

CAMPAIGN FOR FISCAL EQUITY

Recent League Activity

See discussion under Financing Education K-12.

Past League Activity

The Campaign for Fiscal Equity (CFE) litigation was commenced in 1993 on behalf of New York City school children who alleged that the state had denied them their state constitutional right to a sound basic education. Subsequently, League members across the State participated in the "Accountable Schools, Accountable Public" and other public engagement projects designed to educate citizens and elicit opinions about the issues. The LWV submitted an Amicus Brief (2002) in support of that suit, premised primarily on the concept that the democratic system rests upon an educated electorate. The brief contended that it is the role of the public schools to prepare students for civic participation and that public schools failed to do so. After ten years of litigation, in a 4-1 Court of Appeals decision, CFE won its lawsuit against the State for under-funding New York City schools. The Court ruled on June 26, 2003 that every public school student is entitled to "the opportunity for a meaningful high school education," which was defined as "one with skills and knowledge to function productively as civic participants in the 21st Century, including being capable and knowledgeable voters and jurors able to sustain employment." The Court also ordered the Governor and Legislature to determine the cost of a sound basic education in New York City, to reform the State's funding formula to ensure necessary resources and to implement an accountability system that would ensure that the opportunity is received. July 30, 2004 was designated as the deadline for instituting these measures. Judge Leland de Grasse, the New York State Supreme Court judge who had rendered an earlier affirmative decision in the case, announced his intention to appoint a master by July 30, 2004 if the legislature fails to produce an adequate remedy by the deadline.

Commencing in 2003 after the CFE decision, the League has testified before legislative and official state commission representatives, making recommendations about the CFE remedy. In the fall of **2004**, the League filed a second Amicus brief, following the legislature's and the Governor's failure to resolve the case by the July 30, 2004 deadline imposed by the Court of Appeals. The League testified in opposition to the Governor's proposed 2006-2007 budget because it did not provide the additional state operating aid mandated by CFE.

In 2006, the legislature addressed the capital needs New York City schools to bring them into compliance with that portion of the CFE order addressing capital funding.

On November 20, 2006, the New York State Court of Appeals reaffirmed the state's responsibility to increase funding for New York City schools. Although its decision established as reasonable an additional funding figure of \$1.9 billion in operating expenses, or \$2.5 billion statewide, adjusted for inflation from 2004, the court noted that the governor and legislature were best able to arrive at the appropriate figure to provide all New York City students with the opportunity for a meaningful high school education. To that end the Campaign for Fiscal Equity, which the League supported in this litigation, called for additional annual funding of between \$4 and \$6 billion for NYC, a figure previously supported by both Governor Spitzer and former Governor Pataki.

The League's position supports the higher level of funding in two respects. First, it provides that money must be sufficient to enable children to meet all Regents standards in addition to enabling districts to provide a sound basic education, the constitutional minimum. The first Court of Appeals decision in CFE noted that funding need not be at a level sufficient to enable children to meet all Regents standards. While this distinction was relatively unimportant in light of the Appellate Division decision supporting CFE funding in the \$4 to \$6 billion range, it becomes paramount in light of the intervening Court of Appeals decision in support of the lower minimum remedy.

Pre-Kindergarten Advocacy: The LWVUS has a position in support of early childhood education, including preschool, as part of its social policy position advocating early intervention for children at-risk. Studies have shown that at-risk children enter school without the requisite readiness skills, and they are unable to overcome the initial gap. Quality pre-school education can help to alleviate this gap. In keeping with these positions, the League has joined a number of advocacy groups in calling for implementation of the CFE order statewide at a level higher than the minimum amount.

The League supports a foundation approach to funding education, in which the State provides any shortfall after calculation of a reasonable local share.