



ALLIANCE FOR
EXCELLENT EDUCATION

Straight A's:

A Citizen's Update on Education

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SEN. JEFFORDS PROPOSES \$210 BILLION INCREASE FOR EDUCATION

Earlier this month, **Sen. Jim Jeffords (I-VT)** launched a new initiative that would significantly increase the federal role in education. Jeffords' "Ten in Ten" plan would increase education spending by \$21 billion for fiscal year 2003 and by \$210 billion over 10 years. Such an investment would return the federal education commitment to 10 percent of the entire federal budget—the same percentage education enjoyed in the 1940's.

Jeffords outlined his plan before the **Leadership Conference on Civil Rights**, a coalition of 185 national organizations committed to the protection of civil and human rights since its founding in 1950. Jeffords' plan would go a long way toward providing the resources needed to meet the requirements outlined in the *No Child Left Behind Act (NCLB)* and supporting additional priorities including ensuring high quality teachers, providing full funding for the *Individuals with Disabilities Education Act*, making additional funding available for Pell Grants, and extending the school year to afford students an opportunity to integrate work experience with classroom learning.

In His Own Words

Sen. Jeffords has long been one of the leading voices in Congress calling for a national investment in education. In his book, *My Declaration of Independence*, Jeffords describes the budget debate at the beginning of last year that led to his decision to leave the Republican Party and become an Independent:

"Republicans as a whole decided that virtually all the new funds would be dedicated to tax cuts, and almost none would go to reversing the decline of domestic discretionary spending. But how are our children lag behind their international peers strikes me as a bigger long-term threat to our national security and stability than the rate of taxation paid on multimillion-dollar estates. In my mind, the education we give to all of our children is far more important than the size of the fortunes left to a fortunate few."

Congress Debates Fiscal Year 2003 Spending Total, Education Funding in the Balance

On Capitol Hill, the House and Senate leadership have agreed to allow the Appropriations Committees to move ahead without a budget plan. But, once again, the amount of money that will be available for domestic programs such as education is the focus of the debate. President Bush, the House GOP leadership and **House Budget Chairman Jim Nussle (R-IA)** want the fiscal year 2003 spending total set at \$759 billion. Meanwhile, **Senate Budget Chairman Kent Conrad (D-SD)** and **House Appropriations Chairman C.W. Bill Young (R-FL)** want the \$768 billion number that Conrad included in the Senate budget resolution. Education is potentially \$6.8 billion of the \$9 billion difference between the two proposals.

House and Senate members of both parties are divided into several camps on this subject, including deficit hawks and those members who would add more discretionary spending in areas such as education. Such a scenario is eerily reminiscent of that described in Sen. Jeffords' book. Last year's tax cut, which some Democrats joined Republicans to support, ate up the huge federal surplus. Now, Democrats and Republicans alike are concerned that any funding amount over the President's budget would dip into the Social Security surplus. Largely left out of the debate is the failure of Congress and the President to meet the recommendations in *No Child Left Behind* for increasing funding for Title I, ensuring highly qualified teachers and meeting higher standards.

Meanwhile, the House of Representatives will most likely begin floor debate on the \$29.4 billion fiscal 2002 supplemental spending bill on Wednesday. The bill contains \$1 billion to help cover the Pell Grant shortfall. On the Senate side, **Senate Appropriations Committee Chairman Robert C. Byrd (D-WV)** is seeking to add \$2.5 billion to the House bill for a total of about \$32 billion. Conservatives in both chambers are hesitant to spend more than President Bush's original \$27.1 billion request.

Prioritizing Civil Rights and Education: Summer Program Aims to Educate

This summer, students will attend a summer fellowship program celebrating Martin Luther King Jr. and engage in opportunities to shape the future civil rights debate. Civil Rights Summer 2002 is a collaboration of the **Leadership Conference on Civil Rights**, the **Leadership Conference Education Fund**, the **Citizens' Commission on Civil Rights**, and **The Civil Rights Project at Harvard University**. Initially, participants will spend a week of study and training at Harvard that will link the history of the movement to civil rights struggles today. Then, each student will learn about the public policy side of the movement by working at a national civil rights organization in Washington, D.C. Finally, participants will create a national student activist network league to promote social justice.

