



FOR IMMEDIATE RELEASE:

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**NEW YORK STATE COURT OF APPEALS
REAFFIRMS CHILDREN'S RIGHT
TO A SOUND, BASIC EDUCATION
AS SUPPORTERS LOOK TO INCOMING GOVERNOR TO COME THROUGH
FOR THE STATE'S CHILDREN**

The New York State Court of Appeals today reaffirmed the state's responsibility to increase funding for New York City's public schools in the long-running Campaign for Fiscal Equity (CFE) case. The decision establishes a minimum funding figure of \$1.93 billion as "reasonable" but deferred to the governor and the legislature to come up with the appropriate figure. CFE supporters called the number insufficient; not reflective of the State's actual proposal of \$4.7 billion. Supporters pointed to the statements of Governor-elect Eliot Spitzer who has said that figure should be between \$4 and \$6 billion for New York City and up to \$8.5 billion statewide to provide quality teachers, universal pre-kindergarten, smaller classes and strategies that will prepare our school children for the 21st century.

CFE Executive Director Geri D. Palast expressed confidence that the case would be satisfactorily settled by the incoming Governor. "Governor-elect Spitzer has said that when it comes to public education, he is seeking excellence, not mere competence and sufficiency. Nothing less than the future of New York State rests on getting this right. I am confident that through negotiations with the new Governor and the legislature, our elected leaders will come through with the right amount of funding, combined with strong accountability measures, and finally deliver for our kids," she said.

CFE's counsel, Joseph Wayland, a partner at the New York law firm Simpson Thacher & Bartlett, and Michael Rebell said that this decision once again reaffirms that the State has seriously under funded the New York City public schools. The State argued for more than a decade that the New York City schools were adequate and that no more money was needed, but in response to the Court's 2003 decision, the State submitted a plan seeking an additional \$4.7 billion in operating funding. This request was consistent with the findings of the State's elected and appointed educational officials, as well as the New York City Department of Education.

In October, CFE lawyers urged the court to affirm an order from an appellate court that requires the governor and the legislature to add between \$4.7 and \$5.63 billion in operating aid, phased in over four years, to New York City's schools. They also called on the state's highest court to order strong accountability measures to ensure that when additional dollars begin to flow they are spent in ways that make a difference in the lives of children who need them most. In its 2003 order, the Court of Appeals mandated extensive reforms to the school finance system to ensure every New York child a meaningful high school education. Because of the CFE litigation, the State added \$11.2 billion to fund capital construction costs earlier this year but failed to budget the operating aid dollars and accountability reforms the city needs to fund schools effectively. CFE filed its appeal to the Court of Appeals in April to ensure full compliance with the Court's order.

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