deployed on days when public school districts are otherwise closed. School districts currently have flexibility in this regard. This would standardize calendars more uniformly while taking into account religious observances as is currently the case.	Currently, public school districts are not required to transport nonpublic school students on days when public schools are not in session. This option would help provide cost savings for the public school districts in both employee and equipment expenses. School districts are not obligated to provide transportation for students attending nonpublic schools before the first day of public school classes but many do so in order to serve their nonpublic school community. This will result in better communication and coordination.	SED, NYAPT
15	Transportation Aid for Students with Disabilities	Provide school districts with the ability to allow parents of children with disabilities to opt-out of busing and, instead, be reimbursed for transporting and accompanying their child to school.	NYC
16	Eliminate second set of fingerprints for school bus drivers	Currently, the state requires a second set of fingerprints for school bus drivers who have already been certified under section 509-cc of the Vehicle and Traffic Law.	NYAPT
17	Add flexibility to timing of school bus training programs	Amend the commissioner's regulations at section 156.3 to allow greater flexibility for completing required semi-annual school bus driver refresher training programs to allow school districts to schedule those courses coincidental with other professional development days that occur during the school year.	NYAPT, SAANYS
18	Enact a moratorium on newly mandated school bus equipment & consider a review	Enact a moratorium on newly mandated school bus equipment & consider a review. In addition to a moratorium on new equipment mandates, this would include a review of the efficacy of the State's Seat Belt law as well as a review of current mandated equipment in comparison to Federal Motor Vehicle Safety Standards for school buses.	NYAPT
19	Reduce mile limits for transporting disabled students	Reduce mile limits for transporting disabled students to relieve districts of the mandated responsibility of transporting students up to 50 miles and thereby encouraging placement in programs closer to the district, where possible. Exceptions would continue to be allowed where FAPE and LRE necessitate. <i>Note: CNYSEA would repeal this law.</i>	CPTR, NYAPT & Council of NY Special Education Administrators (CNYSEA)
20	Reduce mile limits for transporting non-public school students	Amend the Education Law to reduce the 15-mile mileage radius for transporting non-public students to 10-miles.	NYSSBA, NYAPT

**Transportation & Environment Proposals Discussed by the Mandate Relief Redesign Team on
April 11, 2011**

#	Name	Description	Proposed by
21	Provide for re-assessment of students classified as homeless	Provide for re-assessment of students classified as homeless to allow for re-classification at the end of each school year, thereby potentially avoiding the need for extensive transportation among school districts.	NYSSBA, NYAPT
22	Eliminate requirement for back-lit School Bus sign	Eliminate requirement for back-lit School Bus sign and replacing it with federally-compliant reflective materials, consistent with the provisions currently in place in 48 of the 50 states.	NYSSBA, NYAPT
23	Enable school districts to assess local needs for transportation	Proposed in 2009 by A.2336-A/S.1597-A -- Permits school boards of education in certain school districts to enact a policy to provide student transportation based upon patterns of actual ridership. NOTE: A NEW version of this bill is on the Senate Education Committee Agenda on Tuesday, 4/12 (S.4434 Martins/A.6821 Schimel).	NYSSBA, Garden City Public Schools
Environment Proposals			
24	Special permits/deer hunting	ECL 11-0903 (7) (a)-(g) describes the process used to allow deer hunting in Westchester and Suffolk Counties and includes requirement for "special permits" to be issued by town clerks for their respective towns. Eliminating this requirement would provide relief to these two counties.	DEC
25	Hunting & Fishing Licenses	Allow towns to opt-out of requirement that town clerks sell hunting and fishing licenses	Towns
26	Appeals from Issues Conference	Eliminate as-of-right appeals from Issue Conference rulings (except for those related to recusals) and instead allow the Commissioner, in his/her discretion, to entertain such appeals. This will expedite the permit hearing process.	DEC
27	6 NYCRR Part 215- Prohibition on Open Burning-revise to allow brush burning in towns of less than 20,000 population.	Part 215 prohibits burning of brush collected by local governments, necessitating an alternative disposal method. A revision to allow limited burning of collected brush in towns of less than 20,000 population would mitigate some expense. DEC recommends the ban be lifted for a finite period (2-3 years) to ensure long term consistency with air quality needs and changing standards.	DEC
28	Hazardous Waste Reporting Requirements	NY DEC requires reports and data that far exceed Federal EPA requirements and those of other States. One example is the Bi-Annual HW Generator report. This data is required annually, the EPA has a bi-annual program and the data is useless and never looked at by DEC.	Public
29	SEQRA Long and Short Form Changes	Do not implement the proposed changes to the State Environmental Quality Review Act (SEQRA) Long Form and Short Form. The suggested changes are very intrusive and will result in undue and unneeded cost and delays without any measurable improvement to the review process. The environmental assessment of enacting these changes is terribly flawed and does not in any way shape of form accurately consider the negative impacts to the state's economy.	Public

**Transportation & Environment Proposals Discussed by the Mandate Relief Redesign Team on
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#	Name	Description	Proposed by
30	Stream permits	ECL 15 6NYCRR Part 608 regulates activities in navigable waters and protected streams, and requires the issuance of permits for activities within those waters. Increased use of general permits and standard activity permits for municipalities would expedite permitting.	DEC
31	Stream Crossing Regulations	DEC has regulations that impact Fulton County's cost to repair or reline a failing cross culvert in a small stream. A repair is significantly cheaper than a full replacement. Yet DEC's new (2006) Municipal General Permit GP-5-06-001 (MGP), for the most part, eliminates the possibility of culvert repair. DEC's objective is to maintain natural conditions, so that the movement of fish and wildlife through the stream system is not restricted. DEC mandates that culverts be oversized so that 20% of the new culvert is buried below the bottom of the stream bed and that the width of the culvert be 1.25 times the width of the stream channel. This is so that there is native stream bed material, not the pipe, and for wildlife to be able to walk the banks of the stream uninhibited.	Fulton County
32	Dam Safety	Fund the increased regulations for dam safety required by DEC	NYCOM
33	Examine New Storm water Green Infrastructure Regulations	The New Storm water Green Infrastructure Regulations will make the siting of any building, commercial or private, more expensive and more costly to the individual and the municipality that has to oversee these rules. (Applications to the planning board now have over 300 questions to be addressed.)	Senator Little, Public
34	Storm water Exemption	Storm Water Regulation—exempt linear road projects.	NYSAC
35	Pesticides	Reduce the various requirements related to pesticide application, including the notification requirements for application on school grounds, the license requirements placed on those who apply pesticides.	NYSSBA, Public
36	Examine requirement that an RV park have a certified pesticide applicator on staff	Examine requirement that an RV park have a certified pesticide applicator on staff - despite the fact that the park never used any specially licensed pesticides - only available bug sprays, week killer, etc.	Senator Little

