



**New  
Yorkers for  
Students'  
Educational  
Rights**

**NEW YORKERS FOR STUDENTS' EDUCATIONAL RIGHTS (NYSER)  
V.  
STATE OF NEW YORK**

**FREQUENTLY ASKED QUESTIONS**

**What is *NYSER v. State of New York*?**

*NYSER vs. State of New York* is a new lawsuit that is being filed in February 2014 against the State of New York and the governor and other officials on behalf of the state's public school students. It charges that the state is violating students' educational rights by neglecting its constitutional obligation to ensure that every school has sufficient funding to provide all students with a meaningful educational opportunity.

The case is being brought on behalf of a group of plaintiffs that includes 15 individual parents and students from all parts of the state and New Yorkers for Students' Educational Rights (NYSER), a statewide coalition of stakeholder groups that formed to bring the lawsuit. The defendants are the State of New York, Governor Andrew Cuomo, the Board of Regents, and State Education Commissioner John King. The attorney for the plaintiffs is Michael A. Rebell.

**Who are the members of NYSER?**

New Yorkers for Students' Educational Rights (NYSER) represents the interests of students and their families. A coalition of major statewide organizations, parent groups, and advocacy groups from around the state as well as New York City community education councils, members of NYSER 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 5, 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.

**Who is Michael A. Rebell?**

Michael A. Rebell is the attorney who led the Campaign for Fiscal Equity (CFE) and litigated the *Campaign for Fiscal Equity v. State of New York* case. He successfully argued that the state's school finance system under-funded the New York City public schools and had denied NYC students their constitutional right. An internationally known education law scholar and expert on school-finance and school-funding litigation, Rebell is also a professor at Teachers College, Columbia University. Mr. Rebell's work on this case is *pro bono*; he receives no fees or compensation.

**What is the goal of the *NYSER v. State* lawsuit?**

The goal of the NYSER lawsuit is to end the state government's neglect of its constitutional responsibility to ensure all New York schools have sufficient funding to meet students' educational needs. It 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 limit 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 the necessary funding, and every child receives a meaningful educational opportunity. The lawsuit will bring additional, much-needed media attention and public scrutiny to this issue and put added pressure on the legislature this year to improve funding for schools.

### **How is the *NYSER* lawsuit different from the *Campaign for Fiscal Equity (CFE)* suit?**

The *CFE* case established the very important legal basis upon which the current *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.

### **Why bring a new lawsuit now?**

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.

Though Governor Cuomo created the New NY Education Reform Commission and charged it, among other things, with finding solutions to the school-funding inequities, the commission's January 2014 final report failed to address at all the critical education funding issues. The governor's meager state-school-aid proposals, recently revealed in his executive budget, also ignore the plight of students. His proposed funding increases will not even cover school districts' mandatory cost increases and will result in further cutbacks in staffing and services.

In spite of the persistent demands of parents, students, educators, and advocates, the state government has continued to neglect its responsibility to our students. We have no other recourse but to go back to court. Too many children will continue to suffer lifelong consequences if we do not take action now.

### **Is the lawsuit going to solve New York school funding problems?**

Litigation is an important part of a broader strategy to safeguard New York students' educational rights. Litigation alone cannot fully solve the problem, but, 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. *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.

### **What's the best way to learn about the latest developments in the lawsuit and the related public-engagement activities?**

Basic information about the lawsuit can be found at *NYSER*'s website address: [www.NYSER.org](http://www.NYSER.org). Related news and announcements will be posted regularly to the Campaign for Educational Equity's website ([www.equitycampaign.org](http://www.equitycampaign.org)), [Facebook](#) and [Twitter](#) pages, and its [blog](#). Also, the Campaign for

Educational Equity plans to host a series of public forums this spring in which we will share key information about students' educational rights and learn from community members whose students' constitutional rights have been violated by the New York State government.