



NEW YORK STATE SENATOR

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Senators Call On Governor Cuomo To Protect School Taxpayers

JOHN J. FLANAGAN December 20, 2011

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In a recent letter to Governor Andrew Cuomo, Senators Kenneth P. LaValle (1st Senate District), John Flanagan (2nd Senate District), Lee Zeldin (3rd Senate District) and Owen H. Johnson (4th Senate District) formally called for the restoration of building aid to four Suffolk County school districts to be included as part of the Governor's upcoming budget proposal.

The State Education Department originally denied this funding to the districts because they inadvertently failed to file paperwork on time for certain capital construction projects.

In an effort to protect property taxpayers from shouldering the burden of this clerical mistake, the four senators passed legislation this session to rectify the errors and restore funding for all the projects. Unfortunately, Governor Cuomo vetoed the bills forcing district taxpayers to now assume the loss of building aid through higher taxes and/or cuts in services.

Governor Cuomo's veto message claims that approving the bills would have negatively impacted the existing state budget. However, the four senators disagreed.

The letter specifically refers to a provision in Education Law which historically is used to

address these types of clerical errors and is tied to a recurring annual budget appropriation of \$15 million. The fund is regularly used to pay out such approved claims. The senators' legislation is routinely sought by the Legislature to address these types of issues and is merely the authorization to allow a district to collect from the fund when its "turn" comes up.

Despite the vetoes, the senators were hopeful in writing to the Governor because his veto message concluded that these matters would be more appropriately addressed within the context of the state budget.

In responding to that message, their letter called upon the Governor to honor the language in his veto by including the necessary provisions in his 2012-13 Recommended Budget to make these districts whole. The senators reinforced the fact that all the affected capital projects had received the initial approval of the Education Department. In addition, they noted that except for the clerical mistakes, the projects are properly entitled to full state reimbursement.

Without any further action, the school districts will collectively lose more than \$48 million in state aid reimbursement and penalties, including \$42 million alone for Central Islip, \$3.1 million for Smithtown, \$2.1 million for Rocky Point and \$250,000 for Babylon. While the impact is significant to all districts involved, the loss in funding is potentially devastating to the residents of Central Islip.

"While the Rocky Point School District could have demonstrated better management with regard to the timely completion of paperwork, taxpayers should not suffer the consequences of the unintended administrative error," said Senator LaValle, referring to a paperwork error dating back to 2007 or earlier. The district's current administration was not responsible for

the error.

“The \$42 million in promised building aid is extremely important to the Central Islip School District,” said Senator Zeldin. “Unfortunately, some grade levels inside this district average over forty students per classroom. Delivering on this prior commitment will allow us to make much needed progress in our efforts to provide a quality education to this low income, high needs district. The residents of Central Islip would be grateful of Governor Cuomo’s assistance.”

"School administrators face a blizzard of paperwork each day and clerical oversights occasionally occur," Senator Johnson said. "It would be unfair, however, to penalize the taxpayers of an entire school district merely because of an administrative oversight. I am calling on Governor Cuomo to include language within his 2012-2013 State Budget allowing the Babylon United Free School District to be fully reimbursed for a project already approved by the Department of Education and included in a prior State Budget."

“Smithtown School District has a long-standing reputation for effectively managing its expenses and meeting the needs of its residents. The taxpayers should not be punished for an inadvertent clerical error, particularly when provisions of laws are readily in place to correct these kinds of mistakes. Administrators have implemented internal controls to avoid having this happen in the future, and the State should recognize these efforts by paying out claims that otherwise deserve to be reimbursed,” stated Senator Flanagan.