**Public Protection and Education Proposals Discussed by the Mandate Relief Redesign Team on
May 2, 2011**

#	Name	Description	Proposed by
Police/Peace Officer Proposals			
1	Extend Validity of Police/Peace Officer Training Certificates	Amend General Municipal Law to provide a uniform 5 year validity on all police and peace officer basic training certificates of completion. This will provide a greater window of opportunity for municipalities to hire experienced police officers without the requirement and expense of retraining them without jeopardizing public safety.	DCJS
2	Employ the proficiency testing model recently included in police officer refresher training to the police officer equivalency course for officers trained out of state	The Police Officer Equivalency Course permits DCJS to evaluate police training administered in jurisdictions outside NYS. This permits municipalities to leverage police officer training completed by applicants while serving in other states, reducing the hours required to training them in NYS.	DCJS
3	Recover Police Training Costs	Police officers are required to complete state-mandated training in order to receive a permanent appointment or to maintain their certification for a position. In some instances, a recently trained individual is hired by another employer. General Municipal Law § 72-c permits municipalities with a population of less than 10,000 to bill the new employer for the reimbursement of training costs. The statute should be amended to remove the population limitation and to allow the billing of any law enforcement agency.	NYCOM
4	Police Chief Requirement	Remove the requirement that municipalities with a population less than 150,000 and with more than four full-time police officers maintain the office of chief of police. Pursuant to the provisions of Civil Service Law § 58 (1-c), a police department serving a population of 150,000 or less and having more than four full-time police officers, must maintain the office of chief of police. Although police chiefs play an important role in ensuring the protection of their residents, in many communities, this mandate undermines the judgment of elected local officials as to how a municipal police department should be structured. Furthermore, it fails to recognize that municipalities adopt a variety of different approaches to police management depending upon the size and needs of the community, as well as the availability of municipal resources to fund such needs. This statute should be repealed so that elected municipal officials can determine how best to structure and supervise their police departments.	NYCOM, Towns

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#	Name	Description	Proposed by
5	Police Chief Salary Requirements - Predecessor	Remove the requirement that the head of a police department be paid at least as much as their predecessor. General Municipal Law § 207-m addresses the salary and fringe benefits for individuals serving as heads of municipal police departments. This section provides, in pertinent part, that "whenever the base salary or other compensation of the permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the head of the police department in such unit, is increased, the salary of the permanent full-time head of the police department shall be increased by at least the same dollar amount of the base salary increase received by such next subordinate police officer." Counsels' opinions from the Attorney General and the State Comptroller have interpreted this statute as requiring municipalities to pay a newly hired head of a police department the same salary as was received by the former head of the department. This statute should be repealed.	NYCOM
6	Police Chief Salary Requirements - Subordinate Officer	Remove the requirement that the salary of head of a police department who is not a union member be increased at least the same total amount as the highest ranking subordinate officer	Towns
7	211 Waivers for County Sheriffs Hiring State Troopers	Amend Civil Service Law to allow county sheriffs to hire State Troopers without a 211 waiver. This will save on pension and health care costs for counties and can reduce the ranks of the State Police and enable the State to recruit troopers at a lower salary. In some counties, State troopers make twice the salary of a Sheriff's deputy.	NYSAC
8	Fees for Police Services	Allow locals to charge fees for police services for paid-admission events. Municipalities in New York are granted relatively broad authority to impose fees for the services they provide. However, this authority is limited when it comes to public safety services. The State Comptroller has opined that "...the providing of police protection is a basic governmental function which all inhabitants of the government are entitled to receive equally without having to pay any additional charges therefore." (see Opinions of the State Comptroller 81-366). As a result, when a special event is held within the geographic area served by a municipal police department and the event requires extraordinary police services, the municipality is precluded from imposing a fee upon the sponsoring individual or organization, regardless of whether an admission fee is charged. State legislation should be enacted to allow a local legislative body to set a fee for providing police services deemed necessary or required at places of public amusement or exhibition, particularly when the event sponsor charges an admission fee.	NYCOM

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#	Name	Description	Proposed by
9	Fees for Accident Investigations	Municipalities should be authorized to charge the insurance company of a non-resident at-fault driver for the costs associated with the services, personnel, supplies, and equipment when personnel from a police department, fire department, or both, respond to the scene of a motor vehicle accident. Currently, written reports generated by a police or firefighter investigation of an automobile accident are available to insurance companies at little or no charge. The Freedom of Information Law sets a maximum charge of \$0.25 per page for a document that is released to a member of the public and alternatively provides that, if a requested document can be electronically provided, it must be. These insurance companies rely heavily on police and fire departments for investigative work, reporting, interviewing witnesses, etc. They also have enormous assets and generally are extremely profitable, a direct result of quick responses by police and fire departments. While municipal residents generally provide financial support for the operation of these departments through the payment of taxes, non-residents do not, yet they represent a significant percentage of drivers involved in at-fault accidents.	NYCOM
Probation Proposals			
10	Reduce periods of probation supervision for certain criminal court probationers	Establish legal parameters by which criminal court can impose reduced probation terms for certain probationers.	DCJS
11	Discourage Mandating Probation	Discourage mandating probation for people who commit minor, non-violent crimes. Probation has become the sentence of choice for judges. Often, people are sentenced to probation for minor crimes. Probation officers supervise offenders with violent or deviant tendencies, including domestic violence offenders, sex offenders, and individuals with severe drug and alcohol addiction. Sentencing non-violent offenders, or those who commit more minor crimes to probation supervision dramatically increases probation officers' workload, caseload, and is often unnecessary.	NYSAC
12	Eliminate the requirement that Presentence Report is required for certain offenders.	Examples include not requiring PSI report where consecutive sentences of imprisonment 180 days or less to be imposed, for certain mandatory misdemeanors where youth eligible for Youthful Offender (YO) status. COPA would like to see PSIs on misdemeanors or felonies waived for anyone who is going to receive up to 1 year in jail. Individuals who are going to be in jail have been in jail since their arrest. Local jails use PSI information so they can house and classify individuals. If they have already been in jail, this requirement is unnecessary.	DCJS, NYSAC, COPA (Council of Probation Administrators)
13	Revision of Supervision Rule	Affording probation departments greater mandate relief in terms of classification, contact, and supervision of probationers so can maximize its resources and better concentrate on higher risk offenders.	DCJS
14	Differential Supervision Contact	Eliminate mandated contact requirements for differential supervision (low, medium and high risk). Mandatory contacts should not be imposed, probation departments should be able to determine based on what is appropriate.	NYSAC

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#	Name	Description	Proposed by
15	Providing Probation Directors/Commissioners with Authority to Early Discharge Probation Cases	Under existing law, sentencing courts may order early discharge of probation sentences. This proposal would transfer such authority from sentencing courts to probation directors. Currently 21% of probationers statewide are discharged early from probation supervision-- 95% of early discharges occur outside of NYC. Thus, NYC would likely be the biggest beneficiary of this proposal and DCJS would not expect early discharge rates to change significantly for probationers outside of New York City.	DCJS
16	Revise and Eliminate Unnecessary Probation Management Rules	Revise Appendix H-10 referred to in Rule §347.4 (f) regarding the recruitment selection and promotion of probation professional personnel.	DCJS
17	Revise and Eliminate Unnecessary Case Record Management Rules	Part I: Amend Rule §348.1(c) to eliminate reference to "support/collection" within definition of probation services. Since most departments do not perform this function, some consideration should be given to its elimination. Part II: Amend Rule §348.2 governing minimum essential requirements to reflect technological advancements by specifically referencing electronic creation, transmittal and storage of case record materials with appropriate protection. Greater utilization could provide relief.	DCJS
18	Record Retention Law Change	OPCA believes that in these times of fiscal austerity and limited financial and staffing resources and attendant storage issues, this area of law, specifically, Arts and Cultural Affairs Law Articles 57 (Division of History and Public Records) and 57-A (Local Government Records Law) must be reassessed in terms of affording greater flexibility in terms of decision-making and reassessing minimum retention periods. Clearly, for transparency, accountability and historical purposes, parameters surrounding maintenance of government records are needed. However, the State Archives schedules and procedures with respect to record retention and destruction need to be reexamined to better afford efficiency so as to not prove too burdensome and costly upon state and local government.	DCJS
19	Interstate and Intrastate Transfer	Amend Rule §349.1(a) and §349.3 to replace regulatory reference to the former "Interstate Compact For Parole and Probation" with the new Interstate Compact for Adult Offender Supervision. Amend Rule §349.4 (e) to afford the sending probation department 10 business days rather than 10 calendar days to transmit certain supplementary documentation with respect to transfers. Amend Rule §349.4 (h) to remove all language following the first sentence with respect to subsequent intrastate transfers. This will avoid confusion and better reflect the 2007 statutory changes to Criminal Procedure Law §410.80 which guarantees complete intrastate transfer of supervision and jurisdiction. Amend Rule §349.7 to establish with respect to restitution, such provisions only apply where the receiving probation department is the restitution collection agency.	DCJS

