

RELEASE

Campaign for Fiscal Equity Releases Letter Calling for New York State to Comply with Statewide CFE Commitments

Members of the NYS Black Puerto Rican, Hispanic and Asian Legislative Caucus, Grassroots Community Organizations and Teachers Unions Call for Investing Funds into Classrooms instead of Competitive Grants and for Additional School Aid

For Immediate Release: Wednesday, February 15, 2012

For Info: Nikki Jones, AQE Communications Director, (518) 432-5315 ext. 101

(Albany, NY)—Grassroots community organizations, teachers unions and numerous members of the New York State Black, Puerto Rican, Hispanic and Asian Legislative Caucus, expressed opposition to the Executive budget's competitive grants proposal and instead called for a return to the Campaign for Fiscal Equity commitments that remain unfulfilled. At the press conference in the New York State Legislative Office Building, the Campaign for Fiscal Equity publicly released a letter to the Governor and the Legislature which asserts that the "*Executive budget proposal appears to conflict with the New York Court of Appeals' in the landmark Campaign for Fiscal Equity rulings.*" Participants also highlighted a need for additional school aid restorations above the \$805 million proposed in the Executive budget in order to address the \$2.7 billion in state school aid cuts which have damaging consequences particularly for high needs schools and school serving large numbers of students of color.

The letter was delivered on behalf of CFE by David Sciarra, who is the Executive Director of the Education Law Center (ELC) which has recently undertaken CFE's core mission of advancing the legal rights of New York school children to sound basic and quality education under state and federal law. ELC has substantial expertise in the representation of school children to secure fair and equitable school funding, other critical resources, and equal educational opportunities. ELC's extensive experience includes serving as counsel in New Jersey's *Abbott v. Burke* case. The Abbot case served as one of the models for the landmark CFE litigation. In the CFE lawsuit which was filed in 1993, the New York Court of Appeals, the state's highest court, found that students were being denied their constitutional right to a "sound basic education." In 2007 the governor and the legislature enacted school funding reforms as a statewide settlement of CFE which committed to increase classroom aid, also known as foundation aid, by \$5.5 billion over four years and to prioritize high needs schools and districts. The letter can be found [HERE](#)

Since the 2007 historic education reform and statewide settlement of CFE, the commitment to prioritize high needs school districts has been completely reversed. In 2007 there was an initial \$1.1 billion CFE investment. Then the following year a second investment of \$1.2 billion was made. In the third year, school aid was frozen and there was no increase. In the fourth and fifth year, the education budget was cut by \$2.7 billion with children in the highest needs schools experiencing the most severe losses of quality programs and teachers.

"The 2007 Foundation Aid program was enacted to provide all New York students with the funds necessary for a sound basic education, as defined by the landmark CFE rulings," said **David Sciarra of the Education Law Center**. "We're asking the Legislature to revise the Executive's budget by allocating increased funds to the Foundation program to put the State back on track towards constitutional compliance."

“The lawsuit championed by the Campaign for Fiscal Equity resulted in a landmark decision at the state’s highest court, recognizing the inequities in funding schools with the most significant concentration of high need students. With increasing class sizes, dismal graduation rates for Black and Latino students, and dwindling resources in our classrooms, funding our children’s right to a quality education continues to take a back seat in the state budget. We cannot continue to afford to sit by while the opportunity to compete in tomorrow’s global economy slips through our children's fingers,” said **Councilmember Robert Jackson, New York City Council Chair of the Education Committee and original CFE plaintiff**. “Instead of making our children compete with each other for access to classroom resources we need to redirect the funding for competitive grants into the classroom and restart our CFE commitment.”

“Every time I have met with the Governor this year whether in a group setting or alone, the issue of CFE has been broached, remarked **Assemblywoman Barbara M. Clark**, who currently chairs the Education committee of the Black, Puerto Rican, Hispanic & Asian Legislative Caucus. She continued, “every moment lost due to inaction is time that will never be recovered at the detriment of our kids, how much more loss and damage can our kids sustain? We fought the legal battle for thirteen long years and won. We need to honor the Court Of Appeals decision and fund our Children’s public education, which is the only way it will be fair and equitable.”

