



Legislation Text

File #: Res 0991-2003, **Version:** *

Res. No. 991

Resolution commending the Campaign for Fiscal Equity, and all those who worked on its behalf, for its victory before the New York Court of Appeals and for tirelessly advocating to improve the education of the schoolchildren of the City of New York, and calling upon the State Legislature to fully and fairly provide the means to ensure that all New York City schoolchildren receive a sound education as soon as possible.

By Council Members Moskowitz, DeBlasio, Brewer, Clarke, Comrie, Koppell, Liu, Monserrate, Perkins, Yassky, Addabbo, Avella, Baez, Barron, Boyland, Fidler, Foster, Gentile, Gerson, Gioia, Katz, Lopez, Martinez, McMahon, Nelson, Recchia, Reed, Reyna, Rivera, Seabrook, Stewart, Vann, Weprin and Gennaro

Whereas, Article XI, § 1 of the Constitution of the State of New York states that "The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated," and this provision, known as the Education Article, requires the State of New York to provide a "sound basic education" to all children; and

Whereas, The City of New York educates approximately 1.1 million school children each year; and

Whereas, The City of New York does so without adequate resources, facilities or funding; and

Whereas, In May 1993, Council Member Robert Jackson, on behalf of his daughter, brought suit against the State of New York, seeking a ruling that the State's financing formula for providing State education aid to the City violated the New York State Constitution; and

Whereas, Council Member Jackson helped found an entity known as the Campaign for Fiscal Equity ("CFE"), a non-profit, private organization dedicated to improving the quality of education for the children of the City of New York; and

Whereas, CFE became the lead plaintiff in the litigation brought by Council Member Jackson, which litigation became known as the "Campaign for Fiscal Equity" lawsuit; and

Whereas, CFE mobilized the legal and educational communities in the City of New York, receiving aid from many private organizations and prompting the City of New York and the New York City Board of Education to file a companion lawsuit against the State; and

Whereas, The State of New York tried to dismiss the litigation, forcing CFE to litigate its right to sue all the way to the New York State Court of Appeals, which, after two years of court proceedings, ruled on June 15, 1995, that the CFE's claims would be heard in court and that a "sound basic education" required "the basic literacy, calculating, and verbal skills necessary to enable children to eventually function productively as civic participants capable of voting and serving on a jury"; and

Whereas, The New York Supreme Court then decided on January 9, 2001, that the education afforded to the children of New York City was so inadequate that it fell below the Constitutional floor and that the State of New York had consistently and over many years violated the Education Article of the State Constitution; and

Whereas, Last year, the Appellate Division reversed the decision of the Supreme Court, holding that the State of New York was not required to provide more than an eighth-grade level of education and that the State had provided sufficient funds for the schools within the City of New York to do so; and

Whereas, On June 26, 2003, after more than ten years of litigation, the New York Court of Appeals ruled in favor of CFE, reversing the Appellate Division and holding that, inter alia, the State aid formula violated the Education Article of the New York State Constitution and that the State must determine, by the end of July 2004, how to finance a Constitutionally acceptable education for the children of the City of New York; and

Whereas, This ruling by the Court of Appeals is a great victory for the schoolchildren of the City of New York; now, therefore, be it Resolved, That the Council of the City of New York commends the Campaign for Fiscal Equity, and all those who worked on its behalf, for its victory before the New York Court of Appeals and for tirelessly advocating to improve the education of the schoolchildren of the City of New York; and, be it further

Resolved, That the Council of the City of New York calls upon the State Legislature to fully and fairly provide the means to ensure that all New York City schoolchildren receive a sound education as soon as possible.

(MHG)

LS# 2778

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