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#	Name	Description	Proposed by
20	Intrastate Transfers	Change laws and regulations to allow for the intrastate transfers of people sentenced to Interim Supervision. Those who plead guilty but have not yet been sentenced are considered on interim probation. Currently probation can transfer Interim Supervision cases to other states but counties cannot transfer them to the next county (only those sentenced). Some departments will take a case informally, however a formal process is needed. (Interim can last up to 1 year).	NYSAC, COPA
21	Investigation and Reports Executive Law 256(6)	To coincide with these above changes, other statutory changes ought to be considered. Family Court Act (FCA)§252(d) provides that: "The probation service shall be available to assist the court and participate in all proceedings under this act, including supervision of the family or individual family members pending final disposition of a child protection proceeding under article ten." This statutory provision and other FCA statutory references to probation being available for support, adoption/guardianship, custody, visitation, and certain other type investigations should be eliminated as it unfairly empowers Family Courts with broad access to the services of probation which daily performs and juggles significant core functions with respect to investigation, intake, and supervision for the criminal justice and juvenile justice system. Domestic Relations Law §112 which defines "disinterested person" for purposes of adoption proceedings should also remove language that the term "includes the probation service of the family court". Executive Law §256 (6) should be amended as well to replace "shall" with "may" in terms of probation providing investigation services relating to custody, visitation and paternity proceedings and removing discretionary support language with respect to probation. Other state and local agencies or service providers should be examined in terms of suitability and efficiency to perform such functions for the judiciary.	DCJS
22	Probation for Child Support Offenders	Probation should no longer be a sentencing option for offenders who are in violation of child support payments. Counties have support collection units that are already equipped to oversee payment of support and file violations of the support order.	NYSAC
23	9 NYCRR Part 354 Intake	Repeal of this Rule. Over the years, many probation departments do not perform certain types of intake functions and DCJS questions whether probation departments are the appropriate entity to do so. It is suggested that there be additional discussion in this area as to which entities if any are more equipped to handle any of these functions. Whether federal funding is already supporting similar services needs to be examined. As mentioned in an earlier rule (see Rule Part 350), certain statutory language in this area stems from when probation was under the Judiciary. DCJS's rationale for reconsidering probation's role is further delineated there. If probation's role is eliminated or made discretionary, it would necessitate statutory changes to FCA Section §252(d), Articles 4-6 and Articles 8 and 9, Executive Law §256(6), and any other applicable statutory provisions.	DCJS

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#	Name	Description	Proposed by
24	Direct Access to OCFS Funding Streams	Probation should have direct access to any OCFS funding streams when probation is providing the direct service. In counties, either Probation or the Department of Social Services (DSS) provides services, including PINS intake and diversion. Despite which of these 2 agencies is providing the service, they should both be eligible for funding and/or reimbursement. Currently DSS is the only county entity eligible for COPS funding and preventative funding streams. Probation can only get these by going through DSS. Probation should be able to access these directly from OCFS without having to go through DSS.	NYSAC, COPA
25	Breath Analysis Recertification	Eliminate direct instruction of recertification of Breath Analysis Operators in lieu of existing On-line Recertification.	DCJS
26	PINS Time Frame	Enact time frame for Person in Need of Supervision (PINS) diversion cases. PINS diversion law states that you have to go through the county agency (Probation or DSS) without access to the court. These are presently open-ended. Establishing time frames should be done in such a way so as to give the greatest flexibility to the county department in determining the needs of that particular person.	NYSAC
27	Youthful Offender Information Sharing	Change laws/regulations to allow for the dissemination of information between probation and other law enforcement agencies on persons sentenced as Youthful Offenders (YO). Current rules mandate that probation not share information when a person has YO status because they are a minor. However, law enforcement agencies often have need of knowing if YOs are on probation. Provided confidentiality is maintained, information sharing should be encouraged so as to improve efficiency and eliminate the need for costly and duplicative data gathering by each involved entity.	NYSAC, COPA
28	Probation Officer Civil Service Flexibility	Allow probation the flexibility to use the Probation Officer Trainee (POT) or Probation Officer (PO) eligible civil service list at their discretion. Current hiring requirements tie the hands of Probation Directors to only be allowed to hire from certain lists. Greater flexibility is needed to ensure directors have the authority and discretion to fulfill their hiring needs with the appropriate person. Probation officer trainees can be hired at a lesser salary than Probation Officers. This enables county probation departments the flexibility in training.	NYSAC, COPA
29	Provide Counties with Data Management Systems	Provide a data management system, as recommended by the State, to each county to make the systems uniform. Currently counties make their own provision for the use of systems which they find necessary or helpful. Uniformity can help with data collection and ensure consistency statewide. Most counties use Caseload explorer and the counties have to pay for this.	NYSAC
30	Allow video conference SORA hearings for inmates at local correctional facilities	The Sex Offender Registration Act requires the sentencing court to conduct a due process hearing for each sex offender to determine his or her risk level (and designation, if applicable). If offenders are incarcerated, they are transported to court by the facility where they are housed. Allowing an inmate to call in via video conferencing will save the localities money.	DCJS

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#	Name	Description	Proposed by
31	Sex Offender Registration	Require anyone arrested for a sex offense as defined by Penal Law Section 130.00-130.96, who is allowed to plea to a non-sex offense and register as a sex offender in accordance with the New York State Sex Offender Registration Act, Corrections Law 6-C.	NYSAC, COPA
32	Sex Offender Address Verification	Remove responsibility of probation for Sex Offender Quarterly address verification.	NYSAC
33	Evidenced-based Modifications to Leandra's Law	Make modifications to Leandra's Law to ensure that evidence based practice research results are being implemented in the decisions made about who should be ordered to install ignition interlock devices. Currently all first-time offenders who are convicted of DWI must install ignition interlock devices on their cars even though research shows that only 25 percent of that population will reoffend. Ensure that probation is compensated 100 percent for the extra work they must do for the courts and to monitor the offenders placed on ignition interlock.	NYSAC, COPA
34	Leandra's Law Monitoring	Transfer responsibility for monitoring offenders who are released from NYSDOCS with Leandra's Law requirements to Division of Parole.	NYSAC
35	Repeal Drug Law Reform	Repeal the 2009 drug law changes which placed tremendous unfunded burdens on counties to defend newly created rights to "diversion" and sealing of predicate felony convictions.	NYSAC
36	Probation Registration Fee	Create a \$25 probation registration fee to help offset the continuous reduction in funding for local probation departments. This additional fee is estimated to generate \$1 million in revenue and while this additional fee is not insignificant, it does not offset the years of cuts in State aid, and it barely scratches the surface of actual needs. Accordingly, imposing a \$25 probation discharge fee in addition to the proposed probation registration fee will raise another \$1 million towards the restoration of necessary funding for local probation departments. Imposing such a fee at discharge from probation will ease collection of the fee because defendants will have the incentive of leaving probation to encourage payment of the fee and will make payment of the fee less objectionable. Furthermore, there is plenty of precedent for fees of this nature, most notably, the \$50 fee to the Department of Motor Vehicles for restoration of a suspended license.	NYSAC, COPA

