

VETO MESSAGE - No. 220

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 2917-B, entitled:

"AN ACT to amend the Education Law, in relation to the funding of certain approved non-public special education programs and special act public school districts"

NOT APPROVED

This bill would amend the Education Law to provide for the establishment of triennial tuition rates for expenses incurred in approved private schools and special act school districts for the education of special education students. Rates in the first year would be based on actual historical costs, while rates in the second and third years would be adjusted by a cost of living factor established by the Commissioner of Education and approved by the Director of the Budget. Under current law, tuition rates are established each year by the Commissioner of Education, subject to the approval of the Director of the Budget. The bill further provides that schools transitioning to the multi-year methodology would receive cost-of-living increases during the transition period. The bill would also authorize local districts to retain a surplus fund of up to two percent. In addition, the bill would provide that rates for special education itinerant teacher programs would be established on a regional basis. The bill would take effect 180 days after becoming law.

While the bill has the laudable goal of simplifying the methodology for reimbursing approved private schools and special act school districts for the cost of educating special education students, I am concerned that the bill inappropriately reduces the State's administrative flexibility to establish the most appropriate rate for each particular program in each particular year. In addition, Division of the Budget observes that in authorizing districts to retain surplus funds, rather than recapturing such funds in subsequent tuition rates, the bill would result in increased costs to the State and local governments without providing any reforms or new efficiencies to offset these costs.

The bill is disapproved.

(signed) GEORGE E. PATAKI