

# New York court defends inferior education for working class youth

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3 July 2002

A New York State appellate court ruling on June 25 overturned an earlier decision that the state's education funding discriminated against New York City schoolchildren, decreeing in effect that students are not entitled to a high school education.

The 4-1 decision by the Appellate Division of the Supreme Court, the state's second highest, provided a blunt demonstration of the contempt of the ruling establishment for the lives and futures of the working class majority.

The ruling is the latest development in an eight-year-old lawsuit brought by the Campaign for Fiscal Equity, which charged that the complex and virtually incomprehensible funding formula devised by legislators in Albany, the state capital, left the city's schools unable to provide a decent education to their 1.1 million students. New York City students represent 37 percent of the state total, but the city's schools receive only 34 percent of state education aid.

The plaintiffs won their suit in State Supreme Court in Manhattan, when, after a nine-month trial, Justice Leland DeGrasse ordered in January 2001 that Albany reform its school financing formulas and come up with as much as \$1 billion a year more for the city's schools. Republican Governor George Pataki appealed DeGrasse's ruling, and the Campaign for Fiscal Equity now plans to take the case to the Court of Appeals, New York State's highest court.

The suit hinges on an interpretation of the New York State Constitution, which obliges the state to provide "a sound, basic education" to all children. A 1995 Court of Appeals decision had defined a sound education as one that enabled students to "function productively as civic participants capable of voting and serving on a jury."

The lower court had concluded that the present

appalling conditions in New York City schools—with tens of thousands of new, untrained and underpaid teachers, shocking overcrowding leading to huge class sizes and classes that must be held in former bathrooms, inadequate and outmoded computers and the shortage of the most basic supplies, and crumbling school buildings themselves—did not meet this standard.

"The majority of the city's public school students leave high school unprepared for more than low-paying work, unprepared for college and unprepared for the duties placed upon them by a democratic society," Justice DeGrasse wrote in his decision. "The schools have broken a covenant with the students, and with society."

The Appellate Division majority was remarkably candid in its opinion. It essentially said that no such covenant exists and that the state has no obligation to provide an equal public education to all.

In a naked defense of social inequality, Justice Alfred D. Lerner, writing for three of the four justices in the majority, argued that the city's children are receiving all the education they need, given their social status, and should expect neither college nor a decent-paying job.

"Society needs workers in all levels of jobs, the majority of which may very well be low level," Lerner wrote.

The state constitution's call for educating youth so they are able to "function productively" in society, the ruling continued, means nothing more than getting a job and staying off the welfare rolls.

The justices went into great detail in their attempt to explain why students are not entitled to a decent high school education. They argued that an eighth grade education is sufficient to understand jury instructions, and that newspaper coverage of election campaigns is

geared to a reading level somewhere between sixth and eleventh grades. Moreover, they wrote, “the proper standard is that the state must offer all children the opportunity of a sound basic education, not ensure that they actually receive it.” All that students are entitled to is a “minimally adequate opportunity”—whatever that means—to receive a sound, basic education.

Nor did the judges attempt to deny the shoddy state of the city’s schools. They went systematically through Justice DeGrasse’s ruling, taking up findings such as the lack of supplies and equipment, and arguing that the state was not obligated to do anything about them.

Some of these arguments were stunning in their cynicism. The fact that city schools are unable to afford up-to-date textbooks dealing with current trends in art, science and other topics, for instance, was touted as a virtue. “Surely a library that consists predominantly of classics should not be viewed as one that deprives students of the opportunity to a sound basic education,” Justice Lerner declared.

It has often been pointed out that the decay and abandonment of public education is most pronounced in the country’s urban centers, and that the impact of budget cuts and neglect has fallen disproportionately on black and Hispanic students who make up the great majority of the school population in most big cities (70 percent in New York).

The Appellate Division decision reveals the class significance of this racial disparity. Continuing institutional discrimination is aimed at ensuring a large enough supply of cheap labor to keep downward pressure on wages and benefits throughout the economy. Justice Lerner has said it all: capitalism needs many “low-level” workers, and there is no need and no point in educating them. In fact, they should be kept ignorant, thus giving them no option other than minimum-wage jobs.

This is the thinking, though not always so openly stated, behind shifts in social policy in every sphere over the past two decades. The welfare “reform” legislation of the 1990s, for example, was another means of forcing unskilled and poorer sections of the working class to take subsistence-level jobs.

While the Republicans are spearheading the attacks on education, the Democrats and their allies in the trade union bureaucracy have absolutely no alternative. Two of the four justices in the majority of the Appellate

Division ruling were Democrats appointed by former New York governors Hugh Carey and Mario Cuomo.

Local Democrats protested at City Hall on the day after the June 25 decision. Begging for a few crumbs, they speak for those sections concerned by the provocative nature of the frontal assault on the schools backed by the court majority.

The crisis in New York’s schools, however, goes far beyond the question of whether the city gets 34 percent or 37 percent of the state’s aid to education. Growing inequality is now the norm throughout the public school system, with schools in wealthy suburbs lavishly funded, those in working class communities increasingly hit by budget cuts and those in the poorest inner-city areas devastated.



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