



Legislation Text

File #: Res 0102-2002, **Version:** *

Res. No. 102

Resolution calling upon the Governor to withdraw the State's appeal in the case of Campaign for Fiscal Equity v. State of New York, which is unnecessarily depriving New York City's 1.1 million school children of an adequate education, and to immediately develop a fair, constitutional funding system.

By Council Members Monserrate, Moskowitz, Brewer, Addabbo, Avella, Baez, Barron, Comrie, DeBlasio, Fidler, Foster, Gennaro, Gioia, Jackson, Jennings, Katz, Koppell, Lopez, Nelson, Perkins, Quinn, Reed, Reyna, Rivera, Sanders, Seabrook, Sears, Serrano, Vallone, Vann, Yassky, Weprin, Gerson and Liu; also Council Members Dilan and Stewart

Whereas, Education is one of the most important functions of state and local governments; and

Whereas, New York City has the largest public school system in the United States, serving 1.1 million children; and

Whereas, According to the Preliminary Fiscal 2002 Mayor's Management Report, approximately 85% of New York City public school students are minorities; and

Whereas, According to data from the New York State Education Department and Board of Regents, in 1998-99 New York City spent \$9,623 per -pupil - \$694 less than the State average of \$10,317; and

Whereas, According to an estimate from the Independent Budget Office, given New York City's enrollment of 1.1 million students, total spending would have to increase by \$3.3 billion to bring the City's per pupil spending in line with the spending in high performing districts with 80 percent passing rates on five or more Regents exams, after adjusting for costs and needs; and

Whereas, In January 2001, the New York State Supreme Court found in Campaign for Fiscal Equity v. State of New York, that the education provided to New York City public school students "is so deficient that it falls below the constitutional floor set by the Education Article of the New York State Constitution" (Article XI, Section 1); and

Whereas, The New York State Supreme Court also found that the State's education finance system "is a substantial cause of the failure to provide New York City public school students with the opportunity for a sound basic education;" and

Whereas, The New York State Supreme Court concluded that the State's school funding system "has an adverse and disparate impact on minority public school children" in violation of federal law (Title VI of the Civil Rights Act of 1964, 42 USC § 2000d; 34 CFR § 100.3[b][1], [2]); and

Whereas, As noted by the New York State Supreme Court, if properly deployed, increased educational resources can have a significant and lasting impact on student performance; and

Whereas, In its January 2001 ruling in Campaign for Fiscal Equity v. State of New York, the New York State Supreme Court ordered that the State "shall put in place reforms of school financing and governance designed to redress the constitutional and regulatory violations" set forth in the court's opinion; and

Whereas, In February 2001, the State appealed the New York State Supreme Court's historic decision, which ruled that the State's method for financing education denies New York City public school students their constitutional right to an opportunity for a sound basic education; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to withdraw the State's appeal in the case of Campaign for Fiscal Equity v. State of New York, which is unnecessarily depriving New York City's 1.1 million school children of an adequate education, and to immediately develop a fair, constitutional funding system.

[1013]

[1013]