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MEMORANDUM

TO: Members of the Long Island Delegation to the NYS Senate  
Members of the Long Island Delegation to the NYS Assembly

FROM: Dr. Julie Davis Lutz, Legislative Co-Chair  
Dr. Walter F. Schartner, Legislative Co-Chair

DATE: February 24, 2016

RE: NY Assembly Bill #A08136/Thiele, Murray, Garbarino, Ra, Lavine;  
and NY Senate Bill #S05877/Croci  
*Citizen Referenda - School Budget Votes*

We write to ask for your support of the above proposed legislation. As you may be aware, there is a clause in Section 2023-a of the Education Law that could cause defeat of a "cap compliant" school budget by being tied to an independent citizen referendum which has a cost that would cause that budget to pierce New York's tax levy cap.

This occurred on May 19, 2015, when a majority vote of 56.66% of voters in the Patchogue-Medford Union Free School District approved a "cap-compliant" school budget increase of 0.94%. However, under New York's Tax Levy Cap Law, that budget was deemed to have "FAILED" when a citizen referendum, that was coupled with the budget, caused it to exceed the cap, was presented alongside the school budget.

In the Patchogue-Medford School District, proponents of extending the district's mileage limitation for transporting children to private and parochial high schools were successful in forcing a referendum to be presented alongside the school budget. This scenario was not unique. In the prior year, however, the Patchogue-Medford School District had been able to garner a supermajority of the vote. In both instances, the same referendum went down to a resounding defeat. Despite the defeat of the citizen referendum, the Patchogue-Medford School District faced the costs and uncertainty of a revote on what was a cap-compliant school budget.

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In the very first year of New York's Tax Levy Cap Law, Valley Stream 13 School District confronted a strikingly similar challenge.

To be clear, we are referencing "cap-compliant" budgets crafted by duly-elected boards of education who are charged with preparing spending plans that protect the fiscal and educational integrity of their communities' schools.

Passage of fiscally sound budgets is now potentially impacted by the ability of a handful of individuals, to attach a referendum that could impose a supermajority requirement upon any school budget they would choose. Furthermore, this provision bestows extraordinary leverage for those who would seek to force school boards to incorporate their agenda into the school budget in order to avoid confronting the dangers inherent in a separate referendum.

On behalf of our colleagues in public education, we ask that Bills A08136 and S05877 be advanced and passed as early as possible in this session.

JDL/WFS/mp

c: New York State Governor Andrew M. Cuomo  
New York State Senate Majority Leader John J. Flanagan  
New York State Assembly Speaker Carl E. Heastie  
New York State Senate Education Committee Chair Carl L. Marcellino  
New York State Assembly Education Committee Chair Catherine T. Nolan  
New York State Commissioner of Education MaryEllen Elia  
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