

# ***CFE v. STATE: ENSURING CHILDREN'S RIGHT TO A "SOUND BASIC EDUCATION"***

The Campaign for Fiscal Equity, Inc., a not-for-profit, advocacy organization, is a coalition of parent organizations, community school boards, concerned citizens and advocacy groups, who are working to reform New York State's school finance system to ensure adequate resources and the opportunity for a sound basic education for all students in New York State.

## **The Lawsuit**

In 1993, CFE filed a constitutional challenge to the state school funding system. The lawsuit, *Campaign for Fiscal Equity, Inc. v. State of New York* claims that the state's school finance system under-funds New York City public schools and denies its students their constitutional right to the opportunity to a sound basic education.

In 1995, CFE won a major victory when the Court of Appeals, New York's highest court, decided that the New York State constitution requires that the state offer all children the opportunity for a "sound basic education." The Court stated that the exact meaning of this standard could only be evaluated and resolved after the case went to trial. In 1999, the case went before State Supreme Court Justice Leland DeGrasse, who on January 10, 2001, issued a detailed decision carefully analyzing the evidence gathered during the 7-month trial and found that the current state school funding system was unconstitutional. Governor Pataki appealed the decision and on June 25, 2002, the Appellate Division, First Department of the State Supreme Court, reversed the DeGrasse order. The Appellate Court held that the state constitution only guarantees that schools provide the opportunity to learn at an 8<sup>th</sup> or 9<sup>th</sup> grade skill level and found that the current funding system sufficiently allowed for this.

On June 26, 2003, in a 4-1 decision, the Court of Appeals overturned the Appellate Division ruling and found in favor of CFE. The Court rejected the 8<sup>th</sup> grade standard, noting that a "high school education is now all but indispensable" to prepare students for employment and civic engagement. The box on the right details the Court of Appeals order, which the State had until July 30, 2004 to implement. On August 3, the court appointed three special referees to handle the state's non-compliance in the case and develop a plan that will resolve the funding inadequacies created by the current school funding formulas. On February 14, 2005, Justice Leland DeGrasse affirmed their recommendations, concluding that New York City schools need an additional \$5.63 billion in operating aid and \$9.2 billion for facilities to provide their students their constitutional right to the opportunity for a sound basic education. The Appellate Division of the Supreme Court affirmed the Supreme Court ruling on appeal, ordering the State to provide New York City's schools \$4.7 to \$5.63 billion in operating aid and \$9.2 billion in capital funding by April 1, 2006.

## **A Statewide Remedy**

Over the years, CFE has worked with its statewide partners to bring about statewide funding reform. Though the Court of Appeals decision focused on reforms affecting only New York City, CFE maintains that the order must apply statewide and affirms its commitment to ensuring the opportunity for a sound basic education to all children in New York State. CFE will continue to push for statewide reform if it works to implement the Court of Appeals remedial order.

The public continues to play a critical role in convincing state representatives to do the right thing for New York's schools. To get involved in CFE's efforts to ensure all schools have the resources they need to help all children succeed in school, go to [www.cfequity.org](http://www.cfequity.org) or call (888) 690-0212.

## **COURT OF APPEALS REMEDIAL ORDER**

### **Defining a Sound Basic Education**

In their June 26, 2003 decision, the Court of Appeals held that a "sound basic education," as guaranteed by the New York State constitution, requires that all students have the "opportunity for a meaningful high school education, one which prepares them to function productively as civic participants."

The Court also found the following of central importance in providing students with the opportunity for a sound basic education:

1. High-quality teaching,
2. Small class sizes, and
3. Adequate instrumentalities of learning, such as classroom supplies, textbooks, libraries and computers.

### **A New Funding System**

The Court issued the following three-part remedy:

1. The State must determine the actual costs of providing a sound basic education in New York City;
2. The State must reform the funding system to ensure that every school in New York City has the resources necessary for providing the opportunity for a sound basic education;
3. The State must establish a comprehensive accountability system that will ensure that the reforms implemented actually provide this opportunity.