Civil Rights Summer 2002:

<http://www.law.harvard.edu/groups/civilrights/conferences/crs2002/synopsis.html>



EDUCATION ADEQUACY EMERGES AS KEY NATIONAL ISSUE

The enactment of the federal *No Child Left Behind* law and a decade-long commitment to standards-based reform by states have pushed education finance back to the forefront of the education debate.

A Spring 2001 analysis by the **Education Trust** found that only seven states out of 49 have closed the funding gap between rich and poor schools. According to the report, “in 42 out of 49 states studied, school districts with the greatest numbers of poor children have less money to spend per student than districts with the fewest poor children.” The average national gap between highest- and lowest-poverty districts stands at \$1,139 per student.

At the state level, litigation and the fear of litigation have largely steered the movement for equitable education funding. Because education is primarily a state and local responsibility in the United States, the bulk of education spending comes from state and local tax revenues. Traditionally, most funding for public schools is raised from local property taxes--a method that inevitably disadvantages students who attend schools in high poverty neighborhoods with low property values.

Even though they pay higher taxes, poorer communities cannot generate as much revenue as neighborhoods that have higher property values. Such inequality has led many low-income communities to bring suit in federal and state courts challenging the constitutionality of their state’s education funding system.

In 1973, the U.S. Supreme Court in *San Antonio v. Rodriguez* rejected the argument that such funding disparities violate the U.S. Constitution, holding that there is no fundamental, federal right to an education. This decision shifted school finance litigation to the state level, with a series of cases challenging funding inequities under state constitutions.

Beginning in 1989, the notion of the right of a child to an “adequate education” began to expand in legal circles. This concept was based on education clauses that appeared in most state constitutions, but were left out of the U.S. Constitution. These clauses often specify education as a state function and require legislatures to maintain public schools that provide “a thorough and efficient system of common schools” (Ohio), an “adequate education” (New Hampshire), or a “substantially equal educational opportunity” (Connecticut), to name a few.

Today, education adequacy has emerged as a main focus in education reform as Congress, the federal and state court systems, the private/non-profit sector, and state and local governments grapple with this issue.

For a more complete discussion of the education issue, please see New York attorney Michael Rubell’s paper, *Educational Adequacy, Democracy, and the Courts*: www.accessednetwork.org/publications/EDUADEQ.pdf

Landrieu Amendment Rewards Equitable Funding

Last year, during the debate on the *No Child Left Behind Act*, **Sen. Mary Landrieu (D-LA)** incorporated an amendment that redirected \$650 million to education finance incentive grants which reward states that have a policy of fairly distributing resources among school districts. During debate on the Senate floor, Sen. Landrieu said, “I think we have an obligation, on the federal level, because of the disparity, because of the great inequity, to do what we can to try to level this playing field.” Her amendment represents the first time this program has ever been funded.



REPS. JACKSON AND FATTAH ADDRESS EDUCATION DISPARITIES

Last month, **Rep. Jesse Jackson Jr. (D-IL)** appeared in Iowa to promote a constitutional amendment that would give all U.S. citizens the right to a quality public education. At the event, Rep. Jackson declared that it should be unconstitutional for school quality to be affected by the level of local prosperity.

The need for a constitutional amendment making education a fundamental right arises from the 1973 U.S. Supreme Court decision in *San Antonio Independent School District v. Rodriguez*, in which the Supreme Court determined that education “is not among the rights afforded explicit protection under our federal constitution.” In not recognizing a federal education right, the Supreme Court refused to move beyond its decision in the landmark case *Brown v. Board of Education*, in which a unanimous Court recognized education as “perhaps the most important function of state and local governments.”

Rep. Jackson’s constitutional amendment would directly invalidate the Court’s argument in the *Rodriguez* case by adding this phrase: “All citizens of the United States shall enjoy the right to a public education of equal high quality.”

