



EQUITY IN PUBLIC EDUCATION FUNDING

A Module for Democracy/Civic Mission Classrooms

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Equity in Public Education Funding

Overview

In *Brown v. Board of Education* (1954), the U.S. Supreme Court said “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.” However, the Court later held in *San Antonio v. Rodriguez* (1973) that education is not considered a “fundamental right” protected by the federal constitution. Instead, education is a responsibility of the state governments, who also have the primary responsibility for funding it. As one result, the quality of public education, and level of funding for public education, varies widely even within a state.

This unit explores the question of equity in public education funding for K-12 students. It provides a historical context for public education in America: how equality of education has been understood, and the ways in which states have been permitted to fund it. In addition, it introduces the idea of public policy—what it is and how to assess its costs and benefits.

Focus Questions

- § Should the following amendment to the Constitution of the United States be adopted? “All persons eighteen years of age or younger shall enjoy the right to a public education of equal high quality. The Congress shall have the power to enforce this article by appropriate legislation.”
- § Should the Illinois General Assembly enact a law committing the State to fund public education before all other state programs?

Objectives

- § Provide a historical and public policy context for equity public education funding.
- § Introduce a working definition of public policy.
- § Supply policy analysis tools.
- § Promote recognition of the impact of public policy and how to affect policy decisions.
- § Develop and support a reasoned position on equity in public education funding.

Materials

- A: Reading: Equity in Public Education Funding
 - B: Activity: When Does Equal Mean the Same?
 - C: Sources: Education, State of Illinois
 - D: Strategy: Looking at Public Policy: GRADE
 - E: Activity: Legislative Hearings on Equity in Public Education Funding
 - F: Taking a Stand: Position Paper on Equity in Public Education Funding
- Equity in Public Education Funding: Selected Resources

A: Reading: Equity in Public Education Funding

Over fifty years ago, the U.S. Supreme Court in *Brown v. Board of Education* (1954) said “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.” Yet in the United States today, education remains a responsibility of the state governments, and states have the primary responsibility for funding it. As one result, the level of funding for public education varies widely, even within a single state. How did public education come to be funded in this way? And to what extent is equal opportunity of public education related to equity in funding?

Brown v. Board of Education and the Mandate for Equity in Public Education

Up until the early 1950s, no black children studied with white children in the public schools of the old Confederacy. Public funding for black students, black schools, and black teachers were often drastically less than those for whites in the South, despite the legal doctrine of “separate but equal.” Following the U.S. Supreme Court decision *Plessy v. Ferguson* (1896), Southern states enacted—and the United States permitted—a system of legally sanctioned racial segregation and discrimination against African Americans called Jim Crow. Similar laws and restrictions affected children of Mexican heritage in Texas, California, and other states.

By law or custom, racial segregation in the classroom was the norm in most of America’s classrooms. Non-white children learned in poorer schools with fewer resources than white children. Non-white teachers had less training and were not as well paid as white teachers. Non-white students had fewer resources and fewer opportunities than did white students. These options were shaped by discrimination, but they also were a function of money—specifically, the amount of tax dollars available to students in predominantly non-white schools.

In *Brown v. Board of Education* (1954), the Supreme Court redefined the meaning of equality. In a unanimous decision, the Court held that “in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” The *Brown* decision—which included five different cases from Kansas, South Carolina, Delaware, Virginia, and the District of Columbia—was based on the Fourteenth Amendment’s “equal protection of the laws.” It sparked the beginning of the end of Jim Crow. It also was a key moment in what became the Civil Rights Movement that resulted in changes in the laws and customs of the entire United States.

The immediate focus of *Brown*, however, was public education. In the words of the Court,

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

While the Court emphasized education’s importance, it left important questions unanswered. What were “equal terms” when it came to education? Was equity to be measured in dollars? What responsibility did the states and the federal government have to ensure that equality? More than 50 years after *Brown*, the answers to these questions are still being debated.

