STATE OF NEW YORK

4767

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

Introduced by M. of A. MCGOWAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the effect of mandates on school districts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 308-a to read as follows:

§ 308-a. Special provisions; mandates. 1. As used in this section, "mandate" means (a) any state law, rule or regulation which creates a new program or requires a higher level of service for an existing program which a school district, organized either by special laws or pursuant to the provisions of a general law, is required to provide, or

(b) any general law which grants a new property tax exemption or increases an existing property tax exemption which any such school district is required to provide.

2. In the event that a mandate which imposes a cost upon a school district is created after the adoption of a school budget, such mandate shall not be implemented until the following year for which such school budget was adopted.

3. Notwithstanding subdivision two of this section, such a mandate can be imposed if:

(a) The mandate is provided at the option of the school district under a law, regulation, rule or order that is permissive rather than mandatory;

(b) The mandate is required by, or arises from, an executive order of the governor exercising his or her emergency powers; or

(c) The mandate is required by statute or executive order that implements a federal law or regulation and results from costs mandated by the federal government to be borne at the local level, unless the statute or executive order imposes costs which exceed the costs mandated by the federal government.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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