



Legislation Text

File #: Res 0403-2002, Version: \*

Res. No. 403

Resolution calling upon the Mayor of the City of New York to file an amicus brief on behalf of the plaintiff in Campaign for Fiscal Equity v. State of New York in the appeal of the Supreme Court Appellate Division's decision.

By Council Members Perkins, Yassky, Jackson, Moskowitz, Public Advocate (Ms. Gotbaum), Avella, Barron, Comrie, Davis, DeBlasio, Dilan, Felder, Fidler, Gennaro, Gerson, Katz, Lopez, McMahon, Monserrate, Nelson, Quinn, Recchia, Reed, Rivera, Sanders, Seabrook, Serrano, Weprin and Brewer; also Council Member Koppell

Whereas, Education is one of the most important functions of state and local governments; 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, In January 2001, New York State Supreme Court Justice Leland DeGrasse 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, 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; and  
Whereas, In September 2001, the Black, Puerto Rican and Hispanic Legislative Caucus, the National Association for the Advancement of Colored People (NAACP) and a coalition of elected officials as well as Michael Bloomberg submitted an amicus brief urging the court to uphold Judge DeGrasse's January decision in Campaign for Fiscal Equity v. State of New York; and  
Whereas, On June 25, 2002, the Appellate Division, First Department of the State Supreme Court, reversed Justice DeGrasse's decision; and  
Whereas, According to the Campaign for Fiscal Equity, the Appellate Division's decision held that the New York State constitution's guarantee of a "sound basic education" requires nothing more than that schools provide the opportunity to learn at the eighth or ninth grade skill level; and  
Whereas, Appellate Division Justice David B. Saxe wrote a strong dissenting opinion, chastising the court majority for a decision that logically means that the State has "no meaningful obligation to provide any high school education at all," and emphasizing that the current system fails to provide the resources that at-risk children need to have an opportunity to succeed; and  
Whereas, The Campaign for Fiscal Equity has announced that it plans to appeal to the Court of Appeals; now, therefore, be it  
Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York to file an amicus brief on behalf of the plaintiff in Campaign for Fiscal Equity v. State of New York in the appeal of the Supreme Court Appellate Division's decision.

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