Reaction and Resistance to *Brown*

The Supreme Court's decision in *Brown* did not in fact desegregate any school. Instead, the Court requested arguments from both sides about how to implement desegregation. A year later, in May 1955, the Court announced a remedy in its second *Brown* decision: instead of calling for immediate desegregation of all schools, the Court called for the admission to public schools "on a racially nondiscriminatory basis with all deliberate speed." As federal judge and former NAACP lawyer Robert L. Carter notes, this was the first time the Court "ever deferred immediate vindication of a successful litigant's entitlement to a constitutional right" ("The Long Road to Equality," *The Nation*, May 3, 2004). This delay would be the first of many in the effort to eliminate segregation in America's public schools.

"Equal Protection of the Laws" and *Brown*

Ever since the Fourteenth Amendment was ratified, there has been a tension in the courts regarding how the Equal Protection Clause should be interpreted. This tension affects how the U.S. Supreme Court interprets questions of discrimination and equity in public schools.

What did the Court mean when it decided *Brown*? Ohio State University law professor Ruth Colker sees *Brown* as a classic example of "the Constitution means what it says—'no person shall be denied the equal protection of the laws'—and it applies to all persons... separate is never equal." University of Chicago law professor Jill Hasday says that in *Brown*, "the Court clearly [assumes] a harm to African Americans due to segregation and in no [way] can imagine white children ever bringing such a claim" (*Odyssey*, WBEZ-FM, May 25, 2004). Both theories have influenced how the Court understands equal protection in public schools.

The main response to *Brown* among Southern white leadership was non-compliance. Not only state governments, but even federal judges tried to frustrate the decision. Judge John Parker, who heard the arguments on the *Brown* case that came from South Carolina and who opposed desegregation, ruled that so long as schools were "open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools." Parker interpreted *Brown* to mean that the Constitution "does not require integration. It merely forbids discrimination" and "the use of governmental power to enforce segregation." (David J. Garrow, "Why *Brown* Still Matters," *The Nation*, May 3, 2004).

Moreover, Congress and the President—not the Supreme Court—had to take the political steps to make *Brown* a reality. Yet in 1956, the so-called "Southern Manifesto" was signed by 19 Senators and 81 Representatives from 11 states in the old Confederacy:

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power.... It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races.... We commend the motives of those States which have declared the intention to resist forced integration by any lawful means... (102 Cong. Rec. 4515-16)

With opposition in Congress and no explicit endorsement of *Brown* by President Eisenhower, "the South interpreted 'all deliberate speed' to mean 'any conceivable delay' (Richard Kluger, *Simple Justice*, 1975), and the effort to integrate the nation's schools moved very little in the first years after *Brown*. A decade after the decision, only 2.3% of Black students were in majority white schools in the South (Gary Orfield and Chungmei Lee, "Brown At 50: King's Dream or Plessy's Nightmare?" The Civil Rights Project, Harvard University, 2004). Not until Congress passed the Civil Rights Act of 1964, which tied federal school funding to desegregation, did integration begin to significantly increase across the country.

Applying *Brown* in K-12 Public Schools

The Supreme Court continued to rule on public school desegregation cases, but its decisions followed different understandings of *Brown*. In a series of decisions, the Court struck down many Jim Crow barriers in the South and segregation policies throughout the nation.

§ In *Green v. County School Board of New Kent County* (1968) the Court held that segregated "dual" school systems had to be dismantled "root and branch" and that desegregation had

to be achieved in all educational activities, including faculty, facilities, sports and other extracurricular activities, and transportation resources.

- § In *Swann v. Charlotte-Mecklenberg Board of Education* (1971) the Court held that “racially neutral” student assignment plans that were based on where people lived and resulted in segregated schools were unconstitutional.
- § In *Keyes v. School District No. 1, Denver, Colorado* (1973), the Court held that school districts in the North and the West which did not have an explicit segregation policy could still be found responsible for a deliberate plan of segregating Hispanic as well as Black students in specific schools.

