



NEW YORK STATE SENATOR

Owen H. Johnson

## Senators Renew Efforts To Protect School Taxpayers

OWEN H. JOHNSON January 11, 2012

| ISSUE: **TAXES**

Continuing their effort to protect property taxpayers, Senators Kenneth P. LaValle (1st Senate District), John Flanagan (2nd Senate District), Lee Zeldin (3rd Senate District) and Owen H. Johnson (4th Senate District) are pushing forward to get restoration of building aid to four Suffolk County school districts. Today, they took the first step in that process by gaining Senate Education Committee approval of legislation that would restore funding that was vetoed last year by Governor Andrew Cuomo for Central Islip, Smithtown, Rocky Point and Babylon.

The State Education Department originally denied the funding to the districts because they inadvertently failed to file paperwork on time for certain capital construction projects. That prompted the four senators to pass legislation last year to correct the clerical errors and restore funding for all the projects.

Unfortunately, Governor Cuomo vetoed the bills in September forcing the district taxpayers to assume the loss in building aid. In his veto message, Governor Cuomo claimed that approving the bills would have negatively impacted the existing state budget and that the issue was best remedied as part of the upcoming budget process.

In a joint letter sent to Governor Cuomo in November, the four legislators refer 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 and this provision of Education Law are routinely used by the Legislature to address these types of issues by providing the authorization to allow a district to collect from the fund when its "turn" for repayment comes up.

While the four senators continue to disagree with the assertion that the bills would have negatively impacted the existing state budget, they are hopeful that the restorations will be included as part of Governor Cuomo's proposed budget for 2012. Their joint letter specifically calls on him to include the needed restorations in his upcoming budget proposal.

While the four legislators await a decision from Governor Cuomo on this matter, they all decided to proceed with reintroducing legislation for their individual school districts to keep an open dialogue on this important issue and to protect their taxpayers.

"It is our hope that Governor Cuomo will take the appropriate action and utilize the budget process to remedy this situation for the good of our taxpayers. But in the event he fails to do so, we need to continue to move forward to protect the families of these school districts from higher taxes and service cuts. Without a clear answer at this time, it is essential that we continue to be prudent by acting quickly on these important pieces of legislation," stated Senator Flanagan, the Chairman of the Senate Education Committee.

"Taxpayers of Rocky Point should not suffer the consequences of unintended administrative errors," said Senator Ken LaValle referring to the paperwork error dating back to 2007 or earlier. The district's current administration was not responsible for the error."

"It is my expectation that Governor Cuomo will address and resolve this situation," Senator Owen H. Johnson said. "We clearly should not be penalizing taxpayers of the Babylon Union Free School District or other school districts for clerical oversights."

"This has been a difficult situation for all parties involved, including the taxpayers and students of the Central Islip School District. Unfortunately, Central Islip currently has class sizes with over 40 children per class. This is unacceptable and outlines the need for a more efficient manner to deliver a quality education to these students. In this case, the punishment would not fit the crime if a total loss occurred of \$42 million in promised state aid. It is my duty, as the State Senator for this minority community, to fight as hard as I can to help them fix this very important situation. While I remain optimistic that the restoration of these funds will be included in the Governor's 2012 budget proposal, it is only practical that my colleagues and I move forward with our legislation in the event that it is not. Moving forward, we will continue to work closely with the Governor, legislative leaders and the Central Islip community to ensure that this costly matter is promptly resolved," said Senator Zeldin.

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.

The legislation will now be reviewed in the Senate Finance Committee.