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February 18, 2011

The Honorable Robert Duffy
Lieutenant Governor of the State of New York
The Capitol
Albany, New York 12224

Dear Lieutenant Governor Duffy:

I was shocked to hear you say during yesterday's joint legislative hearing on the education budget that the increases to the state's school funding formula were pushed through by "those who do not have the best interests of our students in mind." As somebody who played a primary role in getting the foundation aid formula enacted into law, I take exception to this statement. Let me remind you of the history of the Campaign for Fiscal Equity. In 1993, as a New York City public school parent, along with other public school parents, I initiated a lawsuit against New York State for its failure to meet its constitutional obligation to provide the opportunity for a "sound basic education" to every student.

Over the next 13 years, the CFE lawsuit was heard at every level of our state court system. Repeatedly the courts at every level found in favor of the parents who were suing the state. Only one Appellate Division court ruling went against the plaintiffs; that court found that the state was only obliged to fund an eighth grade education and therefore no funding increases were required. However, the State Court of Appeals overturned that decision and found that the state was not meeting its constitutional obligations to our school children. That court repudiated the idea that an eighth grade education was adequate and instead ordered the state to ensure the funding necessary to provide a "meaningful high school education." After years of appeals and delays, the state finally enacted school funding reform through the foundation aid formula in 2007. The commitment made by the state was to provide a \$7 billion increase over four years including a \$5.5 billion increase in foundation aid. While the courts limited the jurisdiction of the CFE case to New York City, those of us who were the

plaintiffs consistently sought a statewide resolution that would fulfill the state's constitutional obligations to students from Binghamton to Brentwood and from Buffalo to Mt. Vernon.

Since 2007, the implementation of CFE has faced further delays and reversals. Over the first two years of the CFE implementation, foundation aid was increased by \$2.3 billion. Then it was frozen for one year. Last year it was actually cut by \$1.1 billion and this year your administration is proposing to cut it by \$1.2 billion (foundation aid constitutes 79% of those funding formulas subject to the Gap Elimination Adjustment). Thus your proposal, combined with the cuts enacted by Governor Paterson, would take back all of the CFE foundation aid funding that was delivered to the schools.

I recognize that you may disagree with the Court of Appeals in its repeated orders to fund the CFE settlement. I recognize that you may disagree with the actions of the governor and the legislature in 2007 to finally stop the delays and appeals and to enact a CFE settlement. I recognize that you may disagree with me and the other parent plaintiffs who brought the CFE lawsuit.

However, I cannot understand why you would attack our motives and assert that we "do not have the best interests of our students in mind." I hope we are not reopening the debate where some suggested that money does not matter in public education and that providing an eighth grade education was the limit of the state's constitutional obligation to our school children. I am asking you to retract your statement and issue a public apology.

In Unity,

A handwritten signature in black ink that reads "Robert Jackson". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Robert Jackson

C Governor Andrew Cuomo
Mayor Michael Bloomberg
Speaker Christine Quinn