Defining Equity in Public Education Funding: *San Antonio v. Rodriguez*

Historically in the United States, local communities have maintained control over public education in K-12 schools. Local, elected school boards are responsible for most of the decisions that affect schools within their communities. Funding for America’s public schools usually comes primarily from a combination of local property taxes and state funding, supplemented by some federal dollars. State funds are most often a basic minimum distributed on a per student basis. Local support for public schools depends on how much a community agrees to raise from taxing the residents and businesses within it.

Racial segregation and discrimination was often the primary reason for where people were allowed to live and work for much of the 20th Century. This situation was true for cities across the country. Non-whites faced limits on housing and jobs in Chicago as well as in Selma, in New York as in Norfolk, in Dallas as in Denver. Not surprisingly, segregated housing resulted in segregated schools. But local control over the schools also meant that the tax base for schools in non-white neighborhoods was restricted to property and businesses that were, on average, valued much less than those in white neighborhoods.

In *San Antonio Independent School District v. Rodriguez* (1973), Demetrio Rodriguez and other parents in the Edgewood district of San Antonio brought an equal protection suit in federal court against the city. The community of Edgewood was very poor, and 96% of its residents were non-white. In his book *Savage Inequalities: Children in America’s Schools* (1991), Jonathan Kozol explains:

Although Edgewood residents paid one of the highest tax rates in the area, the district could raise only \$37 for each pupil. Even with the ‘minimum’ provided by the states, Edgewood ended up with only \$231 for each child. In Alamo Heights, the richest section of the city but incorporated as a separate schooling district, was able to raise \$412 for each student from a lower tax rate and, because it also got state aid (and federal aid), was able to spend \$543 on each pupil. Alamo Heights, then as now, was a predominantly white district (p. 214).

This disparity in funding was not even the largest in the State of Texas, where the average amount spent by the ten wealthiest districts was three times that of the four poorest district, even with state support (*Savage Inequalities*, p. 214). The federal district court held that the Texas school funding plan violated the equal protection guarantee of the Fourteenth Amendment, and eventually San Antonio appealed the decision to the U.S. Supreme Court.

Here the Court did not follow its equal protection thinking from earlier cases. Instead, it recognized the tradition of local control in education. In a 5-4 decision that found in favor of the city of San Antonio, the Court held that the Texas funding system did not discriminate against any definable “class” of poor people. In other words, the Court found that poor people affected by this system did not form a class of people eligible for equal protection. “[T]his Court has never heretofore held that wealth discrimination alone provides an adequate basis for invoking strict scrutiny [an equal protection test]” (*San Antonio v. Rodriguez*, p. 29). The Court also held that education was not a “fundamental right or liberty.”

Nothing this Court holds today in any way detracts from our historic dedication to public education. We are in complete agreement with the conclusion of the three-judge panel below that ‘the grave significance of education both to the individual and to our society’ cannot be doubted. But the importance of a service performed by the State does not determine whether it must be regarded as fundamental for purposes of examination under the Equal Protection Clause (*San Antonio v. Rodriguez*, p. 30).

According to the Court, “the key to discovering whether education is ‘fundamental’ is not to be found in comparisons of the relative societal significance of education.... Rather, the answer lies in assessing whether there is a right to education explicitly or implicitly guaranteed by the Constitution” (*San Antonio v. Rodriguez*, p. 33). Since it is not, the Court held that education was a responsibility of the state governments, who also had the primary responsibility for funding it. The issue of equalizing education funding was an issue to be decided within each state—using state constitutions and in state courts—not by the federal Constitution.

A Matter of Dollars and Cents? Equity in Public School Funding in Illinois

Today, funding for public education continues to vary significantly within each state. This disparity is even found in the amount of support that the state provides to each district. During 2001-2002 in Illinois, for example, the difference between funds available for the highest- and the lowest-poverty districts was more than \$2,000 per student after cost adjustments (“The Funding Gap 2004”). Different levels of resources among schools in the same district are also very common.

