

Education Week 10-24-06

With regard to your [Education Week] Oct. 18<sup>th</sup> article entitled: Advocates Turn Out for N.Y. School Funding Case, I would like to present a few observations beginning with the picture of eight protestors (It looks as though the bus driver was asked to step into the frame) taken from inside the bus. There is very little public support for this lawsuit. I can testify to this as I personally attended one of the CFE lawsuit presentations years ago. There had been a radio news story that CFE attorney Michael Rebel would make a presentation at the Albany H.S. auditorium prior to the court's decision and I made it a point to be there. It was attended by fewer than eight people (including non-supporters) and the photo that appeared in the newspaper the next day was similarly framed to imply larger support.

Some time later, still before the court's decision, a statewide ballot proposition appeared in the November election that provided for a specific dollar amount to be spent to improve New York 's public schools. It was soundly defeated and when asked how that would affect his pending lawsuit, Mr. Rebel famously suggested that voters obviously thought the dollar amount was too low.

When Judge Leland DeGrasse ultimately reached his decision he didn't create the new "equitable formula" that the plaintiffs were seeking. He went beyond that in actually awarding a specific amount in the billions of dollars and ordered the State Legislature to devise a formula to achieve it. This led some to speculate that an impeachment was in order. He also made it clear that he was awarding the money to New York City only but that hasn't stopped an additional sixteen small city school districts (all Democratic strongholds) elsewhere in the state from demanding their own funding increases. It should also be noted that our city school districts currently receive much more money than suburban and rural districts. All school districts have received increases in the amount of money they receive from the State as a result of Republican Governor Pataki's STAR program. The STAR program was designed to bring balance between the amount of money each district generated through local property taxes and the amount provided by state taxpayers at large. Throughout Governor Pataki's tenure, the suburban school district that I reside within has spent tens of millions of State tax dollars and now that the improvements that those dollars purchased have been achieved, our high school finds itself on the NCLB list of schools in need of improvement.

Another aspect of the CFE lawsuit that needs attention is that it invoked the peoples' "Constitutional right" to a sound basic education. I know of no other Constitutional right that requires mandatory participation or taxpayer funding. Think of how happy we would be with compulsory attendance of a public church. Try compulsory voting, speech or gun ownership at taxpayer expense as well. If faithfulness were to wane would we demand more money for the Church? Or, is it remotely possible that the term "choice" would enter the debate. - DRC