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#	Name	Description	Proposed by
37	Electronic Enhancements Fee	Impose a fee on offenders that take advantage of Electronic Enhancements Benefits. Many local probation departments currently provide defendants with the option of utilizing certain state-of-the-art advancements in supervision which facilitate compliance with conditions of probation. These include voice recognition check-in systems, kiosks, and other similar innovations. These innovations provide a benefit to the offender in that they make it more convenient for offenders to comply with their probation requirements. In addition to the convenience factor, these innovations also make it possible for offenders to maintain employment and to be productive citizens. Utilizing these services is an option which the defendant may choose if the defendant finds that these services are beneficial in assisting him or her in complying with applicable conditions of probation. The provision of these services can be costly for local probation departments and counties should be authorized to charge a fee to recoup costs expended to provide these convenience services to the defendant. Counties should be given the option of charging a monthly fee for the utilization of certain electronic enhancements. An individual monthly fee not to exceed \$10 could be charged for each enhancement which the defendant chooses to utilize.	NYSAC, COPA
38	Electronic Monitoring and Alcohol/Drug Testing Fee	Impose an Electronic Monitoring and Alcohol/Drug Testing Fee. Many local probation departments, by order of the sentencing court, currently place defendants on electronic monitoring which helps to facilitate compliance with conditions of probation. Probation also provides mandated alcohol/drug testing for defendants. For electronic monitoring, and drug/alcohol testing, counties should be given the option of charging a fee not to exceed the actual cost to the county of providing the service.	NYSAC, COPA
39	General Supervision Fee	Impose a general supervision fee on all offenders undergoing probation supervision. Currently, offenders convicted of driving while intoxicated offenses can be charged a probation supervision fee of \$30 per month (Section 257-c of the Executive Law). Authorizing a similar probation supervision fee, at local option, to be assessed against all defendants sentenced to probation, thereby allowing local probation departments to recoup some of the costs associated with supervising defendants.	NYSAC, COPA
40	Sex Offender and Domestic Violence Offender Fee	Impose a Supervision Fee on Sex Offenders and Domestic Violence Offenders. Currently, offenders convicted of driving while intoxicated offenses can be charged a probation supervision fee of \$30 per month (Section 257-c of the Executive Law). Authorizing a similar probation supervision fee, at local option, to be assessed against defendants convicted of sex offenses or offenses relating to domestic violence, thereby allowing local probation departments to recoup some of the costs associated with supervising these defendants. Additional State rules and requirements relating to these defendants make this population among the most costly to supervise. These fees would help offset the additional costs.	NYSAC, COPA

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#	Name	Description	Proposed by
41	Restitution Surcharge	Allow an automatic 10 percent surcharge for collection of restitution. There is currently a mandatory 5 percent surcharge and the county can file a petition to the court for up to 10 percent the affidavit requirement is onerous and up to the discretion of the court. Making the surcharge 10 percent would enable probation to be compensated in part for the time and expense of pursuing collection, save time and money.	NYSAC
42	Mandate Moratorium	Enact a moratorium on all new legislation that impacts the workload of probation without 100 percent funding being attached up front. Probation offices do not have caseload standards, so when additional mandates are created without funding their work load increases. While well intended, creating new increased penalties that impact probation as a serious impact on probation departments. A moratorium should be established to safeguard against the creation of new laws that will increase the work required by probation.	NYSAC, COPA
43	Regulatory Mandate Moratorium	While a statutory moratorium is needed, it is also important to establish a moratorium on all new policies and guidelines issued by regulatory agencies that will impact the work and caseload of probation. These cause undue and often unintended hardships for probation departments.	NYSAC, COPA
44	New Initiative Reimbursement	When funding is attached to a new initiative, all counties, regardless of their size, should receive proportionate reimbursement. Many policies favor larger counties, to the detriment of smaller ones. Though they have fewer offenders on probation, departments incur operational costs that are fixed. An example of this is Rockefeller Drug Law funding that came through ARRA that only went to the 13 counties with the largest drug offender population.	NYSAC, COPA
45	Limit Probation Regulations	With reimbursement rates at all-time lows, all the State requirements are a burden. If the State wants to set standards, probation should be funded more fairly. Leandra's Law is a perfect example of a well-intended law with no funding and an increasing burden on probation. Drug court is another example of a good program with no funding for counties. With 14 percent reimbursement the State shouldn't be regulating Probation except to require counties to provide the service.	NYSAC
46	Temporary Detainer Warrants	Grant Statewide authority in which probation authorities would have the legal authority to issue temporary detainer warrants for probationers when no judge is available. A person detained under such warrant must be brought to the sentencing court without unnecessary delay and in no event later than 48 hours. Require the Office of Court Administration to make reasonable efforts to ensure that judges are available in each county to review the status of persons taken into custody for a violation of probation before a detainer warrant is issued by the director or deputy director of the local probation department.	DOB

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#	Name	Description	Proposed by
County Jail Proposals			
47	Legal Services	Requires every county jail to maintain an extensive law library above and beyond American Correctional Association (ACA) standards and U.S. Supreme Court requirements.	SCOC
48	County Jail Flexibility	Give counties greater authority to determine housing of inmates in county jails. This includes housing of 16, 17 and 18 year old inmates with adult offenders or with juvenile populations, given the specific circumstances including the risk and demeanor of each inmate. This should all occur at the discretion of the Sheriff and/ or jail administrator. Currently they are required to house inmates of certain ages with certain populations, despite the danger posed to individuals within the lockup. This will protect inmates and prevent danger to jail staff.	NYSAC
49	Videoconferencing	Allow a judge to dispense with the need for a personal court appearance by a defendant when a video teleconference is deemed appropriate. This will reduce the cost (including staff overtime and travel) and difficulty associated with securely transporting the defendant to court. This will also promote safety in the courtroom and prevent the inmate from having access to contraband, which can be acquired in the courtroom. There has been widespread success associated with use of teleconferencing equipment for a variety of purposes in jails. Judges should be able to decide if certain court appearances could be performed via teleconference without compromising the rights of the inmate or putting undue requirements on jails and their staff.	NYSAC
50	Medical Facility Flexibility	Allow jails to house men and women receiving care or treatment in a facility-operated infirmary provide that proper separation is maintained. This will eliminate the requirement for duplicative facilities which can be very costly for counties. So long as the proper safety protocols and separations are in place, there should be no reason to require a separate men's and woman's infirmary.	NYSAC
51	Parole Violator Regional Revocation	Create regional revocation centers that can house parole violators and state ready inmates in state prisons slated for closure. This would alleviate the burden on county jails. It would also lower staff time and resources currently dedicated at the county level when Parole Violators must be processed and housed, at county cost.	NYSAC
52	Parole Violator Refusal	Allow county jails to refuse a parole violator unless for a short-term emergency. Counties incur substantial costs to house Parole Violators. Latest reports from the Division of Parole dated April 2011 indicate that 1699 of violators statewide were housed in county facilities in March 2011 with no reimbursement from New York State. Counties are forced to house these at local cost, and experience the burden of having to arrange inmates to accommodate these offenders.	NYSAC

