

Spring: State's funding formula discriminatory

By Haley Viccaro

Feds to probe Schenectady school aid complaint

Schenectady City School District Superintendent Laurence Spring addresses the district's Board of Education in this Nov. 20, 2014 photo.

SCHENECTADY – The U.S. Department of Education Office for Civil Rights is moving forward with an investigation into the Schenectady City School District's complaint against the state over the distribution of education aid.

The department said in a letter dated Nov. 25 that it would investigate the state Education Department and the state Board of Regents as part of city school Superintendent Laurence Spring's complaint, which he filed last year.

"They said this is the first complaint of this kind that they have had to deal with," Spring said. "There was a similar complaint in Texas a while ago, but it was withdrawn to pursue court action. The nature of our complaint is really complex. They are also laying the groundwork for what would happen in following years."

Spring argues that the state's formula to distribute school funding discriminates against districts with high concentrations of minority students. His complaint is filed against Gov. Andrew Cuomo, the state Legislature, Comptroller Thomas DiNapoli, the Education Department and the Board of Regents.

The complaint requests that the Office for Civil Rights fully investigate the claim, correct the violations and order appropriate relief. The department did not provide a timeline or deadline for its investigation.

"A while ago they said they felt they didn't have jurisdiction over the governor, Legislature and comptroller, but would hold on to the complaint over the Education Department and Board of Regents," Spring said. "They have been holding on to it for almost a year. So they finally sent this letter saying they believe they do have the authority to investigate regarding those two entities and they believe there is reason to investigate the allegation that state aid is being disproportionately provided based on race."

The complaint alleges that the Education Department and Board of Regents discriminate against nonwhite students, English language-learning students and students with disabilities. The Office for Civil Rights found only the allegation against nonwhite students is appropriate for investigation.

"OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint," the department said in the letter. "OCR offers, when appropriate, an Early Complaint Resolution process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint."

Spring also filed a similar complaint with the U.S. Department of Justice in July, looking to the department to investigate the governor, Legislature and comptroller. But in a letter last month, Justice Department officials said they would not take action on the district's complaint.

"We have determined that DOJ has not provided federal assistance to any of the entities responsible for education funding," the department said in a letter dated Nov. 10. "Accordingly, no further action on your complaint will be taken by the Department of Justice."

The Office for Civil Rights only has jurisdiction to investigate the Education Department and the Board of Regents because the two agencies are recipients of financial assistance from the federal agency.

Spring said he plans to continue to push the Justice Department to open an investigation. Another option is to file a complaint with the U.S. Department of Housing and Urban Development, he said.

"I still think that the people who really make decisions on state aid are the governor and the Legislature," he said. "If they are distributing those resources in a way that varies depending on race, I believe there is an agency that has jurisdiction

over that and they should be held accountable.”

Schenectady schools’ student body is 65 percent minority. The district gets 54 percent of the school aid it should receive from the state under a funding formula Cuomo and the state Legislature agreed to. That has shortchanged the district by about \$62 million each year.

Spring said he would settle for any significant increase to Schenectady’s school aid; it doesn’t have to be 100 percent.

“Do I want our district to get all \$62 million that we’re missing? Absolutely,” he said. “But what I have said along the way is that I do understand every district cannot be at 100 percent right away. The median level of funding is at 82 percent, and I would be ecstatic if we can get up to that. That would allow us to provide a tremendous amount of services to our kids and significantly reduce the tax rate for the city of Schenectady.”