Doing the Numbers
 A difference of \$2,000 between wealthy and poor districts translates into \$50,000 per class of 25 students, or \$800,000 for a school of 400 children.

| Illinois Funding | |
|------------------|-----|
| State: | 36% |
| Federal: | 10% |
| Local: | 53% |

The Illinois school funding formula creates disparities in funds available for schools. In a comparison of two Chicago suburbs for *Catalyst* magazine, Ed Finkel noted that the median household income for Glencoe was over three times that for Midlothian. As a result, although the school tax rate for Glencoe was lower than for Midlothian, Glencoe was able to spend nearly \$11,000 per student, as compared to not quite \$6,600 in Midlothian (“Glencoe, Midlothian Illustrate Funding Gap,” April 2004).

Today, “a majority of the state’s public schools are facing fiscal deficits and other school funding problems... and 17% of the state’s 893 school districts have been listed as being in dire financial trouble” (People for the American Way, “Inequity in Illinois,” April 2004).

Like every state, Illinois addresses education in its constitution. The Illinois Constitution says that the State “shall provide for an efficient system of high quality public educational institutions and services....The State has the primary responsibility for financing the system of public education.” As has been the case in other states in the decades since *San Antonio v. Rodriguez*, challenges to the Illinois school funding formula have gone through the state courts. In the 1990s, a group of school districts sued the state to challenge the funding formula, and the case reached the Illinois Supreme Court. In *Committee for Educational Rights v. Edgar* (1996), the Court held that, while it neither endorsed the funding system nor meant to discourage reform efforts, it did not find the system unconstitutional. Rather, “the process of reform must be undertaken in a legislative forum rather than in the courts.”

Supreme courts in other states, such as Kentucky, Montana, New York, and Texas, have held that their funding systems were unconstitutional and have ordered their legislatures to change them. Most of these orders, however, have gone unfilled. In New York, after a decade-long court battle, the state’s highest court ordered the state to compute the cost of providing a “sound basic education,” *Campaign for Fiscal Equity v. New York* (NY, 2003). When the deadline passed without state action, the court accepted a special panel’s plan to award over \$15 billion in state funds to the New York City public schools. To date, the state has not complied. Similar problems have occurred in Kansas, *Montoy v. Kansas* (KS, 2004), and other states.

Time to Change the System?

Most Americans recognize the importance of education in molding effective citizens and preparing children to compete in a global economy. They believe in the *Brown* vision of an “opportunity of an education... made available to all on equal terms,” even as they recognize the continuing disparities in school funding, facilities, and opportunities over 50 years later. They differ greatly, however, over what those disparities mean and how to address them.

Some people simply do not accept the idea that equality of opportunity can be measured in dollars and cents. The editors of *The Wall Street Journal* spoke for many when they wrote, “Just as more money has not provided a remedy in the past, it will not miraculously do so in the future” (“More Money?” December 20, 2000). In their view, the state has no obligation to spend beyond a basic minimum level of support—that is the decision of parents and taxpayers in each community. It is not inequality that hurts children in poor schools, it is inefficiency. Money is lost or wasted in bureaucratic structures that fail to help students. As then Governor George W. Bush said in 2000, “We cannot continue to pour money into schools that won’t teach” (PBS *Frontline*, “The Battle Over School Choice,” May 23, 2000).

Other people worry that efforts to equalize funding for public education would lead to a “zero-sum game,” where funds from richer school districts would be taken to support poorer ones. In their view, such a “Robin Hood” program cheats every student and denies communities effective local control over their schools. They also worry that, by equalizing revenues across the state, state legislatures will follow California, which provides relatively equal funding per student for education but at one of the lowest levels of any state.

