



## ***What is a MANDATE?***

**The Local Mandate Law, M.G.L. - Chapter 29, Section 27c**, specifically states that:

“Any administrative rule or regulation taking effect on or after January first, nineteen hundred and eighty-one which shall result in the imposition of additional costs upon any city or town\* shall not be effective until the general court has provided by general law and by appropriation for the assumption by the commonwealth of such cost, exclusive of incidental local administration expenses, and unless the general court provides by appropriation in each successive year for such assumption.”

\*amended in 1993 to include regional school districts and educational collaborative

**Whereas** the **Suburban Coalition** continues to hear dispute between State Legislators and Local Government leaders regarding both the existence and the effect of **“unfunded mandates”**;

**Whereas** the **Suburban Coalition** believes the disconnect stems from a difference of perception of what constitutes an **unfunded mandate**;

**Whereas** the **Suburban Coalition** also understands that **mandates** required by the Federal Government are often attributed to State Government because municipalities have to comply with State plans to implement Federal policies;

**Therefore**, the **Suburban Coalition** believes that a more productive conversation would be a dialogue fostering mutual State and Municipal recognition that **mandated regulations** – regardless of their origin – create financial obligations that communities find increasingly difficult to meet. This growing burden is of great concern. Local government needs tools and resources to meet our obligations. We need to collaboratively examine what State government can do to provide meaningful relief.

**Toward that end**, the **Suburban Coalition** has compiled the attached list of generally accepted examples of items considered **mandates** at the municipal level of government.

**We respectfully request** that legislators engage in collaborative dialogue with their local government leaders to recognize mutually the fiscal challenges these items present to local government, regardless of whether they meet the strict legal definition of an unfunded mandate, whether they are federal mandates passed down through state government, or whether they are perceived as mandates because they originated as joint funding programs with the State or Federal government but devolved into items now primarily funded at the local level.



## **MANDATE LIST - 2011**

Please note that many of the programs listed below are not only valuable but necessary, however, this list points out three critical problems:

1. **The list lengthens each year, yet many mandates are unfunded or badly underfunded.** Certainly, the state budget has structural problems that must be solved, but so too do Local budgets. Municipalities simply cannot absorb the cost of current mandates let alone an ever increasing burden.
2. **The State must allow communities to implement mandates by the most cost effective means.** Many of the reporting, administrative and implementation methods currently required are an unnecessary financial burden in themselves.
3. **A more equal partnership is needed between state and local government to determine how and when to implement mandates.** At stake is the quality of the services that most affect the daily lives of our citizens.

### **State Mandates**

### **Federal Mandates**

#### **Implemented by State**

1. Health Insurance Plan Design
2. Prevailing Wage
3. Quinn Bill – court decision impetus for local communities to now cover State portion as well
4. Compliance with Bullying Act
5. Unemployment benefits – seasonal workers
6. Hours promulgated for Election and Voter Registration
7. State Auditing Requirements
8. New municipal building Sprinkler regulations
9. Ethics Reform legal training
10. Public Meeting Law training & compliance
11. Energy/environmental regulations
12. Chapter 766 tuition rates
13. Charter School Funding
14. CORI checks
15. Crisis Prevention Intervention (CPI) training
16. State data reporting compatible with the state databases
17. Dept. of Public Health BMI measurement & compliance
18. Annual Technology Plan Report and meeting state technology proficiency benchmarks
19. Education and transportation of Foster care and state ward students placed by the state locally
20. McKinney-Vento Legislation
  - Education and transportation of homeless and transient students
21. Storm water management monitoring
22. Education
  - Historical Underfunding of Funding Formula
  - Transportation to school for General Student population
  - ELL teacher certifications and training requirements
  - Communications translation requirements
  - Monitoring and progress documentation of home-schooled students
  - MCAS testing costs, including tutoring, curriculum upgrades tracking changes in Frameworks, costs of administration of, and reporting on multi-year assessments
  - Promulgated instruction hours at minimum 990/900 hours of instructional time
  - School Choice restrictions regarding sibling placements
  - “Highly Qualified Staff” mandates employment requirements and reporting obligations
  - Special education mandate for students aged 3 - 22.
  - Special Education Transportation
  - 504 accommodation services For Physically Disabled Students
  - Title I reporting and documentation
  - Pre-school integrated student requirements (ratio of regular and special education)