



**For Immediate Release:**  
10/14/2021

**GOVERNOR KATHY  
HOCHUL**

**GOVERNOR HOCHUL ANNOUNCES SETTLEMENT OF  
NYSER V. NYS CASE TO FULLY FUND FOUNDATION AID IN  
NEW YORK'S SCHOOLS**

***Agreement Requires New York State to Make Significant  
Advancement in Funding Foundation Aid This Year and Fully  
Fund It in the FY 2024 Budget***

***Foundation Aid Takes School District Wealth and Student  
Needs into Account to Create an Equitable Distribution of  
School Funding***

Governor Kathy Hochul today announced that New York State has reached an agreement to settle and discontinue the *New Yorkers for Students' Educational Rights v. New York State* case, following through on the State's commitment to fully fund the current Foundation Aid formula to New York's school districts over three years and ending the State's prior opposition to providing this much-needed funding to our students.

"Every single New Yorker deserves a quality education to succeed in our state, and public schools are a vital component of that opportunity for our children's upward mobility," **Governor Hochul said.** "This settlement closes a long chapter of inequity, and demonstrates my administration's commitment to wiping the slate clean and fully funding public education using a responsive model that takes districts' unique needs into account. Actions are

more important than words, and while the settlement is the first step, we're following through with funding in the state's budget. The future of our state depends on our ability to properly educate each child, and Foundation Aid will apply a critical lens to address inequities and ensure schools in need receive the funding they deserve."

The litigation, which has been ongoing since 2014, sought to require New York State to fully fund the Foundation Aid formula that was put into place following the historic Campaign for Fiscal Equity cases, and had been previously opposed by the State. Foundation Aid was created in 2007, and takes school district wealth and student need into account to create an equitable distribution of state funding to schools. However, New York State has never fully funded Foundation Aid.

The new settlement requires New York State to phase-in full funding of Foundation Aid by the FY 2024 budget. In the FY 2022 Enacted State Budget approved in April, the Executive and Legislature agreed to fully fund Foundation Aid by the FY 2024 budget and enshrined this commitment into law.

A breakdown of currently anticipated Foundation Aid funding is available below:

- FY 2022: \$19.8 billion, covering 30% of the existing shortfall
- FY 2023: Approximately \$21.3 billion, covering 50% of the anticipated shortfall
- FY 2024: Approximately \$23.2 billion, eliminating the anticipated shortfall, and funding the full amount of Foundation Aid for all school districts

**Senator Shelley B. Mayer said,** "We fought hard for the commitment to fully fund our outstanding education obligation over three years. I am pleased we can now put the longstanding litigation behind us as we continue to move forward with promised funding and expanded educational opportunities. New York State

has finally recognized the constitutional principle of a sound basic education for every child. I thank Governor Hochul for her commitment to public education and acknowledge the many parents and advocates who never gave up and continuously spoke up for their children."

**Senator Robert Jackson said,** "I'm grateful to learn of Governor Hochul's decision to settle the NYSER lawsuit, which came about when New York State continued to ignore its own funding formula for public school students. When Michael Rebell and I first launched the Campaign for Fiscal Equity from District 6 in Northern Manhattan in 1993, we knew it would be a long fight to get the funding our public school students deserved. This settlement is a step in the right direction for our students and the hardworking educators who've kept schools running through a generation of shoe-string budgets and, most recently, a pandemic. I'm glad to retire my Albany walking sneakers and look forward to a legislative session where children's right to a sound basic education isn't used as a political bargaining chip."

**Assemblymember Mike Benedetto said,** "I am elated this is settled and thankful for Governor Hochul's leadership. The children of New York will sleep easier tonight."

**Alliance for Quality Education Executive Director Jasmine Gripper said,** "The commitment to fully fund Foundation Aid will ensure that Black, Brown and low-income students attend schools that are fully resourced and will significantly close the opportunity gap. Today marks the beginning of a new and long overdue chapter in the fight for education justice in New York. Governor Kathy Hochul's decision to settle the lawsuit on the condition that New York State fully phases in Foundation Aid by 2024 is a momentous shift in a fight that parents and community members have been waging for decades, and one that signals the Governor's commitment to equity for New York's students."

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