Yet others doubt that the current systems of public education funding are providing an equal opportunity for all children, particularly those who go to class in poor school districts. U.S. Rep. Jesse Jackson, Jr. [D-IL] has noted that “there is no American educational system. We have 50 states, 3,141 counties, 20,000 municipalities, 15,000 school districts, 93,000 public schools for 53 million students—all separate and unequal.... Who, in good conscience, can truthfully say all of these students have an equal opportunity to compete?” (“Amendment Would Ensure Quality Education For All,” *Chicago Sun-Times*, January 17, 2006.)

In response, and to overturn the decision in *San Antonio v. Rodriguez*, Jackson has proposed an education amendment to the U.S. Constitution that calls for “a public education of equal high quality.” Others continue to try to work through their state courts to force states to fund education more equally. Still other reformers look directly to state legislatures to change how funds are spent on education in the state. For example, a coalition called Students First Illinois is urging additional public school funding by asking the Illinois General Assembly to fund education first and balance the state’s budgets with cuts in other, non-essential programs. Fulfilling *Brown’s* promise for every U.S. public school remains a challenge for the 21st century.

Federal Help: Title I

Since 1965, the federal government has provided financial assistance to public schools through a program called Title I. Under Title I, funds go “through state educational agencies to local educational agencies and public schools with high numbers or percentages of poor children to help ensure that all children meet challenging State academic content and student academic achievement standards.

“Local educational agencies target the Title I funds they receive to public schools with the highest percentages of children from low-income families. Unless a participating school is operating a schoolwide program, the school must focus Title I services on children who are failing, or most at risk of failing, to meet State academic standards. Schools enrolling at least 40 percent of students from poor families are eligible to use Title I funds for schoolwide programs that serve all children in the school.

“Title I reaches about 12.5 million students enrolled in both public and private schools. Title I funds may be used for children from preschool age to high school, but most of the students served (65 percent) are in grades 1 through 6; another 12 percent are in preschool and kindergarten programs”

(<http://www.ed.gov/programs/titleiparta/index.html>).

B: Activity: When Does Equal Mean the Same?

Carved above the door of the Supreme Court of the United States are the words, "Equal Justice Under Law." This idea is expressed in the Fourteenth Amendment to the Constitution, which says that no person will be denied the "equal protection of the laws." Americans think of their country as a place where everyone has a fair shot: in the United States, the government does not—or at least should not—play favorites.

When the government is asked to treat people equally, the answer usually involves a more fundamental question: Does treating people equally always mean treating them the same?

Making Judgments

Look at the examples below. Mark "D" for situations when you think equal treatment means treating people differently. Mark "S" for situations when you think equal treatment means treating them the same.

_____ Willowburg High School requires that no male student can wear a hat. A sign of religious devotion in Bill's faith is to keep his head covered. How should Bill be treated in comparison to the other students—differently or the same?

_____ The Springseat Bus Company provides service for Willowburg High School. Sally uses a wheelchair to get around and requires a special van. How should Sally be treated in comparison to other student riders—differently or the same?

_____ Willowburg High School has a medical clinic supported by the taxpayers. Yasmin, a student from Richburg High School in another town, is injured during a volleyball game at Willowburg and is brought to the clinic. How should the doctors treat Yasmin in comparison to Willowburg students—differently or the same?

_____ Willowburg High School is hiring math teachers. Boris, who speaks fluent English with a Russian accent, applies. How should Boris be treated in comparison to the other applicants—differently or the same?

_____ The state says Willowburg High School must provide an equal education to all children in the district. Tim has dyslexia. How should Tim be taught in comparison to the other students—differently or the same?

Under the Constitution, different treatment of different groups or persons is not automatically a violation. As law professor Thomas E. Baker explains, "the Equal Protection Clause does not require government to treat everyone or every group the same. For example, states treat persons convicted of crime differently from law-abiding citizens." Rather, the Equal Protection Clause requires that "similarly situated persons be treated similarly" ("Can Voters Exclude Homosexuals and Their Interests from the Legislative Process?" *ABA Preview*, 1995).

