

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 9/28/2015 4:54:10 PM
Subject: FW: Education Adequacy info

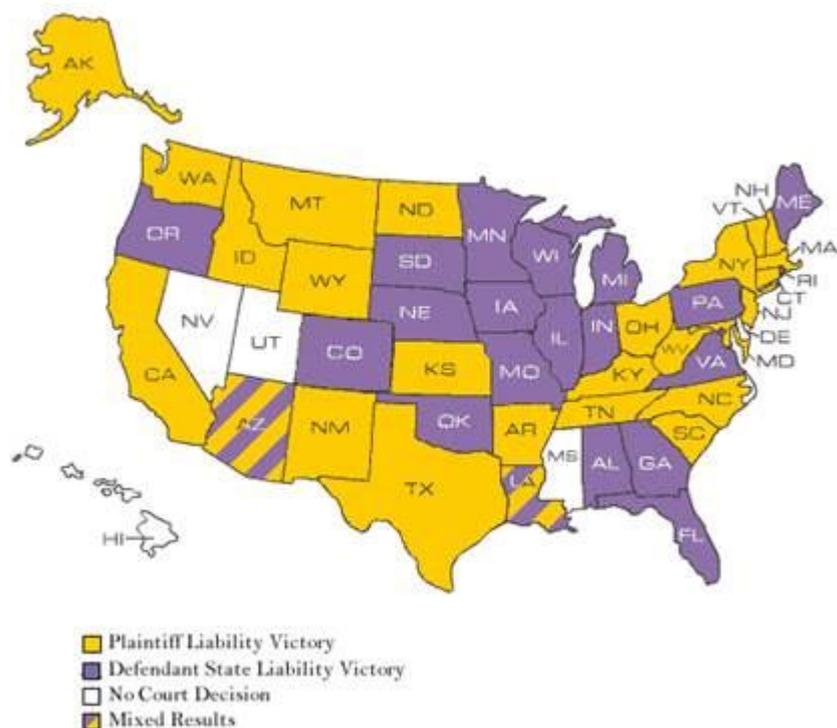
From: Schimsa, Rebecca
Sent: Wednesday, May 13, 2015 9:18 AM
To: Patel, Swati (swatipatel@gov.sc.gov)
Subject: Education Adequacy info

State Examples of Court Monitoring:

AR: Court retained oversight and set deadlines for compliance; Legislature met in special session to approve additional funding; Court ordered the state to provide documents within 30 days and appointed two special masters to review the information (even though the court said that it no desire to monitor the legislature's actions); Later, the court ruled that it had not been provided with necessary information to make an informed decision; Following, the court closed the case finding that the constitutional mandate had been satisfied.

NC: Court convened a non-adversarial hearing to assess the impact of the recession's financial crisis on the implementation of the remedy in its earlier case; Court reviewed substantial documentary evidence and testimony about the program and staffing reductions in the 09 budget. *This judge seems to be the first in the nation to proactively initiated procedures for considering the impact of the recession on constitutional rights to adequate education.

In other states, new lawsuits had to be filed alleging the state's remedy was not sufficient in order for the courts to comment.



http://www.schoolfunding.info/states/state_by_state.php3

Adequacy of School Finance Reform:

*Equity vs. Adequacy

Judicial Powers: The clearest power the court possesses is its authority to enjoin any further spending until the legislature adopts reforms that will cure the defects. Only two courts have started down that path: NJ in 1976, and KS in 2003. The second highest power a court possesses is its authority to hold the state in contempt who refuse to comply with the court's order, but the practicality of this power is uncertain.

Update on the NY Case:

New York – CFE II case (regarding funding only; constitutional standard: “sound basic education”): The State funded at the court-mandated level for the first two years of the phase-in, and then the State froze and dramatically slashed funding for education, mostly due to the Recession starting in 2007. This led to a subsequent round of lawsuits:

- *New Yorkers for Students' Education Rights v. NY* was filed in 2014 where the plaintiffs again demand increased funding and, this time, also seek periodic revisions to the funding formula to ensure its adequacy for all school districts and request that the State identify essential courses of study to meet constitutional obligations.
- *Maisto v. NY* alleges that the state underfunded schools in eight plaintiff districts, and the AG is defending the suit. The trial concluded in March 2015, and a judgment is expected this fall. Testimony was taken regarding the inputs and outputs to deliver a “sound basic education”.