



News Coverage on Education

Group May Sue Over Money Owed to Poor New York School Districts

[Danny Hakim](#) ^[1] ^[2] ^[2] ^[2]

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<http://www.nytimes.com/2012/11/29/nyregion/group-may-sue-over-money-owed-to-poor...> ^[3]

ALBANY — Six years after New York's highest court forced the state to substantially increase financing to poor school districts, the group that won that ruling is threatening a new lawsuit unless Gov. Andrew M. Cuomo and the Legislature come up with billions of extra dollars for those districts.

Saying the state is at least \$5 billion behind on a 2007 financing agreement that followed the court ruling, the group, the [Campaign for Fiscal Equity](#) ^[4], contends that Mr. Cuomo's aid cuts, and his cap on property tax increases, have once more exacerbated the financing gap between rich and poor districts. Mr. Cuomo, for his part, has had to cope with steep budget deficits and is seeking to lower the state's tax burden, and his aides sharply disputed the contention that his cuts unfairly fell on poorer districts.

In a sharply worded letter to the governor and legislative leaders sent this week, the group, which was started by parents and education advocates, said "the state's underfunding of our public schools is so severe that it amounts to a violation of its constitutional obligation to provide New York's children with adequate education resources."

David G. Sciarra, who runs the Campaign for Fiscal Equity, said in an interview that "we always try to press the governor and the Legislature to step up to the plate without the need for there to be litigation," but he added, "If there's a need for additional litigation, no one should doubt that we would do that."

After being on the verge of [shutting down](#) [5] last year, the campaign has transformed itself. It is now part of Mr. Sciarra's group, the [Education Law Center](#) [6], a Newark-based nonprofit agency that has sued on behalf of students in New Jersey and other states. Earlier this year, the campaign rehired a lawyer involved in its earlier litigation, Wendy Lecker.

The new campaign is financed by various foundations, including the [Schott Foundation for Public Education](#) [7] and the [Robert Sterling Clark Foundation](#) [8], private donors, education organizations and labor — notably the [United Federation of Teachers](#) [9].

A reanimated Campaign for Fiscal Equity comes at a challenging time for the governor. The fiscal picture is worsening, with tax collections falling even before [Hurricane Sandy](#) [10] hit.

The governor has long lamented that New York State has the highest per-pupil spending in the nation with classroom results that are not commensurate. But battles over education aid are perennial in Albany, and a coalition of smaller city school districts is already [suing the state](#) [11], claiming they are not receiving adequate funding.

In a statement, Allison Gollust, a spokeswoman for the governor, said, "The facts on the governor's priorities for education are clear — last year he invested an additional \$800 million in our schools, despite a multibillion deficit, and prioritized low-income districts with a spending formula that gives them a higher percentage of state aid."

Elizabeth Lynam, the director of state studies at the Citizens Budget Commission, a business-backed fiscal watchdog group, said, "I think the entire context has changed."

"We know we're in a fragile recovery, and that has to be taken into consideration," Ms. Lynam said. "What was affordable in 2007 is no longer affordable, and expectations have to be adjusted to fit the fiscal realities — not that there aren't important areas of reform that are needed."

"There are questions about whether resources are appropriately targeted to the districts that need it," she added, "but that's reallocating money within the pie that's been established, not adding more."

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Links:

[1] http://nyconstitution.org/press-clip-author/Danny_Hakim

[2] <http://nyconstitution.org/press-clip-author>

[3] http://www.nytimes.com/2012/11/29/nyregion/group-may-sue-over-money-owed-to-poor-new-york-school-districts.html?ref=nyregion&_r=1&_r=1

[4] <http://www.cfequity.org/>

[5] <http://cityroom.blogs.nytimes.com/2011/06/08/last-days-perhaps-for-group-that-sued-for-poor-school-districts/>

[6] <http://www.edlawcenter.org/>

[7] <http://schottfoundation.org/>

[8] <http://www.rsclark.org/>

[9] <http://www.uft.org/>

[10]

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[11] <http://blogs.democratandchronicle.com/voteup/2012/06/26/top-court-rules-against-state-in-small-city-school-district-aid-case/>