Assemblywoman Crystal D. Peoples-Stokes, "The impact of over \$38 million in cuts to the Buffalo School District over the past two years has been dramatic. It is critical that we stop the bleeding now. \$14 million in restorations is not enough, the redirection of competitive grants toward classroom aid is what is needed at a minimum to help mitigate the damage that will continue if these funds are not received".

Assembly Speaker Pro Tempore **Peter M. Rivera** stated: "New York's neediest schools must be given a priority. The statewide achievement gap between White and Minority students will not be eliminated unless funding is directed at the schools that really need help."

"After years of cuts and financial struggles, many school districts around New York need all the help they can get. In the case of Yonkers, chronic budget shortfalls and a growing student population have exacerbated the impact of yearly aid cuts. Although I agree competition can be good, it is best when the playing field is level. For too many districts, that is not the case. Redirecting \$250 million back into classroom aid would ensure that districts, like Yonkers, receives more, much needed funding now, so its children can compete in the future," said **Senator Andrea Stewart-Cousins** (D/I/WF - 35th District).

According to **Assemblywoman Naomi Rivera** (80th A.D., The Bronx), a member of the Assembly Standing Committee on Education, "With poverty on the rise, unemployment at record levels in minority neighborhoods, and years of inadequate education funding impacting our children, I cannot support a system that takes from Pedro to pay Paul. A historic financial crisis is not the time to put a competitive grant in place."

“In a 2007, a commitment was made to school children across the entire state of New York that we would finally begin to provide every child with the necessary tools to achieve their goals by prioritizing the children in the highest needs districts first – the very same children who had been disadvantaged for far too long. Now, five years later, almost every dollar promised to them has been taken back. Instead of gambling state education dollars by way of experimental grants, we must provide an example to children by keeping our commitment and getting back on track with CFE,” said **Assemblyman Robert Rodriguez**.

“The New York State Constitution guarantees all students the right to an education. To that end, my colleagues and I will do everything possible to uphold this guarantee. The proposed school aid restorations simply do not come close to keeping up with inflation and as a result, our State’s children will continue to be denied their fair opportunity to learn, create and dream of a better future,” **Senator Ruth Hassell-Thompson**

“There is an inherent inequity in a system that forces our children to compete for quality education,” said **Senator Eric Adams**. “When the most adversely affected children are primarily Black and Latino,

any omission that results in inadequate funding for those schools with the greatest needs is a sentence remanding them to a future where they will not be able to compete - to survive. The Court of Appeals landmark Campaign for Fiscal Equity decision reaffirmed the constitutional right of every public school child to a ‘sound basic education’ defined as ‘a meaningful high school education.’ Furthermore, the Court cited the increase funding to New York City public schools as the State’s responsibility. We need to uphold the Court of Appeals decision and to honor the future of our children accordingly.”

"The classroom should not be where New York State's budget is balanced. Our students cannot withstand further cuts to an already underperforming educational system, it's as simple as that! I was proud to file an amicus brief on the historic Campaign for Fiscal Equity lawsuit and I will keep fighting for the educational justice guaranteed by the courts but absent in our classrooms," said **Assemblyman Keith Wright of Harlem**.

“The obligation for the Campaign for Fiscal Equity has to be fulfilled, particularly in high needs districts. Resources alone may not reach students, but they are a critical component.” **Assemblyman Carl E. Heastie**

"Where is the Lobbyist for the students we heard about a few weeks ago? Where is the Lobbyist when the students really need one? The Lobbyist who promised he would be here for the students, but who now appears to be on the verge of breaking that promise. Placing education funding within a competitive framework, instead of placing it within a framework based on need, is turning one’s back on students and parents. Such a policy will only further widen educational disparities that currently exist between schools, and I think a good lobbyist is smart enough to know that fact. Instead of playing Russian roulette by way of competitive grants with school aid, which inevitably means that children will lose, we must get back on track with CFE. Where is the Lobbyist for the students we heard about a few weeks ago?" said **Senator Bill Perkins**.

“Making our children compete for resources is contrary to the CFE decision by the New York State Court of Appeals. We are required to fund schools with the most significant concentration of high need. The schools with the highest need have been lacking sufficient funding from the beginning – it is part of the reason why they are high need. It is simply counter-intuitive to education on the back burner and expect for New York to grow and thrive as the Empire State. We must put funding directly into the classrooms that need it most and honor our CFE commitment,” stated **Senator Kevin Parker**.

