



**New  
Yorkers for  
Students'  
Educational  
Rights**

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FOR IMMEDIATE RELEASE

## **Statewide Coalition Files New Lawsuit Challenging Governor And State Education Finance System**

### ***Former CFE Chief Litigator Michael Rebell to Spearhead Legal Effort***

Fifteen parents from throughout New York State, along with a coalition of statewide education groups, are filing a lawsuit today on behalf of the state's public school students. The lawsuit charges that the state is neglecting its constitutional obligation to ensure that every school has sufficient funding to provide all students a meaningful educational opportunity.

The suit alleges that classrooms are bursting at the seams at a time when higher standards require even more individualized support. Tutoring and other supports for students who are struggling academically are offered only to a limited number of children because schools cannot afford to assist all students who need help meeting state standards. Art, music and extracurricular activities have been severely cut back or eliminated in many schools, college and career guidance is nonexistent in many places, and even state-required instruction in core subject areas like science, social studies, and foreign languages has been curtailed.

The suit, entitled *New Yorkers for Students' Educational Rights (NYSER) v. the State of New York*, is being led by Michael A. Rebell, the attorney who successfully litigated the *Campaign for Fiscal Equity (CFE) v. State of New York* case.

“In spite of the persistent demands of parents, students, educators, and advocates, the state government has continued to neglect its responsibility to our students,” said Rebell. “The governor’s education reform commission, on which I sat, refused to even consider these issues. We have no other recourse but to go back to court. Too many of our children will continue to suffer the lifelong consequences of an inadequate education – and New York will continue to bear this economic burden – if we do not take action now.”

The plaintiffs include 15 individual parents and students from New York City and all parts of the state and New Yorkers for Students' Educational Rights (NYSER), a statewide coalition that was recently formed to bring the lawsuit and to promote public engagement by parents, students, administrators, teachers, advocates, and the public at large to support its aims.

The defendants are the State of New York, Governor Andrew Cuomo, the Board of Regents, and State Education Commissioner John King.

NYSER represents the interests of students and their families; its members include the New York State Parent Teachers Association, the New York State School Boards Association, The New York State Council of School superintendents, The New York State Association of School Business Officials, , New York City Community Education Councils 6 and 28, Class Size Matters, the Statewide School Finance Consortium, Reform Educational Finance Inequities Today, the New York City Parents Union, Parents for Public Schools of Syracuse, Inc., the Rural Schools Association, and the Center for Children’s Initiatives. Additional organizations are expected to join NYSER in the near future. Rebell is the founding president of NYSER.

The lawsuit seeks to win a rapid court decision that will (1) provide immediate relief for schools by forcing the state to end unconstitutional practices that currently preclude adequate funding for schools; and (2) order new reforms to the state education law and the state’s school financing system to guarantee that now and for the future every school is provided adequate funding and is able provide all students a meaningful educational opportunity.

“Our goal is to end the state government’s neglect of its constitutional responsibility to ensure that all New York schools have sufficient funding to meet students’ educational needs,” added Rebell.

### **Background: Broken Promises to Schools – and Students**

The *CFE* case established the very important legal basis upon which the *NYSER* case is built. In *CFE*, the Court of Appeals, the state’s highest court, declared that the state constitution entitles all students in New York State to the opportunity for a sound basic education, one that provides them a meaningful high school education that prepares them to be capable citizens and competitive workers. The Court found that students in New York City were not receiving such a high quality education and ordered the state to increase funding for the city schools.

Following *CFE*, in 2007, the state legislature enacted reforms to the state aid system that promised students, not only in New York City, but throughout the state, billions of dollars in increased funding and a more equitable distribution of state aid. Since the recession of 2008, however, the state has not lived up to these commitments.

Basic state aid for school operations is now almost \$4 billion below the amount that the legislature declared in 2007 was necessary to provide students the opportunity for a sound basic education. Unfortunately, the Court of Appeals terminated its jurisdiction of the *CFE* case in 2006 and enforcement of students’ constitutional rights requires that a new suit be initiated.

Research undertaken by the Campaign for Educational Equity at Teachers College and others show that, in many New York school districts, particularly those that serve children from low-income households, students are suffering because teaching and learning have been undermined by inadequate funding. Many schools lack the basic educational resources needed to ensure students can meet state standards.

“Without litigation, politicians have so far been unwilling or unable to establish adequate systems for providing students the level of resources to which they are constitutionally entitled on a stable, permanent basis,” said Rebell. “NYSER will work with many partners around the state on political and public-engagement activities that, coordinated with the lawsuit, will maximize progress in closing budget gaps this year and achieve lasting results.”

Basic information about the lawsuit, including the complaint, can be found at NYSER’s website address: [www.NYSER.org](http://www.NYSER.org).