



CFE v. State of New York

BRIEF CHRONOLOGY

May 1993	CFE files lawsuit in State Supreme Court challenging constitutionality of New York State's education funding system.
Jun 13, 1995	In its landmark decision, the New York State Court of Appeals, New York State's highest court, gives CFE the green light to pursue a constitutional challenge to the New York's education finance system on the grounds that it denies thousands of students the opportunity to a "sound basic education."
Jan 10, 2001	The State Supreme Court rules in favor of CFE, declaring the state's school funding system unconstitutional. In his decision, Justice Leland DeGrasse orders the State to reform the school funding system to make it predictable, transparent, and aligned to student need.
Jun 25, 2002	In a 4-1 vote, the Appellate Division, First Department, of the State Supreme Court rejects the trial court's ruling that the current school funding formula is "inequitable and unconstitutional." The intermediate appeals court holds that students in New York State are only entitled to an eighth-grade level of education and preparation for low-level jobs.
Jun 26, 2003	In a 4-1 vote, the Court of Appeals reverses the Appellate Division and rules in favor of CFE ordering the state to reform the funding system to ensure that schools have the resources to provide the opportunity for a "sound basic education," which they define as a "meaningful high school education." In their remedial order, the Court orders the State to "ascertain the actual cost of providing a sound basic education" and implement a system of accountability that will ensure the reforms actually provide the opportunity for a sound basic education. They give the state until July 30, 2004 to implement the necessary measures.
Jul 30, 2004	State of New York fails to meet the Court of Appeals deadline.
Aug 3, 2004	Justice Leland DeGrasse appoints three referees to deal with State's non-compliance. They are given until November 30, 2004 to submit a compliance plan to the court.
Aug 5, 2004	Referees begin holding hearings with CFE and State attorneys to review proposals for complying with the Court of Appeals order.
Nov 30, 2004	In their final report, the panel of referees recommended sweeping reforms to the education funding system, concluding that New York City schools need an additional \$5.63 billion in operating aid and \$9.2 billion for facilities to provide students their constitutional right to the opportunity for a sound basic education. CFE affirms its long-standing commitment to enact reforms on a statewide basis.
Feb 14, 2005	Justice Leland DeGrasse affirms the November 30 recommendations of the judicial referees and orders the State to provide New York City's schools \$5.63 billion for operating expenses and \$9.2 billion for facilities.

Aug 5, 2005	The State of New York submits its brief to the Appellate Division, 1st Department to appeal the State Supreme Court's March 2005 compliance order that ordered the governor and the legislature to provide New York City schools an additional \$5.6 billion in operating expenses. The March ruling came after the State completely failed to meet any aspects of the Court of Appeals June 2003 ruling to remedy the state's unconstitutional school-funding system.
Oct 11, 2005	CFE and the State of New York present oral arguments before the Appellate Division, 1st Department on the governor's appeal. CFE attorneys Michael Rebell and Joseph Wayland firmly urged the court to deny the appeal.
March 23, 2006	The Appellate Division, First Department rules in favor of CFE ordering the legislature to provide New York City schools \$4.7 to \$5.63 billion in operating aid and \$9.2 billion in capital funding by April 1, 2006. CFE praises the decision and calls on the State to pass statewide legislation that will meet the educational needs of all public school children in New York State.
April 18, 2006	CFE appeals to the Court of Appeals, the state's highest court, asking for the Court to require the State to comply fully with the Appellate Division's order and to bring a final legal resolution to the CFE case.
June 6, 2006	CFE submits a full brief to the Court of Appeals.
July - August 2006	State filed a brief, which CFE replied to, followed by the State's counter brief to the Court of Appeals.
August 2006	Amicus briefs filed in support of the CFE position by: The Alliance for Quality Education; the City of New York; the United Federation of Teachers; the New York State Black, Puerto Rican, Hispanic, and Asian Caucus; the Association of the Bar of the City of New York; the New York City Council; the New York State School Boards Association; and the Brennan Center for Justice.
October 10, 2006	CFE and the State of New York present oral arguments before the State Court of Appeals. CFE attorneys Michael Rebell and Joseph Wayland strongly urged the Court to affirm the March 23, 2006 appellate court ruling. They also called on the state's highest court to order strong accountability measures to ensure that when additional dollars begin to flow they are spent in ways that make a difference in the lives of children who need them most.
November 20, 2006	The Court of Appeals handed down its decision. The Court affirmed that the state's constitution requires that every public school child in the State of New York has a right to a "sound basic education" defined as "a meaningful high school education" and that the state has the responsibility to increase funding for New York City's public schools. In a 4-2 split, the ruling deferred to the state to determine the appropriate figure, and, based on the state's argument, established a minimum funding figure of \$1.93 billion, "adjusted with reference to the latest version of the [Geographic Cost of Education Index (GCEI)] and inflation since 2004" as "reasonable".