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#	Name	Description	Proposed by
53	Community Service	Provides that a court, where authorized, may impose a sentence of community service. Community service has become a commonly used sentencing tool by the courts. It is economically efficient and provides a benefit to the public. Specifically, it reduces the unnecessary reliance on incarceration and ensures that offenders make reparations to communities. In addition, extending eligibility to include certain class C felons, upon consent of the District Attorney, creates a balance in promoting offender accountability and restorative justice. This will further strengthen community-based corrections and will afford prosecutors more latitude in plea bargaining.	DOB
District Attorneys			
54	ADA hiring practices	Allow District Attorneys to hire Assistant District Attorneys from outside their counties.	District Attorney Association
55	Identity Theft Prosecution	Allow for one District Attorney to prosecute identity theft that occurs in other counties. This will allow for the coordination of multiple crimes from only one office instead of having to rely on multiple cases.	District Attorney Association
Education Proposals			
56	Provide additional flexibility as to when school districts can submit building aid claims	Currently, no State Aid payment may be made to a school district based on a claim document submitted over one year after the close of the school year in which the aid is first paid. Therefore, school districts which submit final cost reports for Building Aid over a year late are not entitled to that aid. When a school district is nearing completion of a building project, they must submit a Certificate of Substantial Completion to the State Education Department. At that time they are provided with a date by which they must file their Final Cost Report. Some districts are significantly late in filing. In order to ensure fiscal planning and accountability, it is imperative that Final Cost Reports be submitted in a timely manner. When a school district is nearing completion of a building project, they must submit a Certificate of Substantial Completion to the State Education Department. At that time they are provided with a date by which they must file their Final Cost Report. Some districts are significantly late in filing. In order to ensure fiscal planning and accountability, it is imperative that Final Cost Reports be submitted in a timely manner. In order to prevent school districts from losing all their Building Aid for a specific project, alternatives to consider include: basing the statute of limitations period on a date other than the certificate of substantial completion, delaying aid until the certificate of substantial completion is filed or reducing aid payments commensurate with number of years the final cost report is overdue.	SED (A)

**Public Protection and Education Proposals Discussed by the Mandate Relief Redesign Team on
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#	Name	Description	Proposed by
57	Repeal duplicative requirement that the school district provide information for certain students with disabilities to other agencies.	For certain students with disabilities, including those who are in residential placements, the school district must provide information, with the consent of the parent, to other agencies prior to the date when the student graduates or ages out. This statute was enacted prior to the federal law requirement for transition planning. With the requirement that transition planning occur for each student and representatives of other agencies likely to provide or pay for transition services must, with the consent of the parent, be invited to the CSE meetings. The aging out notifications could be eliminated without significantly impacting sound transition planning for individual students.	SED (B-1)
58	Repeal BOCES special education space planning requirements	Boards of Cooperative Educational Services (BOCES) must submit special education space requirement plans by 2/1 of every 5th year. Requirements include development, content, submission, approval, and amendments to the plan and an annual progress report. This strategy was extremely effective when the State had statewide issues with high rates of placements in separate settings. Since then, a new federal requirement has been enacted for the State to collect and publicly report on each school district's LRE placements for students with disabilities. Repeal section 1950(17) while retaining the requirement that school districts and BOCES ensure the stability and continuity of program placements for students with disabilities. The repeal of the Space Planning requirements was proposed in a prior Regents priority bill.	SED (B-1)
59	Repeal requirement for written parental consent prior to initial provision of special education services in a 12-month special service and/or program.	Federal safeguards ensure parental consent is obtained prior to the first time a student is provided special education services. A parent continues to have a right to disagree with a CSE recommendation, including a recommendation for 12 month special education services. In addition, federal regulations now provide for the revocation of parental consent.	SED (B-1)
60	Amend Education law to provide that a due process hearing must be requested within one year of the date the parent or district had knowledge of the issue, with exceptions as required by federal law and with an exception that for parents seeking tuition reimbursement, such request must be made within 180 days of the date the parent placed his/her child in the private school.	There is currently a two year statute of limitations on commencement of an impartial hearing. A statute of limitations of more than one year to request an impartial hearing is programmatically inappropriate since IEPs are developed for one year. IDEA due process procedures should be designed to resolve disputes within one year so that any resulting changes needed to assure that the student receives a free appropriate public education are made in time to benefit the student. Federal law applies a two-year statute of limitation, except where the state prescribes an explicit time limitation for requesting a hearing.	SED (B-1)

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#	Name	Description	Proposed by
61	Clarify that special education services for parentally placed students do not include special classes or integrated co-teaching; clarify responsibilities for July / August services; change the date from June 1 to April 1 for a parent to request special education services; make mediation mandatory when due process complaints are sought; and establish regional rate methodologies for billing to districts.	Parentally placed students with disabilities are entitled to special education services on an equitable basis. Clarify that special education services for such students do not include special classes or integrated co-teaching; clarify responsibilities for July / August services; change the date from June 1 to April 1 for a parent to request special education services; make mediation mandatory when due process complaints are sought; and establish regional rate methodologies for billing to districts. These recommendations were developed and supported by a Roundtable Task Force which included representatives of nonpublic schools, public school districts and parents of parentally placed students with disabilities. Federal law requires that such students are not entitled to a free appropriate public education, but rather must receive special education services in accordance with a plan to expend a districts proportionate share of federal IDEA funds based on a count of parentally placed students with disabilities. The Regents is not proposing moving to the federal standard which would significantly reduce eligibility for special education services for parentally placed students but are proposing to clarify and simplify certain aspects of New York's requirements.	SED (B-1)
Note: The SED proposals included below from the B-2 list reflect a combination of options that will be considered by the Board of Regents in the future.			
62	Conform the membership of the CSE to the federal IEP team membership.	The CSE membership must include, in addition to the federal IEP team members: a school psychologist; a parent of a student with disability (in addition to the student's parent), except that the parent of the student may decline the participation of the additional parent member; and a physician if requested by the school or parent 72 hours before the meeting. Federal law and regulations do not require a school psychologist, additional parent member or physician. The federally required IEP team membership was expanded in 1997 to include general education teachers, individuals who can interpret instructional implications of evaluations and others at the discretion of the parents and public agency, and other individuals who have knowledge or special expertise regarding the child. These other individuals could include the school psychologist, another parent or a physician at the request of the school or parent.	SED (B-2)
63	Repeal Subcommittee requirements, contingent upon change to State law to conform the CSE membership to the federal IEP team.	Subcommittees on Special Education - School districts with more than 125,000 inhabitants must appoint subcommittees to the extent necessary to ensure timely evaluation and placement of students with disabilities. Other school districts may, but are not required to, have subcommittees. Subcommittee membership is the same as federal IEP team membership, except a school psychologist is a required member of a subcommittee whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff-to-student ratio is recommended. Subcommittees must submit an annual report to CSE. The parent has the right to disagree with Subcommittee recommendations and refer to CSE. Only viable if the State aligns its CSE membership to federal standard (above). If the membership of the CSE is aligned to the federal IEP team membership, Subcommittees on Special Education would no longer be necessary.	SED (B-2)

