

Established in 1947 by  
Lutheran Friends of the Deaf



Michael F. Killian  
President and CEO

September 11, 2017

Mill Neck Friends and Supporters:

You may have read about a lawsuit we filed against the New York State Education Department (NYSED), and I wanted you to know the key facts that caused this action, after two years of fruitless and frustrating meetings with state officials and our key legislative representatives.

The administration of the Mill Neck School for the Deaf believes NYSED erred in two significant ways in calculating and dispensing funds that were meant to help our school:

1. Additional monies, allocated by the state legislator, that were meant to provide funding for our school was substantially less than it should have been because the state permitted the 4201 Association, a non-governmental agency, to determine how to divide the money. State law does not allow anyone other than the government to make that determination.
2. NYSED also under reported our student enrollment, which has grown to over 120 students. The law requires student enrollment be determined by a three year averaging and used in calculating funding. This was not done either.

We believe we are on solid legal ground as does our attorneys. The courts will ultimately have to decide who is correct.

Rest assured, our school is on solid financial ground. It will remain open and continue to be a key part of the Mill Neck Family of Organization. Our fine work is without equal.

If you want to support our efforts, please write, call or email your state representatives.

A handwritten signature in blue ink that reads "Mike".

Michael F. Killian

# Press Release for Newsday

## School for Deaf Sues NY State Ed

Mill Neck Manor School for the Deaf in Mill Neck, NY has filed a lawsuit against the New York State Education Department (NYSED) and others for unfair and unlawful distribution of funds, which has adversely impacted the school.

"NYSED has ignored its legal authority by permitting an outside organization, 4201 Association, to determine how funding is allocated and distributed" said Michael F. Killian, President & CEO of the Mill Neck Family of Organizations which includes Mill Neck Manor School for the Deaf.

The 4201 Association is comprised of state supported schools that serve Deaf and blind students. There are eleven such schools in New York. The 4201 Association represents nine of the schools. Two schools including Mill Neck have dropped out of the association as a direct result of this issue and the association's role in distributing the funds.

The same issues arose in 2015, when the State earmarked \$2.3 million for the 4201 schools for the 2015-2016 school year, and again in 2016 when the state earmarked \$4.6 million for the 2016-2017 school year. According to Killian, Mill Neck has unsuccessfully attempted to resolve this matter in the past two years through ongoing dialogue.

The school has lost hundreds of thousands of dollars the past three years, according to Killian.

Funding for the 4201 schools was increased by the legislative body in an attempt to meet the increasing costs of running these highly specialized programs. NYSED allowed the association to determine how the funding is divided.

"The law is clear. When legislation of this kind specifies the manner in which the appropriated funds are to be disbursed - as this legislation did- the State agencies are constitutionally bound to follow those directives. They do not have the discretion to ignore or modify them. In this case, NYSED and the Division of the Budget disregarded a pretty clear directive that the money be divided based on their respective numbers of full time equivalent students. Period" said Killian.

Additionally, the lawsuit claims NYSED ignored the three-year averaging of student enrollment. The funding formula for Mill Neck does not take into account its growing student population, according to Killian.

The lawsuit alleges that "the (4201) Association contrived a methodology, which benefits certain schools to the detriment of others" and its formula "ignores recent trends in enrollment, relying on outdated FTE (full time equivalent) numbers from prior years."

The school is considering additional law suits in an attempt to recover funds from the previous two years, said Killian.

Founded in 1952, Mill Neck Manor School for the Deaf provides quality education and services to children who are Deaf, from 40 Long Island school districts as well as the five boroughs of New York City.