



Legislation Text

File #: Res 0702-2004, **Version:** *

Res. No. 702

Resolution commending the Campaign for Fiscal Equity, the law firm of Simpson, Thatcher & Bartlett and all those who have worked with them for their continuing advocacy for the children of the City of New York, and calling upon the Governor and the State Legislature to fully and fairly provide the means to insure that all New York City school children immediately receive a sound basic education.

By The Speaker (Council Member Miller) and Council Members Jackson, Moskowitz, Addabbo, Avella, Barron, Boyland, Brewer, Clarke, Comrie, Fidler, Foster, Gerson, James, Liu, Martinez, McMahon, Nelson, Quinn, Recchia, Rivera, Sanders, Sears, Vann, Weprin, Gennaro and Gonzalez

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 without adequate resources, facilities or funding; and

Whereas, Council Member Robert Jackson helped found 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, In May 1993, Council Member Jackson, while president of Community School Board 6, brought suit against the State of New York on behalf of the children of Community School District 6 and all the children of the City of New York, seeking a ruling that the State’s financing formula for providing education aid to the City violated the New York State Constitution; and

Whereas, CFE became the lead plaintiff in the lawsuit brought by Council Member Jackson, which became known as the “Campaign for Fiscal Equity” lawsuit, and which CFE, represented by the law firm of

Simpson, Thatcher & Bartlett, has litigated for more than a decade; and

Whereas, CFE prevailed in the State Supreme Court, which held on January 9, 2001, that the education afforded to the children of New York City was so inadequate that it fell far below Constitutional requirements and that the State of New York had consistently and over many years violated the Education Article of the State Constitution; and

Whereas, On June 26, 2003, the Court of Appeals ruled in favor of CFE, after two appeals by Governor Pataki, holding that, among other things, the State aid formula violated the Education Article of the New York State Constitution and that the State must find a constitutionally acceptable method by the end of July 2004, to finance the education of the children of the City of New York; and

Whereas, The State failed to comply with the order of the Court of Appeals and, therefore, on August 3, 2004, the New York Supreme Court appointed three judicial referees to hear and report to Justice Leland DeGrasse, who was hearing the Campaign for Fiscal Equity lawsuit, recommendations concerning 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 after hearing and receiving testimony from many sources; and

Whereas, The recommendations include, among other things, that the City of New York receive an additional \$5.63 billion each year (phased in over four years) in operating funds, and an additional \$9.179 billion over five years for capital needs; and

Whereas, The Report and Recommendations is yet another important and substantial victory in the fight for adequate resources for New York City's school children; and

Whereas, This victory could not have occurred without the tireless work of CFE, including its directors and staff, and of the countless individuals and organizations, ranging from community activists to attorneys and other professionals, who have donated significant amounts of their time and money to champion the cause of public education in New York City; and

Whereas, CFE, the volunteers who support the CFE and the law firm of Simpson, Thatcher & Bartlett are congratulated and profoundly thanked from the people of the City of New York for their ceaseless advocacy for the children of our City; now, therefore, be it

Resolved, That the Council of the City of New York commends the Campaign for Fiscal Equity, the law firm of Simpson, Thatcher & Bartlett and all those who have worked with them for their continuing advocacy for the children of the City of New York; and, be it further

Resolved, that the Council of the City of New York calls upon the Governor and the State Legislature to fully and fairly provide the means to insure that all New York City school children immediately receive a sound basic education.

(MHG)
LS # 2165
December 3, 2004