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#	Name	Description	Proposed by
64	Repeal written notice requirement, contingent upon change to State law to conform the CSE membership to the federal IEP team.	Written notice of a CSE meeting must inform the parent(s) of his or her right to request, in writing at least 72 hours before the meeting, the presence of the school physician member of the CSE. There is no comparable federal requirement. Only viable if the State aligns its CSE membership to federal standard (above).	SED (B-2)
65	Repeal meeting notice information requirement, contingent upon change to State law to conform the CSE membership to the federal IEP team.	If the meeting is being conducted by a Subcommittee on Special Education, the meeting notice must inform the parent(s) that, upon receipt of a written request from the parent, the Subcommittee shall refer to the CSE any matter on which the parent(s) disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate public education to the student. There is no comparable federal requirement. Only viable if the State aligns its CSE membership to federal standard (above).	SED (B-2)
66	Align CPSE membership with the federal IEP team, except continue the municipality representative.	In addition to the federal IEP team members, membership of the CPSE includes an additional parent member (except that the parent can decline the participation of the additional parent member) and a municipality representative, except the attendance of the municipality representative is not required for a quorum. The federally required IEP team membership was expanded in 1997 to include general education teachers, individuals who can interpret instructional implications of evaluations and others at the discretion of the parents and public agency, other individuals who have knowledge or special expertise regarding the child. These other individuals could include the school psychologist, another parent or a physician at the request of the school or parent.	SED (B-2)
67	Repeal the requirement that parent select the evaluator and replace it with the requirement that the school district select an evaluator that can provide a timely evaluation of the preschool child. Deem all school districts approved preschool evaluators to allow any district to choose to conduct preschool evaluations themselves.	For preschool students, the parent selects the evaluator from list of approved evaluators. Federal law imposes evaluation responsibilities on the public school district, with parental right to independent evaluation under limited circumstances. This requirement has contributed to significant non-compliance in NYS for timely evaluations of preschool students, as parents do not always select approved evaluators who are able to complete the individual evaluation within the State's required timeline. Districts would have the option of serving as approved evaluators and conducting the evaluation or of contracting with an approved evaluation site.	SED (B-2)
68	Repeal requirement to provide each parent with list of approved evaluators, contingent upon repeal of the parental choice of evaluator.	For preschool students, the board of education must provide each parent with list of approved evaluators in the geographic area. Federal law imposes evaluation responsibilities on the LEA and does not require a list of private approved evaluators. Tied to removal of parental choice of evaluator (above).	SED (B-2)

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#	Name	Description	Proposed by
69	Align the preschool evaluation timeline to be the same as school age students, which is 60 calendar days.	The initial evaluation of a preschool student must be conducted within 30 school days of the date of parental consent to conduct the evaluation. Federal regulations require the initial evaluation to be conducted within 60 calendar days of receiving parental consent for the evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. SED's current requirements provide for less time for preschool students' evaluations to be completed than school age evaluations, even though the preschool evaluation system relies is more complex and dependent upon approved evaluators and parental choice of evaluators.	SED (B-2)
70	Adopt the federal standard for initial evaluations.	Each initial individual evaluation of a student suspected of having a disability must include a physical examination, individual psychological evaluation, social history, observation, other appropriate evaluations and functional behavioral assessment (FBA) when behavior impedes learning. Federal requirements do not prescribe specific types of assessments that must be conducted as part of an initial evaluation except that a classroom observation is a federal requirement for students with specific learning disabilities. The terms psychological evaluation, social history and FBA are not defined in federal law or regulation. This would provide flexibility to Committees to determine most appropriate evaluations (e.g., not every student would require a physical evaluation). Federal regulations require that, for eligibility determinations for special education, the Committee must draw upon information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the student's physical condition, social or cultural background and adaptive behavior.	SED (B-2)
71	Repeal the process for a school psychologist to determine the need to administer an individual psychological evaluation and the requirement for a written report when such evaluation is determined not to be necessary, contingent upon adoption of the federal standard for individual evaluations.	Education Law establishes the process for a school psychologist to determine the need to administer an individual psychological evaluation and requires a written report when such evaluation is determined not to be necessary. There is no comparable federal requirement. Only viable if change definition of individual evaluation (above)	SED (B-2)
72	Repeal outdated Vietnam Veterans form requirement.	Education Law requires the school district to provide a form to parents of certain children with disabilities who are veterans of the Vietnam war for a report to the Division of Veterans' Affairs for research purposes. There are no longer any school age students of veterans of the Vietnam War. There is no comparable federal requirement.	SED (B-2)

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73	Repeal declassification plan requirements	Education Law requires boards of education to have plans and policies for appropriate declassification of students with disabilities – regular consideration for declassifying students when appropriate and the provision of educational and support services upon declassification. There is no comparable federal requirement. CSE/CPSEs must still determine whether a student with a disability continues to need special education services as one component of every annual review. This has not been an effective requirement leading to an increase in declassification rates.	SED (B-2)
74	Repeal SED approval of the provision of early intervention services by approved preschool providers	The State Education Commissioner approves the provision of early intervention services by approved preschool providers. Federal law does not require the State Educational Agency to approve providers of early intervention services. The Department of Health (DOH) under the Early Intervention Program provides services to children with disabilities, birth to two in NY State. This requirement is a duplicative burden to SED for a responsibility that resides in the first instance with DOH.	SED (B-2)
75	Repeal the Commissioner's role in appointments to State supported schools and that the State supported school evaluate the student in addition to the evaluation conducted by the school district.	This would eliminate unnecessary administrative procedures that were established before the federal and State laws were enacted and are duplicative costly evaluations of the student for admission to such schools. There are no federal requirements relating to appointment to state-supported schools.	SED (B-2)

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#	Name	Description	Proposed by
Public Safety Proposals			
1	Destruction of Counterfeit Goods	Allow for the destruction, after a notice and an opportunity for a hearing but prior to sentencing, of all but a representative sample of counterfeit goods seized by police and used in criminal cases. This will provide relief from the requirement to store these goods for extended periods of time.	NYC
Children and Family Services Proposals			
2	Fraud and Program Integrity: Reduce child care subsidy fraud	Provide administrative support and competitive grants, to the extent funds are available, to assist LDSS to improve their child care fraud prevention activities. Authorize LDSS to defer or disallow subsidy payments to providers that make improper claims.	OCFS
3	Streamline Payment Process: Costly, out-dated, payment processing system for child care subsidies	In the 2010-11 State budget, OCFS obtained authorization to establish, on behalf of LDSS, a mechanism to pay adoption subsidies and foster parent payments by debit card or direct deposit. OCFS seeks to expand this authority to child care subsidy and kinship guardianship payments. Electronic payments for child care subsidies are expected to result in approximately \$900,000 full annual savings to LDSS outside of New York City.	OCFS
4	Target Child Protective Resources: Courts use child protective resources for other than child protective investigations.	Limit the court's authority to order LDSS to conduct investigations of families only where there is a reasonable cause to suspect child abuse or neglect and to preclude the court from establishing a shorter timeframe for such investigations than required for any other CPS investigation. Numerous districts have reported that court-ordered CPS investigations are rising each year, with as many as 50 percent of cases being ordered without a child safety basis.	OCFS
5	Target Child Protective Interventions: Educational neglect allegation for adolescents (over age 14) as the sole reason for a child abuse investigation impedes ability to direct resources to more significant instances of neglect or abuse	Amend the definition of neglect in Family Court Act (FCA) §1012 to limit educational neglect to children under age 14, which will enable the Statewide Central Register, LDSS child protective services (CPS), and the family courts to focus greater attention and energies on more serious reports of abuse and maltreatment. It is estimated that up to 15,000 CPS cases could be reduced annually. Half of the states, including California, Florida, Illinois and Texas, currently do not recognize adolescent school absences as a ground for a neglect finding.	OCFS
6	Efficient and Flexible Child Protective Intervention	Make permanent the family assessment response (FAR) program that permits LDSS, with OCFS approval, to use an alternative response to appropriate reports of child abuse and maltreatment (SSL §427-a); remove the prohibition on NYC participation. OCFS study found children in FAR cases to be as safe as children in traditional CPS cases and increased services to families. A rigorous five-year study conducted in Minnesota, which involved random assignment of families to FAR and a traditional CPS response, found that FAR cost less over time.	OCFS