Assemblywoman Annette M. Robinson said, “Our Children need to know that they are valued and appreciated. Invest in education. Restore CFE funding now.”

Senator Malcolm A. Smith said, “It is imperative that we get back on track with the Campaign for Fiscal Equity. It is essential that we put our children's education first. Cuts are affecting schools in my district and throughout the State. In these challenging economic times, we as a State need to be very careful and deliberate spending cuts that are made, to ensure that vital areas are not adversely impacted. The future of our State is dependent upon the success of our educational system, and we need to take very seriously, our commitment to our children.”

Assemblyman Sam Roberts (D-Syracuse) said “Given the tough fiscal times we are in I feel it’s imperative that we target as much school aid as possible to high-needs schools where it can make the most difference. We cannot allow the students in these districts to fall through the cracks. That’s why I will continue working with my colleagues in the Legislature to shift the \$250 million proposed for competitive grants towards high need schools so that we can ensure every child in this state gets a quality education.”

“While we are again facing difficult economic decisions as we attempt to pass an on-time budget, we must remain ever cognizant that the children of our state are indeed our greatest resource, and the budget should not be balanced on the back of this most precious assets,” said **Assemblyman N. Nick Perry, Deputy Majority Leader**. “Now is the time to work together to put our New York City schoolchildren first, and give them, not only what they need to succeed, but what the court mandated in the CFE ruling. New York City’s schoolchildren deserve a sound education, and we must provide the appropriate funding to make sure our children really do not get left behind. We must commit to our children from pre-K through college, and pass a strong education budget that plants our children’s feet firmly on the path to success.”

Assemblywoman Inez Barron states “Governor Cuomo has said that education is the human rights issue of this century. In 2007 a court settlement awarded \$5.5 billion to New York City paid over a 4-year period to help remedy the prior years of discriminatory funding that resulted in New York City schools being shortchanged. But the Governor refuses to put the money in the budget, as ordered by the courts. Last year Governor Cuomo reduced the education budget by \$1.3 billion. This year Governor Cuomo compounds the inequity in education funding by taking money out of the proposed education appropriation and placing it in a segregated account to be distributed through a competitive grant process. New York City schools in the poor neighborhoods of Black and Latino children will be disadvantaged in this competition because their schools are deficient in necessary equipment and resources to compete. In the words of Dr. Martin Luther King, I say that Governor Cuomo’s education budget comes back marked “insufficient funds.”

Assemblyman Guillermo Linares said, "There have been enormous cuts to state-founded school aid affecting the education of those who need it the most. We should be investing on education rather than taking away from it. We must all get behind the Campaign for Fiscal Equity in their mission to assure rightful education to our students.”

“For far too long New York State has failed to uphold its financial responsibility to the students of New York City. The state has failed to provide appropriate funding to the schools in order to afford our students a quality education that is comparable to the other communities. Our children have been ignored and shortchanged. It is time we band together as a community and demand that our children’s success and future not be taken for granted any longer,” said **Senator Shirley Huntley**.

“The additional school aid in this year’s budget is a substantial step in the right direction. However, we have a lot of work to do before the quality of inner-city schools catch up with the rest of the state. It is therefore important that we spend the additional school aid to enhance the education of high needs communities,” said **Assemblyman Hakeem Jeffries**.

"Many school districts in New York are forced to deal with certain factors beyond their control that inhibit learning. When it comes to education, we must remember that one size does not fit all and we must ensure that all students, regardless of what zip code they fall in, receive a quality education," said **Assemblyman Felix Ortiz**.

“We are all aware that our state is facing economic hardship, but the quality of our children’s education should be one of our top priorities. Cutting cost at the expense of our school systems can be detrimental to our educational programs. The children of today will become leaders of tomorrow. As a member of the NYS Assembly, my colleagues and I will continue to work diligently to restore educational funds back into our budget,” stated **Assemblyman Gary Pretlow**.

“If we don’t stand for something, we stand for nothing. I feel that a good quality education for our children is worth standing for. Those in leadership position have the responsibility to do what is right by not just the wealthy, but the less fortunate as well,” said **Assemblyman Eric Stevenson**.

