

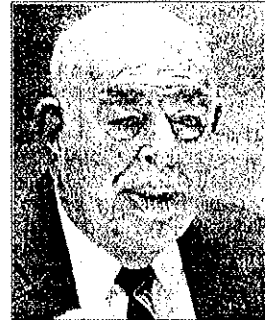
Millions in school \$\$ could flow our way

■ Judge's ruling that state has short-changed New York City children is hailed by educators and officials here



ADVANCE FILE PHOTOS

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Staten Island Schools Superintendent Christy Cugini said he would look to hire more guidance counselors, school aides, and safety agents if the borough received more state funding.

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A Manhattan judge has confirmed a claim city educators and advocates have been making for years: New York state's funding system violates the state constitution and denies a sound education to New York City's 1.1 million public school students, including the estimated 57,000 on Staten Island.

State Supreme Court Justice Leland DeGrasse also ruled that the funding system defied federal law because it hurts the city's minority students, who make up about 73 percent of the state's total minority student population.

The ruling stemmed from a lawsuit filed six years ago by the Campaign for Fiscal Equity (CFE), a coalition of parent, teacher, education and civic groups. The suit claimed that city kids are cheated out of as much as \$1 billion a year because they represent 37 percent of the state's student population yet receive only 34 percent of the state's education dollars.

The judge did not suggest a specific solution, but said legislators must have one in place by Sept. 15.

"The court will not at this time prescribe a detailed remedy for these violations," the judge wrote. "Rather, it is the Legislature that must, in the first instance, take steps to reform the current system."

He warned he won't hesitate to intervene if the state's lawmakers fail to implement needed reforms by that date.

After briefly reviewing the 180-page ruling, several Staten Island education advocates hailed the decision as a far-reaching, landmark victory.

"It's an exciting day for the kids in the city of New York and the Board of Education," said Kevin Sheehy, a biology teacher at Totterville High School, who serves as chapter chairman of the United Federation of Teachers.

Although DeGrasse left details of the remedy to the Legislature, the judge said New York City schools need hundreds of millions of dollars to bring them into compliance with the state constitution. Jerry Cammarata, Staten Island's representative to the Board of Education, said the increased funding could amount to as much as \$2,000

more per New York City student. If the money were divided equally among the city's students, Staten Island could receive about \$114 million.

"First and foremost we must look at getting more money into the system," said Cammarata, the Island member of the board. "We then must fairly look at the distribution and how it will serve the local neighborhoods."

He said it was premature to tell how the money will be divided among schools, or even the boroughs. The money could be used to alleviate overcrowding, extend the school day, and give students a better command of science, math and English.

Schools Chancellor Harold O. Levy called the decision deeply gratifying and a defining moment for all public school children. "It provides an opportunity to create a level playing field in education for students here and in other high-needs districts," Levy said.

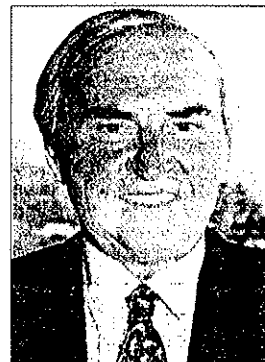
For the approximate 41,500 elementary and intermediate school children in District 31, more money could translate into more personnel, said Superintendent Christy Cugini. If the borough received more state funding, he would look to hire more guidance counselors, school aides, and safety agents, said Cugini, noting he would also enhance "whatever we're currently doing."

"If we had more money to do it, the presumption is we'd have better results. It all hinges on if they make a distribution per capita," said Cugini. Perhaps teacher salaries will increase, he said.

Calls to the Brooklyn and Staten Island Schools (B.A.S.I.S.) Superintendent's office were not returned.

Sheehy, a veteran biology teacher, said he, too, hoped teaching salaries in the city would increase as a result of the ruling. "The court recognizes that New York City teachers are underpaid. Honestly, I hope we'll be able to attract quality teachers."

DeGrasse's decision found in favor of the Campaign for Fiscal Equity's argument about teachers.



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Jerry Cammarata, Staten Island's representative to the Board of Education, said the increased funding could amount to as much as \$2,000 more per New York City student, and Staten Island could receive about \$114 million.

