

Whereas, On June 26, 2003, the Court of Appeals ruled in favor of the Campaign for Fiscal Equity (CFE), holding that, among other things, the State aid formula pursuant to which education dollars are allocated to New York City violated the Education Article of the New York State Constitution; and

Whereas, The Court of Appeals directed the State to find a constitutionally acceptable method, by the end of July 2004, to allocate education funding to New York City; and

Whereas, Because the State failed to comply with the order of the Court of Appeals, the New York State Supreme Court appointed three judicial referees on August 3, 2004 to hear testimony and present recommendations regarding how the Court could best craft a remedy to fulfill the directives of the Court of Appeals; and

Whereas, On November 30, 2004, the judicial referees submitted their “Report and Recommendations” to the Court, which included the recommendation that New York City receive an additional \$14.08 billion (phased in over four years) in operating funds, and an additional \$9.179 billion over five years for capital needs; and

Whereas, Governor Pataki has refused to abide by any court order in the CFE lawsuit, to the detriment of the children of New York City; and

Whereas, Due to the State’s inadequate funding of education in New York City, our public school system is facing a \$1.8 billion shortfall in funding for capital projects for Fiscal Year 2006, representing in part a loss of \$849 million for new school construction (23 schools and 15,381 new seats), \$238 million for repair work and \$365 million for educational enhancements (including technology, libraries and science labs); and

Whereas, Furthermore, the State’s failure to provide appropriate funding to ensure that the 1.1 million schoolchildren in the City receive a sound, basic education will result in a \$1.7 billion shortfall in funding for capital projects for Fiscal Year 2007, representing in part a loss of \$760 million for new school construction (18 schools and 10,252 new seats), \$170 million for repair work and \$685 million for educational enhancements; and

Whereas, In total, lack of adequate State funding will result in a \$6.5 billion shortfall in funding for capital projects over the next three and a half years of the five-year capital plan; and

Whereas, Ensuring that the children of New York City receive an excellent education should be of paramount importance to the leaders of the State of New York; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Governor George Pataki to immediately abide by the court order in the Campaign for Fiscal Equity lawsuit and fully fund New York City's public schools, in consideration of the emergency facing our school system.

LS#276

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