"As the legislature debates the 2013 budget, I believe that we must ensure that the students and young people of New York continue to be a priority and that educational needs and rights guide our policy decisions,” said **Senator Gustavo Rivera**. “I know that New York State can tackle education reform, while also recognizing the importance of fulfilling a pledge to local school districts by renewing Campaign for Fiscal Equity funding."

“In recent years, school districts in every part of New York State have lost billions of dollars in potential state aid,” said **Assemblywoman Catherine Nolan, Chair of the Assembly Education Committee**. “These cuts have had a negative effect on classrooms across the state, forcing districts to take actions such as increasing class sizes; eliminating specialized classes such as Advanced Placement, career and technical courses, and art and foreign languages; sharply reducing support services, including tutoring academic intervention services, and school libraries, eliminating kindergarten; and closing the doors of some schools entirely. New York State needs to fulfill its commitment to academic achievement, excellence and success. We need to fulfill the promise of the Campaign for Equity, and ensure our children are prepared for college and careers in the 21st century. I pledge all my efforts to achieve that goal.”

Assemblyman Francisco Moya said, "Study after study shows the importance of adequate funding to improving education, and in turn expanding opportunities for the children of our State. New York must continue to ensure that education remains the great leveler among people from many different backgrounds, and we can only do so if we fully fund our schools."

“In order for our children to be able to compete in the global economy we must provide them with the necessary tools to succeed and that starts with a quality education. That's why we must invest in their future by ensuring state aid is directed to the schools with the most needs," said **Assemblyman Phil Ramos**.

"Years after the landmark court decision that came as a result of the Campaign for Fiscal Equity, urban and rural school districts are still faced with the injustice of inequitable distribution of state education dollars. This presents a great challenge in giving students the education they deserve. It is imperative that the state adhere to the court decision and keep the promises made to our children. While the CFE case was specific to New York City, I agree with the argument of the CFE plaintiffs that a statewide solution is necessary because students in many schools faced the same lack of adequate classroom resources-- whether upstate or downstate, rural or suburban, in large cities or small cities. Further, the Court of Appeals recognized that the State, in formulating a remedy to CFE, 'may of course address statewide issues if it chooses', " said **Assemblyman Karim Camara, Chair of the Black and Puerto Rican, Hispanic and Asian Legislative Caucus**.

“Five years ago parents from across the state especially in Black and Latino neighborhoods were hopeful that finally our children would receive the funding thru CFE that would insure our children a quality education,” said **Zakiyah Ansari, Alliance for Quality Education, Advocacy Director**. “Fast forward 2012 and the promise to our kids still has not been fulfilled. Instead the executive budget proposes to use \$250 million for a competitive grants program that would create winners and losers, when that money should be distributed to the highest needs districts. NYS must increase the total funding to more than \$805 million or else our children will see more cuts to the classroom. Let’s get back on track to fully funding CFE.”

"The proposed education budget, while reversing three years of cuts, still does not come close to restoring all the teachers and programs needed to give all New York students, especially those of color and those who live in poverty, an equal opportunity to succeed in college and the 21st century workplace," said **NYSUT Executive Vice President Andrew Pallotta**. "We are thrilled to stand shoulder to shoulder with the Caucus and other true lobbyists for students in protecting public education and in supporting the most vulnerable students in our state."

“As the CFE case should have established, the neediest students around New York City and State need to be our priority. With so many years of budget cuts, all available funding should go toward school aid,” said **Michael Mulgrew, President of the United Federation of Teachers**.

"New York's students have faced years of devastating budget cuts, which have taken teachers out of classrooms, left children without books and other educational supplies, and ended after-school, early learning, language, art and music programs that have such a significant impact on success," said **Karen Scharff, Executive Director of Citizen Action of New York**. "If we want our communities to be strong and to grow, we need to enrich the lives of our children by providing them with every opportunity for success. Our leaders in government will be doing what they have to when we give our kids the sound, basic education guaranteed to them in the Constitution and by the CFE decision."

"Our children deserve the opportunity for high quality education, but they won't receive that when funding continues to be leached from our public schools." said **Margarita Mendoza, school parent and member of Make the Road New York**. "Five years ago, New York made a commitment to students across the state to provide the necessary tools and resources in order to achieve their goals. But, the commitment has not been kept. High-needs districts like mine continue to be met with dwindling resources and are forced to make tough decisions that will only hurt children's future. It is time for the commitment to be kept," continued Ms. Mendoza.

###