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new teachers," wrote the judge. "While BOE's efforts prior to 1997 were sometimes haphazard and even counterproductive, it has since engaged in a number of initiatives designed to attract new teachers to its schools.

"The problem is not BOE's sales pitch, but its product."

Although the judge did not equate a "sound education" with the knowledge necessary to pass the new Regents examinations, he did expand the definition beyond an education that allows high school graduates to simply serve as jurors and voters.

According to DeGrasse, the state Court of Appeals definition mentioned above is merely a "template" for a sound education, not the thing itself.

The state also argued that the failure of the average New York City student to perform as well academically as the average student in the rest of the state was the result of the student's social background and not because the state was not spending enough money.

At a Manhattan press conference, Joseph Wayland, the CFE's lawyer, said the court rejected the state's argument and the lawyer called it pretty "sad." An impoverished background does not prohibit learning, he said. "If they [the students] have resources, they can succeed," Wayland said.

Wayland repeatedly stated the ruling did not contain news but simply validated what was already known: The state failed to provide the Board of Education with adequate funding, making the agency incapable of providing a "sound basic education" to its students.

Michael A. Rebell, executive director of the Campaign for Fiscal Equity, said the judge's ruling was consistent with remarks Gov. George E. Pataki made in his State of the State address last week. At that time, Pataki called the state's current funding system a "dinosaur" and called for funda-

mental changes in funding formulas that would give schools more flexibility and target state aid increases to high-need districts, one of which is New York City.

"We are in the process of reviewing the court's 200-page decision," said Pataki spokesman Michael McKeon in a statement.

Assemblyman Robert Straniere, a South Shore Republican, lauded Pataki's proposal and said it was too early to tell what effect the DeGrasse ruling would have. "I'm convinced that New York City will finally get our fair share with the changes that the governor proposed," Straniere said.

Jerry McLaughlin, a spokesman for state Sen. Marchi (R-Staten Island) said the veteran lawmaker would work with Senate Majority Leader Joseph Bruno (R-Rensselaer) and other New York senators to "try to achieve the best possible result for New York City," McLaughlin said the ruling will probably be challenged.

"This is a governmental and political process," he added. "If the courts require a change in the school aid formula, that's one thing. The achievement of it is another."

Democratic legislators were more hopeful about the possible fallout of the DeGrasse decision. "I think this is a tremendous victory," said Assemblyman John Lavelle (D-North Shore), who also chairs Staten Island's Democratic party.

Assemblyman Eric Vitaliano (D-Mid-Island) said it was possible that the governor would challenge the court decision; however, it was likely that the ruling would be upheld, as it has been in similar cases in other states. He called DeGrasse's decision "absolutely correct.

"We've been saying this for years and education advocates in the city have been saying it for years. And now finally the court is saying it," said Vitaliano.

During the trial, which ran from October 1999 through May 2000,

with several breaks, the state argued that it was doing what it was legally required to do — to provide students with a sound education.

The city's 1.1 million students are 37 percent of those in the state's public schools, but they get 34 percent of the money allocated to education, Wayland told DeGrasse, who heard the trial without a jury.

According to Wayland, in the 1996-97 school year, he said, the city spent \$8,171 on each public school child while the state average was \$9,321, \$1,150 more. This means the state gave the city more than \$1 billion less than it would have if it spent the same per pupil in the city as in the rest of the state.

This inequity prevents the city's school children from getting the "sound basic education" that state law mandates, Wayland said, and he asked DeGrasse to declare the state's funding policies illegal.

DeGrasse did.

The CFE coalition also accused the state of violating Title VI of the federal Civil Rights Act of 1964, which forbids discrimination against anyone taking part in programs funded with federal tax money.

The CFE argued that the state's school funding discriminates racially, since 83 percent of New York City's students are from minority groups and 73 percent of all minority students in the state are in the city.

DeGrasse agreed. "The court finds that the state school funding system has an adverse impact on minority public school children and that this disparate impact is not adequately justified by any reason related to education," the judge wrote.

Wayland said the education allocations are actually political deals carried out by the state's chief political leaders, "three men in a room," so that actual need plays little role in who gets what.

(Associated Press material was used in this report.)