Now make the same decision as above for the following situation:

_____ The state constitution says that the state "shall provide for an efficient system of high quality public educational institutions and services." The town of Richfield raises \$5,000 per student in local property taxes. Willowburg is a poorer town and can raise only \$2,500 per student from property taxes. How should the state fund Willowburg students in comparison to Richburg students—differently or the same?

Be ready to share your reasoning with your classmates.

Question to Consider

§ Do you see any patterns in circumstances when equal treatment should mean being treated differently? When it should mean being treated the same?

C: Sources: Education, State of Illinois

Constitution of the State of Illinois, Article X, Education*

Section 1. Goal - Free Schools

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

General State Aid**

Fiscal Year 2006 is the eighth year of the new General State Aid formula, which was enacted as Public Act 90-548 in December 1997.

General State Aid Formula

The General State Aid Formula is basically a foundation approach with three separate calculations, depending on the amount of property wealth of the local school district.

(1) The first formula is referred to as the "Foundation" formula. A significant provision of the General State Aid formula is the setting of foundation levels in statute and the guaranteed funding of those levels of support. The foundation level is \$5,164 in 2005-06 and is no longer guaranteed by statute through a continuing appropriation law in case the actual appropriation is insufficient [emphasis added].... Most districts receive General State Aid under this formula. Districts qualifying for this formula have available local resources per pupil less than 93% of the foundation level.

(2) The second formula is the "Alternate" formula. Districts qualifying for this formula have available local resources per pupil at least 93% but less than 175% of the foundation level.

(3) The third formula is the "Flat Grant" formula. Districts qualifying for this formula have available local resources per pupil at least 175% of the foundation level.

* State of Illinois, <http://www.ilga.gov/commission/lrb/con10.htm>

** Illinois State Board of Education, <http://www.isbe.state.il.us/funding/html/gsa.htm>

D: Strategy: Looking at Public Policy: G R A D E

“Public Policy is a plan of action, adopted by government, to solve a problem or reach a goal.”

In a democracy, you have a say on government policies and proposed policies. It’s important that you take a critical look at them. Use the following GRADE test to analyze public policies.

| | |
|---------------------------|--|
| Goal | What is the policy and what is its goal? If you don’t know what it’s supposed to do, you can’t measure its success or failure. Policies are designed to address problems. What problem or problems is this policy supposed to address? |
| | |
| Rivals | Who supports this policy? Who opposes it? Knowing the rivals can help you understand who the policy might affect and whether the policy favors special interest. Also, rivals are terrific sources for information. Be sure to check their facts though. |
| | |
| Advantages | What are the policy’s benefits? What is good about the policy? Will it achieve (or has it achieved) its goal? Will it achieve the goal efficiently? Is it inexpensive? Does it protect people from harm? Does it ensure people’s liberties? |
| | |
| Disadvantages | What are the policy’s costs? What is bad about the policy? Is it inefficient? Is it expensive? Does it cause harm? Does it intrude on people’s liberties? Are there any potential consequences that may cause damage? |
| | |
| Evaluate the alternatives | One alternative is to do nothing. Most serious problems have various policy proposals. Evaluate them. Look at their goals, advantages, and disadvantages. |
| | |

Adapted from: *The Challenge of Information*, © 1998, Constitutional Rights Foundation (Los Angeles)

E: Activity: Legislative Hearings on Equity in Public Education Funding

Legislative hearings are held by committees of the United States Congress and other legislative bodies to gather information upon which to base recommendations regarding subjects regulated by law or for which laws are being considered. These hearings are a basic function of legislative branches of government.

This simulated legislative hearing involves a panel of legislators and fictional groups of citizens – representing a variety of interests – who have come to testify about two proposals for equity in public education funding.

Hearing before the United States Congress on the following proposal:

All persons eighteen years of age or younger shall enjoy the right to a public education of equal high quality. The Congress shall have the power to enforce this article by appropriate legislation.