Education Finance Database Provides State-by-State Comparison

A free Web resource produced by the National Conference of State Legislatures (NCSL) allows users to learn about the differences and similarities between states’ education finance systems. The site features an interactive map that displays per pupil spending for each state and illustrates the equity disparity that Rep. Jackson’s constitutional amendment addresses. For example, while New York spends more than \$7,500 per pupil on education, Utah spends a little more than \$4,000 per pupil.

The database seeks to explain the different revenue sources and dissemination systems that states use to fund education in their part of the country. NCSL developed the site as a way to provide easy-to-read funding information for school leaders, national and state policy makers, and other education stakeholders.

Education Finance Database: http://www.ncsl.org/programs/educ/ed_finance/intro.htm

Rep. Chaka Fattah (D-PA), who has long been a champion of inter-district equalization of educational opportunities, is set to announce his own initiative. On Thursday, May 23, Rep. Fattah will testify before the Senate Committee on Health, Education, Labor and Pensions on the growing disparity in educational opportunity between the best and worst schools. He plans to introduce new legislation in the form of a Student Bill of Rights.

While his earlier efforts have focused on funding disparities across school districts, Rep. Fattah's Student Bill of Rights focuses on seven factors that are essential for a quality education: 1) Instruction from a highly qualified teacher; 2) rigorous academic standards; 3) small class sizes; 4) up-to-date textbooks; 5) state-of-the-art libraries; 6) updated computers; and 7) qualified guidance counselors.



SPOTLIGHT ON THE STATES: The Court Battles Continue

Today, Ohio, New Hampshire and New York are three of several states in litigation as a result of “adequacy” claims filed against their state education funding systems. Over the past three decades, lawsuits challenging state methods of funding public schools have been brought in 43 of the 50 states. Most of these states must balance an education funding system that provides sufficient funding within each school district against the imbalances that result from reliance on local property taxes to fund education.

Spotlight on Equity Across School Districts in an Ohio Supreme Court Case

In late March 2002, the mediation ordered by the Ohio Supreme Court in a case challenging the constitutionality of Ohio's school funding system fell apart when the chief mediator announced that a compromise was impossible. The case, *DeRolph v. State of Ohio*, first filed in 1991, was then placed back on the Court's active docket.

In Ohio, the state government receives most of its operating revenue from income and retail sales taxes, but schools are heavily dependent on property taxes. In *DeRolph*, plaintiffs argued that the state's school financing system hurts those school districts with the lowest property valuations per pupil. These were typically districts in rural and underdeveloped areas or in communities where industries have become obsolete. Fuel was added to the fire when a study documenting enormous inequities among schools in Ohio revealed that Ohio was far behind other industrial states in the level of state funding for public education.

The state legislature failed to respond to the report, leading to the creation of the Ohio Coalition for Equity and Adequacy of School Funding (E & A Coalition). Representing more than 550 Ohio school districts, the Coalition filed suit against the state school financing system in 1991.

In September 1996, the Ohio Supreme Court found the school funding system unconstitutional and gave the state government one year to provide a “complete systematic overhaul” of the way schools are funded. Seven years later, no agreement has been reached. As a result, the case is once again up for consideration before the court.

New Hampshire's Long Road to an Adequate Education

In series of cases dubbed *Claremont I*, *Claremont II*, and *Claremont III*, New Hampshire has progressed through a similar quagmire to remedy inequalities within its education system. In the original *Claremont School District v. Governor*, the New Hampshire Supreme Court held that the New Hampshire Constitution “imposes a duty on the State to provide a constitutionally adequate education to every educable child and to guarantee adequate funding.”

In *Claremont II*, the New Hampshire Supreme Court struck down the state education funding system as unconstitutional because taxpayers in less wealthy school districts paid as much as four times the local property tax rate of those in wealthier districts. *Claremont III* again deemed unconstitutional a state-proposed funding system with a statewide education property tax levied at a uniform rate, along with a phase-in provision for wealthy communities.