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#	Name	Description	Proposed by
7	Child Protective Services Reporting and Regulation	The reporting and regulatory procedures put enormous burdens upon the Child Protective Services Unit, the entire Department of Social Services, and the County Attorney’s Office. These agencies need to be given more flexibility to determine what is needed, and how to perform essential services. That could result in reduced costs, and increase efficiency.	NYSAC
8	Child Protective Services Flexibility	Counties need greater flexibility in the design of child protection services. Counties should be permitted greater discretion regarding how to achieve the mission-focused results. This would reduce the need for the massive staffing in the various departments at the State level, creating savings at both the State and local levels.	NYSAC
9	Streamline Local Planning: Complex, time-consuming, and rigid county planning requirements and protocols	Simplify and streamline the requirements for LDSS multi-year consolidated services plans, also known as child and family services plans. A LDSS would submit one multi-year service plan for a five-year cycle and submit updates on significant changes versus the current required three-year plans and annual implementation plans. Provide more flexibility for public participation in the planning process; limit information from plans to federal requirements and to document local services options; eliminate requirements to submit information available to the State through computer systems or in county plans submitted to other agencies.	OCFS, NYSAC
10	Licensing Streamlining: Foster boarding homes must be certified or approved every year, which can safely be extended to two years	Amend section 378 of the SSL (and regulations governing approved relative foster homes) to extend the duration of a foster boarding home license or certificate from one to two years. Safety concerns regarding background checks would be addressed by requiring interim fingerprinting of new household members.	OCFS
11	Training Simplification: New Child Protective Services (CPS) supervisors must repeat common core training, even if they had such training in prior positions. Repeating it is costly, time-intensive, and generally unnecessary.	Amend statute to require common core training only if the supervisor has never had such training or if it is longer than 5 years since the supervisor has had such training.	OCFS
12	Staffing and Performance Flexibility	The State should permit counties to fix their own staffing and performance criteria. By permitting local flexibility the local leadership would be encouraged to find ways to be more efficient and to innovate with new and better models for service.	NYSAC
13	Local Flexibility: LDSS must have a local advisory council in addition to other public participation in planning	Repeal regulation that requires counties and cities to have a local advisory council. The council is used by some LDSS for development of the county plan, but statute requires other public participation in plan development.	OCFS

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#	Name	Description	Proposed by
14	Use of Proven Technology: Youth and workers frequently have to travel long distances and wait in court for extended periods of time for child welfare court hearings, which sometimes are adjourned. Family members are often unable to participate due to distance.	Allow parties, interested persons, and witnesses in family court preliminary and dispositional proceedings related to juvenile delinquents, termination of parental rights, persons in need of supervision (PINS), abuse and neglect, and permanency hearings to make their appearance via electronic communication, such as by telephone or videoconference, upon application and court approval. Recent surveys have indicated that caseworkers spend an inordinate amount of time in court buildings waiting for hearings to commence. This time could be better spent providing case planning or management services to children and families. (Part BB of the 2010-11 ELFA Article VII; Proposed Part E of OCFS #4-11). This proposal also has the potential to reduce LDSS costs related to court hearings for foster care children.	OCFS
15	Adoption Incentives	The final State budget severely cut State funding for adoption from 73.5% (originally at 75%) net of federal to 62%, increasing the local share to 38%. By the State reducing the matching rate for adoption subsidies, the State is walking away from its commitment to achieve permanency for children. New York State should be maximizing Federal reimbursement for adoption in order to encourage and increase incentives for permanent adoption.	NYSAC
16	Uniform Assessments & Information Sharing	Permit county health departments, departments of social services, and offices for the aging to conduct uniform assessments and share the information.	NYSAC
17	Child Welfare Caseload Standards Discretion	County discretion in setting and determining caseload standards.	NYSAC
18	Eliminate acceptance of CPS reports on educational neglect for middle school and high school students.	Eliminate acceptance of CPS reports on educational neglect for middle school and high school students. This would reduce caseloads/reports both for the State, county and Family Courts. This would allow for greater efficiencies on all three levels. The Family Assessment Response pilot should be implemented statewide for educational neglect cases involving middle school and high school students and low level CPS cases. This pilot has demonstrated progress, reduces CPS reports/caseloads and improved outcomes for families, resulting in greater efficiencies and better outcomes.	NYSAC
19	Eliminate the State Kinship Guardianship Assistance Program	The Kinship Guardianship Assistance program was created as part of the 2011-12 State Budget. However, New York State is providing no funding. The Foster Care Block Grant is expended and cannot be used to fund this new program.	NYSAC
20	Child Day Care Center Notification	Repeal § 390-h of the Social Services law, which requires that in a city having a population of one million or more, if the social services district seeks to close a child day care center under contract, it shall provide at least six months written notice to the child day care center and the parents or persons legally responsible for children enrolled in such centers, prior to the closing.	NYSAC, NYC

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#	Name	Description	Proposed by
21	Guardianship Notification	Pass and sign into law legislation that requires the guardian of a deceased incapacitated person to notify the local department of social services within twenty days of such death. S.5883/A.8771 (of 2009).	NYSAC, NYC
22	Expand Services Random Moment Study	Expand the Services Random Moment Study to include all social services districts, and give each district its own quarterly claiming percentages so that local decisions about staff/program allocations are better reflected in reimbursement claims.	NYSAC
23	Juvenile Justice Realignment Act	Authorize the City to operate facilities for youth who are currently in the custody of the Office of Children and Family Services. The City proposal encompasses all security settings, including youth that have committed violent offenses.	NYC
24	Limit Detention	Discontinue detention except for those youth who are harmful to themselves or others. There is no value putting a marginally bad kid in with other bad kids. NYSAC has seen no salvation in detention.	NYSAC
25	Restorative Practices Counseling	Use more restorative practices counseling, addiction services, etc. rather than detention and pair it with ankle bracelet monitoring, volunteering, etc.	NYSAC
26	County Role in Youth Detention Discharge	Greater role in the discharge process for the county. Counties should have a greater role in discharge. Funds should be used to provide community-based programs such as mentoring, family therapy, community service, etc	NYSAC
27	County Role in Diversion and Alternatives	Diversion and alternatives at local level and placement without county involvement and coordination has to stop.	NYSAC
28	Rate Setting Methodology	Re-examine the youth detention rate setting methodology.	NYSAC
29	Juvenile Justice Rate Reform	Eliminate the current State practice of charging local governments for 50% of the cost of vacant beds in OCFS facilities.	NYC
30	Juvenile Justice Private Placement Equity	Require the State to reimburse the City for 50% of the cost of juvenile offenders that are placed in foster care. Currently, the State liability for such youth is limited, because such funding is provided through the Foster Care Block Grant.	NYC
31	Juvenile Justice/Youth Detention Rate Reform	1. Eliminate the current state practice of charging local governments for 50% of the cost of vacant beds in OCFS facilities. 2. Limit the ability of OCFS to retroactively adjust rates for housing troubled youth, and require that interim rates become permanent after one state fiscal year.	NYSAC
32	Foster Care: Cost Recoupment: LDSS currently perform home studies for private adoptions without clear statutory authority to charge a fee.	Notwithstanding section 374(6) of SSL and authorize LDSS to charge a fee for home studies it performs in relation to private adoptions, either at the certification stage or finalization stage.	NYSAC

