



## Legislation Text

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**File #:** Res 0464-2006, **Version:** \*

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### Res. No. 464

Resolution endorsing the Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Campaign for Fiscal Equity in the litigation *Campaign For Fiscal Equity et al. v. the State of New York et al.*

By Council Members Jackson, Clarke, Comrie, Dickens, Felder, Fidler, Gennaro, Gentile, Gonzalez, Katz, Koppell, Mark-Viverito, Martinez, Mealy, Nelson, Palma, Sanders Jr., Sears, Stewart, Vallone Jr., Vann and Weprin

Whereas, The Campaign for Fiscal Equity commenced its lawsuit against the State of New York in 1993 in order to compel the State to provide New York City with sufficient funding with which to educate its 1.1 million public school children; and

Whereas, On June 26, 2003, after a decade of litigation, 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

Whereas, Governor Pataki, continuing to fight the court orders, appealed this order to the appellate division which found, *inter alia*, that the State could meet its constitutional obligations for operating support by appropriating an amount between \$4.7 and \$5.6 billion annually to the City school system, but declined to direct the State to appropriate any specific amount; and

Whereas, The City has yet to receive adequate operating assistance as ordered by the courts, despite all the rulings in its favor and the Campaign for Fiscal Equity is now back before the Court of Appeals to make its case for the urgent need for Court action to ensure the provision of the required funding; and

Whereas, The Council, as the legislative body charged with oversight of the New York City Department of Education, has an important and unique perspective on the needs of the City's schoolchildren and will have an integral role in implementing reforms arising from the CFE litigation; and

Whereas, The Campaign for Fiscal Equity believes it is important for the Court to understand the urgency with which the Council views the need for operating funding for reforms including class size reduction, teacher and administrator quality and universal pre-kindergarten; now, therefore, be it;

Resolved, That the Council of the City of New York endorses the Speaker's decision to file, on behalf of the Council, an amicus brief in support of the Campaign for Fiscal Equity in the litigation *Campaign For Fiscal Equity et al. v. the State of New York et al.*

JC/LP

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