Hearing before the Illinois General Assembly on the following proposal:

The Illinois General Assembly shall enact a law committing the State to fund public education before all other state programs at funding levels set each year by the Illinois Educational Funding Advisory Board.

You may choose to have a hearing on either or both proposals.

Preparations

§ Assign the following roles (divide the class into groups of 4 to 6):

Legislative Committee. This Committee will review your proposal. Six legislators is a practical number for a committee but this number may be varied to meet class requirements. One legislator is designated as chairperson.

Parents for Excellence in Education. This group opposes “zero-sum” budgeting that takes money from rich school districts and redistributes it to poorer ones. They favor local control over schools and school budgets. They oppose unfunded mandates from state and federal governments. One person should be prepared to testify.

Coalition for Equity in School Funding. This group wants more money for public schools and greater funding equality based on a per student formula. They support a high state funding “foundation” for every school district but do not oppose any local efforts to add to that amount. They are in favor of the legislation. One person should be prepared to testify.

National Association of State School Boards. This organization represents state school boards across the country. They worry about legislative limits on education funding and unfunded mandates from the federal government. They are open to this legislation but have a lot of questions. One person should be prepared to testify.

American Federation for Tax Reform. This group opposes tax increases of any kind. They are opposed to additional public spending on education. They believe that any changes in public funds for education should come from cutting administrative positions, contracting with the private sector for non-educational jobs (cafeteria, janitors, bus drivers), and making teachers pay more for their health care. One person should be prepared to testify.

Recorder. A person or persons selected to keep a record of proceedings and present a review of recommendations.

§ Explain the purpose of the legislative hearing and the procedures to be followed [see below]. Prepare a handout of the student instructions to a legislative hearing if needed.

- § Allow time for participants to prepare for the legislative hearing in accordance with their assigned roles.
- § Arrange to use the hearing or committee room of a local legislative body. Alternatively, set up a table for six legislators, a desk for the recorder, and a desk for the witness in the front of the classroom. Ask for a gavel and prepare nameplates with the students' names and their roles.
- § Conduct the legislative hearing using the outlined procedures.

Student Instructions for a Legislative Hearing

1. Decide whether to conduct a hearing on the state or the federal proposal. If you decide to hold hearings on both proposals, hold each hearing separately.
2. Prior to the hearing, all students should assess the selected proposal using Handout D, "GRADE."
3. Before the hearing, student legislators may contact local legislators or other outside resource people to help them understand their role as well as current laws on the topic.
4. Prior to the hearing, student witnesses may contact local groups or local chapters of national organizations that would have an interest in this topic. You should obtain any background information that will help you in presenting that group's position on the topic, including a proposed bill that contains their views.
5. Student witnesses may wish to discuss similarities in positions with other student witnesses. You might wish to explore the possibilities of supporting a common bill proposal.
6. The committee chairperson calls the legislative hearing to order, announces the purpose of the hearing, and announces the order in which the witnesses will testify.
7. Each witness is called and permitted a set amount of time to present an opening statement, followed by questions from members of the committee.
8. The chairperson is the first to question the witness, followed by each of the other members of the committee. However, a committee member may interrupt to ask a question or make a comment at any time during the proceedings.
9. Use these suggested time limits: two to five minutes for a witness' opening statement; and five to ten minutes for questions from the chairperson and other committee members.
10. After the witnesses have been heard, legislators on the committee review testimony, discuss the proposal, and make recommendations on what their next step(s) will be.

Follow Up Questions

- § In what ways is testifying before a committee an effective way for Congress to get information? In what ways is it limited?
- § What was the most compelling thing you learned about the General Guidelines from your preparation? From another participant?
- § Do you agree with the committee's recommendation? Why or why not?
- § What would help you to understand this issue more clearly?

Adapted from: "Legislative Hearings," *Law-Related Education in Juvenile Justice Settings*. 1993, 1999, 2003: Youth for Justice.

