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## Schools in New York need remedy, not appeals

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No governor has worked harder to ensure that every child, in every school has the opportunity to receive a quality education than Governor Pataki. That's what it says, anyway on <http://www.ny.gov>.

It's one of those statements that makes you wonder whether you can believe any political Web speak at all. The reality is that George Pataki has worked harder than any other governor to ensure that every child does not have the opportunity to receive a quality education.

When the highest court in the state found that New York's schoolchildren were being deprived of their constitutional right to a sound basic education, did the governor take swift, remedial action? Hardly.

He's gone back to court to appeal the ruling over and over and has kept the schoolchildren of the state on ice. He filed another legal brief last month in the Campaign for Fiscal Equity vs. State of New York case that tries to delay the remedy yet again as he escapes from office. The result is that another school year has begun, and more than a million schoolchildren continue to face educational deprivation and lost opportunity.

In April, the Campaign for Fiscal Equity filed papers with the New York Court of Appeals to bring final resolution to the long-running CFE case.

We called on the court to issue an enforceable order requiring the state to deliver between \$4.7 billion and \$5.6 billion in operating funds for our schools. We asked the court to join the nine judges and court-appointed referees who have already ruled in this case, and demand that the state commit to a multibillion-dollar package necessary for an adequate education for our children.

We held out the hope that Governor Pataki would leave as a statesman and forge a solution before his departure at the end of the year. But he chose to leave behind a big unfinished piece of business. It will be up to the new governor to meet this constitutional obligation and reform our broken and underfunded school finance system.

So come January, New York's new governor will have some options before him: He could fight the delivery of constitutional justice as his predecessor did or ensure that every child in every school has the opportunity for a quality education, for real -- not just in cyberspace. (The leading candidate, Eliot Spitzer, is the only contender who has promised to resolve the CFE lawsuit to meet the court-ordered numbers, and not just for New York City.)

CFE already won an important victory last spring. The appellate court ordered the state to provide schools with more than \$9 billion in capital construction costs, and with help from New York City Mayor Michael Bloomberg, that money is safely in this year's budget. The mayor flexed his political muscle, scared a few incumbents, and in just a few months, he did more for education than Governor Pataki did in his 12 years at the helm. The billions in building aid will help to alleviate overcrowding in classrooms, add more libraries and laboratories, and create a sound infrastructure for learning.

But construction funds are only a piece of the solution. The court also ordered operating aid for schools, to pay for qualified teachers, updated textbooks, smaller class sizes, and other vital expenses. Without these funds, hundreds of thousands of children will be cheated out of educational opportunity for yet another year. It's our job to make sure the money is made available to schools by the start of the next school year through a multiyear plan.

So CFE is back in the court asking for a strong order that demands immediate relief -- a definitive ruling that directs Albany to enact a specific, multibillion-dollar remedy for operating funds in the 2007 legislative session. What could happen if our new governor fails to adhere to a ruling like that? It just might shut down the entire school system. If you don't believe us, take a look at what happened in Kansas last summer.

Kansas lawmakers were faced with a similar court-ordered school funding remedy. After failing to comply, the legislature and the governor were faced with an ultimatum: Add major sums to the education budget or face a court-ordered shutdown of the entire school system. Judges ruled that

they could no longer permit the state to operate a school system that violated the constitutional rights of schoolchildren. Kansas lawmakers spent the July 4 holiday in an extended emergency session, and reached a solution. Justice prevailed.

New York's highest court could do the same here. The decisive hearing is in October. The court order will be issued this term, and then it will be up to the next governor to finally deliver schools their CFE dollars.

As we wait to see how the court will rule and what the new governor and Legislature will do, let's at least revise the Web rhetoric to read: No governor had a greater chance to ensure that every child, in every school, had the opportunity to receive a quality education than Governor Pataki.

And come 2007, we'll look for our new governor's Web site to declare that the CFE lawsuit has been resolved, and that the policies and funding are in place to create an education system that serves all of New York's schoolchildren. We like the sound of that.

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