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#	Name	Description	Proposed by
Temporary & Disability Assistance Proposals			
33	Streamline program administration - Initial Month's Benefit Proration Rule	Require consistent application of the initial month's benefit proration rule to all TA cases, thereby eliminating inequities among TA clients.	OTDA
34	Streamline program administration - Proration of Rent	Require the proration of rent when a TA client resides with an individual who does not receive TA, with certain exceptions.	OTDA
35	Streamline program administration - Waivers	Expand certain waivers of program requirements statewide and/or eliminate the requirement necessitating the waiver, where possible/desirable.	OTDA
36	Develop a mechanism to coordinate the activities and resources of State agencies serving homeless individuals and families to, among other goals, reduce discharges from State facilities to homelessness.	Reduces costs associated with the provision of temporary housing to homeless ex-offenders and others released from State facilities with inadequate discharge plans. Prevents the loss of United States Department of Housing and Urban Development (HUD) funding due to impermissible discharges from State facilities to homelessness. Makes the State eligible to apply for additional HUD funding.	OTDA
37	Reform medical support legislation (Chapter 215 of the Laws of 2009), which requires LDSSs to seek the establishment of medical support in child support cases when such coverage is "reasonable in cost" and "reasonably accessible."	Eliminates the need for labor-intensive case adjustments due to changes in medical support coverage status and eliminates the limitations on cost recovery in Medicaid cases.	OTDA, NYSAC, NYC
38	Enhance the State's child support website to provide increased case-specific information to custodial and noncustodial parents, significantly reducing calls to the child support hotline.	Website enhancement directly reduces "charge-back" costs to LDSSs.	OTDA
39	Permit videoconferencing as an acceptable means of conducting face-to-face interviews for TA, as well as administrative fair hearings.	Reduces foot traffic in LDSS waiting rooms and fair hearing offices, engages institutional staff in facilitating the benefit application process, and facilitates the timely adjudication of fair hearings. Avoids future litigation costs associated with failures to schedule and conduct fair hearings timely.	OTDA

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#	Name	Description	Proposed by
40	Allow LDSSs to accept drug/alcohol assessments performed by Credentialed Alcohol and Substance Abuse Counselors/other appropriate professionals in State prisons.	Avoids duplication of drug/alcohol assessments.	OTDA, NYSAC
41	Eliminate local advisory council requirement.	Allows LDSSs to utilize less burdensome means to solicit advice from clients, advocates, service providers, and the general public on policy development, program planning, and program evaluation.	OTDA
42	Reexamine Safety Net Assistance Benefits	New York State must re-examine the Safety Net Assistance program benefits in order to promote greater self-sufficiency.	NYSAC
43	Modify Eligibility Standards	The eligibility standards need to be modified to permit a range of eligibility depending upon the county and its unique circumstances and conditions. There is a huge disparity between what constitutes a safety net in New York City and what is needed in more rural counties. The local authorities should be granted significant discretion to determine the eligibility and level of benefits for their own county. This would also encourage initiative and creativity by local officials. It would also enable local legislators to tailor the benefits provided to what the working taxpayers are making themselves, so there is no incentive for individuals to go on Public Assistance and cease working. This is a current problem in poorer areas.	NYSAC
44	Eliminate Cash Assistance for Single, Childless Couples without any Medical Exemptions	New York should consider that single, childless couples without any medical exemptions not be eligible for cash assistance. This is being done in Pennsylvania, Michigan and Ohio, resulting in considerable cost savings and greater accountability. With greater collaboration between drug and alcohol treatment agencies providing services to Safety Net single and childless couples cleared for employment but the providers want this group to stay in supportive housing at a cost of over \$1,000 per month for a single person, considerable cost savings can be achieved.	NYSAC
45	Restrict Benefits for Continued Substance Abuse	Restrict benefits for continued drug and alcohol abuse for those not participating in rehabilitation, and tie incentives to completion of programs.	NYSAC
46	Full Family Sanctions	Support the 2011-12 Executive Budget proposal that addresses this issue	NYSAC
47	County Work Requirement Discretion	Provide more discretion to counties in meeting the work requirements; the departments should be allowed to determine if an individual is making an effort to either work or is being prepared to work.	NYSAC
48	Volunteering for Public Assistance Recipients	Unemployed recipients of Public Assistance should volunteer for government agencies to receive assistance, i.e. janitorial responsibilities at DSS, landscaping at NYS parks. Anywhere that would save the State money.	NYSAC

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#	Name	Description	Proposed by
49	Allow Counties to Offer Public or Public-Private Work Options	Establish/support counties that want to offer public or public-private work options in lieu of Public Assistance.	NYSAC
50	Allow/Incentivize Sheltered or DSS-supervised Work in Private Settings	Allow/incentivize public-private partnerships to provide sheltered or DSS-supervised work in private settings.	NYSAC
51	Implement ARC and Head Start-like Transportation System	Implement ARC and Head Start-like transportation system that takes adults to structured work site and/or educational site Mondays through Fridays, while children are transported for daycare/Head Start Mondays through Fridays.	NYSAC
52	Increase Assistance for Transition from Safety Net to SSI	Increase the assistance to help move clients from Safety Net to SSI.	NYSAC
53	Assess Value of VESID	Enhance the resources for counties to step up their efforts to employ recipients. Assess the value of disbanding VESID (Vocational and Educational Services to Individuals with Disabilities) and distributing those resources to counties or workforce investment areas.	NYSAC
54	Provide Enhanced Technology	New York State should provide enhanced technology to better coordinate services across programs and agencies. The Department of Health's 11/30/10 report on the takeover of Medicaid administration has a comprehensive section on the inadequacies of the current system and potential benefits of a modern, unified software system.	NYSAC
55	Eliminate Automated Finger Imaging System Requirement	Eliminate the Automated Finger Imaging System requirement.	NYSAC
56	Employment Goal Penalties	New York State's artificial employment goals vs. local options and lack of real job growth in the economy should not be reasons for penalizing counties.	NYSAC
57	Local Performance-based Contracts	End direct State contracts in favor of moving funds into local performance-based contracts. Counties are in the best position to decide where limited dollars are most needed to provide essential services. They can hold local not-for-profit agencies to performance-based outcomes. In recognition of fewer resources, counties need more local authority to make choices on how money is spent.	NYSAC
58	TANF Spending Mandates	The State should remove mandates that control local decisions on TANF spending such as the child welfare spending threshold.	NYSAC
59	Healthy Food Stamp Choices	Incorporate healthy food choices at higher discounts on food stamp program.	NYSAC
60	Safety Net Program	As promised by NYS to counties, return the Safety Net program to the previous 50% state/50% county funding formula, beginning January 1, 2012.	NYSAC

Human Services Proposals Discussed by the Mandate Relief Redesign Team on May 16, 2011

#	Name	Description	Proposed by
61	Streamline program administration	Waive the supervisory signature requirement and/or permit electronic supervisory signatures on the LDSS-3209 form statewide.	NYSAC
62	Take a statewide enterprise approach to health and human services access/delivery, using the myBenefits website and myWorkspace system.	Create one information technology system, rather than two (one for Medicaid and one for all other human services programs administered by LDSS).	NYSAC
63	Establish imaging capability in LDSSs Statewide / including bar coding of frequently used forms.	Reduces administrative burdens associated with opening public assistance cases by permitting cross-program electronic access to case records.	NYSAC
64	Permit NYS Office of Mental Health approved treatment to satisfy drug/alcohol treatment requirements where co-occurring disorders exist.	Allows for more effective treatment for substance abusing clients who also have mental illness, permits quicker entry/reentry into employment and reducing dependence on public resources.	NYSAC
65	Increase the TA overpayment recoupment rate from 10% to 20% and from 5% to 10% in cases of hardship.	Helps ensure that LDSSs are made whole before clients leave TA.	NYSAC
66	Extend the time for issuing expedited food stamp from five days to seven days, consistent with federal requirements	Reduces benefit costs and administrative burdens associated with opening cases two days sooner, and litigation costs associated with failures to process applications timely.	NYSAC



2011 MANDATE RELIEF REDESIGN TEAM REPORT

MANDATE *Relief*