F: Taking a Stand: Position Paper on Equity in Public Education Funding

Policy Questions

- § Should the following amendment to the Constitution of the United States be adopted? “All persons eighteen years of age or younger shall enjoy the right to a public education of equal high quality. The Congress shall have the power to enforce this article by appropriate legislation.”
- § Should the Illinois General Assembly enact a law committing the State to fund public education before all other state programs?

Steps for Writing Your Position Paper

1. Choose a position for, against, or as an alternative to one of the policy questions above.
2. Then team up with classmates who take the same position and as a group, write a persuasive paper arguing the benefits associated with your position on this policy.
3. In your essay, be sure to call on the most convincing arguments and specific evidence and examples from:
 - § the reading
 - § discussion and other classroom activities
 - § people in your community
 - § any other sources available to you
4. Include in your paper the most convincing arguments from the opposing side. List what you think are the best arguments your policy rivals would make. Acknowledge these points, and do your best to refute the importance of these arguments.

Specifications for Your Paper

Length. Your paper should be between 300 and 500 words.

Format. Each paper must have the name of the school in the heading and the policy being addressed in the title. No student names will appear on the position papers.

Sharing Your Views

You can contribute your views on this policy by writing to your State Representative, State Senator, U.S. Representative in Congress, and/or your U.S Senators.

Equity in Public Education Funding: Selected Resources

Sources

- Committee for Educational Rights v. Edgar*, Docket No. 78198 (1996)
<http://www.state.il.us/court/Opinions/SupremeCourt/1996/October/Opinions/HTML/78198.txt>
- Constitution of Illinois, Article X, Education
<http://www.ilga.gov/commission/lrb/con10.htm>
- HB0750, "The School District Property Tax Relief Fund Act," 94th General Assembly State of Illinois 2005-2006
<http://www.ilga.gov/legislation/94/HB/09400HB0750lv.htm>
- Brown v. Board of Education*, 347 U.S. 483 (1954)
- San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)
- Kansas: *Montoy v. State of Kansas*, Case No. 99-C-1738 (2003)
- Massachusetts: *McDuffy v. Sec. of the Executive Office of Education*, 415 Mass. 545 (1993)
- Montana: *Columbia Falls v. Montana*, Case No. BDV-2002-528 (April 15, 2004)
- New Jersey: *Abbott v. Burke*, 710 A.2d 450 (1998)
- New York: *Campaign for Fiscal Equity, Inc. v. New York*, 100 N.E.2d 326 (June 26, 2003)

Resources

- A+ Illinois
<http://www.aplusillinois.org/>
- ACCESS School Funding Info State-by-State,
Campaign for Educational Equity, Teacher's College, Columbia University
<http://www.schoolfunding.info/index.php3>
- Better Funding for Better Schools Coalition
<http://www.betterfundingforbetterschools.com/index.htm>
- Illinois State Board of Education, Funding and Disbursements
<http://www.isbe.state.il.us/funding/html/gsa.htm>
- Students First Illinois
<http://www.austlii.edu.au>

Analysis

- Constitutional Amendment Survey Report,
http://www.betterfundingforbetterschools.com/html/isns_ca_options.htm
- Education Funding Advisory Board. "Illinois Education Funding Recommendations A Report Submitted to the Illinois General Assembly by the Education Funding Advisory Board," April 2005, http://www.isbe.state.il.us/EFAB/pdf/final_report_4-05.pdf
- Jackson, Jesse, Jr. "Amendment would ensure quality education for all," *Chicago Sun-Times*, January 17, 2006, reprinted at <http://www.jessejacksonjr.org/>
- Neighborhood Capital Budget Group "State of the Facilities in Chicago High Schools," <http://www.ncbg.org/schools/2002hscrowd.htm>
- People for the American Way. "Inequality in Illinois: How Illogical School funding has eroded Public Education" (May 2004), <http://www.pfaw.org/pfaw/general/default.aspx?oid=15547>