In January 2002, the Supreme Court split the financing question into two issues: 1) New Hampshire's definition of adequate education; and 2) New Hampshire's latest attempt to develop a constitutional funding system. The Supreme Court will deal with the definition of an adequate education and the New Hampshire Superior Court will deal with the funding system question. On April 11, 2001, the New Hampshire Supreme Court again declared unconstitutional the state's education system for failing to establish sufficient standards of accountability, which the court held is "part of the State's duty to provide a constitutionally adequate education."

Campaign for Fiscal Equity Challenges New York's Education Finance System

Campaign for Fiscal Equity Inc. (CFE) is a non-profit corporation that seeks to reform New York State's education finance system in order to provide equal resources for all students in the state. CFE represents a coalition of community groups, school boards, parents and advocacy groups. The organization was founded in 1993 with the goals of launching a constitutional challenge to the New York school finance system, promoting dialogue on school funding reform and conducting policy research on equal access to basic education around the country.

In 1995, the Campaign received a major boost when the New York State Court of Appeals gave the organization the green light to continue its constitutional challenge to the education finance system as long as it could establish a correlation between “funding and educational opportunity.” In January 2001, Justice DeGrasse ruled in favor of CFE, holding unlawful New York State's system of providing education funding to New York City's schools and ordering the state to reform the school funding system by Sept. 15, 2001. The Court found in part that New York State had violated the state constitution by failing to “provide the opportunity for a sound basic education to New York City public school students.” The state appealed the ruling in February, thereby delaying implementation of the order. In October 2001, the state Supreme Court heard the appeal and a decision is expected shortly.

New Web Site Offers ACCESS to State Funding Litigation

The Campaign for Fiscal Equity has created a new Web site called **ACCESS** (the Advocacy Center for Children's Educational Success with Standards). ACCESS represents a national initiative "to strengthen the links between school finance litigation, public engagement and the standards-based reform movement." The Web site highlights important school funding cases in every state, including the New York, New Hampshire and Ohio rulings and state movements toward fiscal equity such as the new Maryland school funding system. ACCESS seeks not only to inform how litigation and public engagement can be linked but also how to develop models for implementing fiscal equity across the country.

Campaign for Fiscal Equity: <http://www.cfequity.org/>

ACCESS Web site: <http://www.accessednetwork.org/>



AHEAD OF THE CURVE: Maryland Puts Up \$1.3 Billion Toward School Equity

Perhaps in an effort to prevent the same kind of litigation currently underway in Ohio and New Hampshire, Maryland lawmakers recently agreed to legislation recommended by a state commission that boosts education aid by \$1.3 billion over the next several years. The increase is designed to provide every child with the kind of education currently available at Maryland's best schools and placed Maryland at the forefront of the education adequacy debate.

In 1999, the Maryland General Assembly created a commission to study schools with high test scores and attendance rates and calculate the amount those schools spend on each student. The Thornton Commission, so named for its chairman, Alvin Thornton, an associate provost at Howard University, released its report in January 2002.

According to the commission, the most successful schools spend \$6,000 per pupil—over \$2,500 more than the state provided. Initially, the Commission's recommendation for the state to spend an additional \$3,500 per pupil was dismissed as unrealistic at a time when Maryland faced a budget deficit.

Yet backed by grassroots campaigns launched by more than 50 organizations, state Sen. Barbara Hoffman, Chairman of the Senate Budget Committee, a Thornton Commission member, and former teacher, incorporated the Commission's recommendation into legislation. Ultimately, an outpouring of support from Marylanders of all backgrounds, and a concern among lawmakers that the Commission report would prove devastating if used in court, led to the Maryland General Assembly approving the full \$1.3 billion plan.

To take a look at the Maryland legislation visit:

<http://mlis.state.md.us/other/education/index.htm>

Straight A's: A Citizen's Update on Education is a biweekly newsletter that focuses on education news and events both in Washington, D.C., and around the country. The format makes information on federal education policy accessible to everyone from elected officials and policymakers to parents and community leaders. The Alliance for Excellent Education is a non-profit organization working to help make it possible for every child in America to receive an excellent education.