



From the Ground Up

Our voices
working together
for change
in North Carolina's
Education World



A SOUND BASIC EDUCATION FOR EVERY CHILD

A right delayed is a right denied. ~ Martin Luther King, Jr.

**Support Quality
Education--An
Investment that
Keeps on
Giving!**

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The Education and Law Project has decided to focus this issue of *From the Ground Up* on the lawsuit commonly known as *Leandro*. Just as *Brown v. the Board of Education* revolutionized public education across the United States, it is the potential power of *Leandro* to have a revolutionary impact on public education in the state of North Carolina.

The power of this monumental decision lies with the people of this state. Regrettably, *Leandro* remains relatively unknown to many North Carolinians. Our goal is to provide our readers with an overview of the *Leandro* decision and its significance for the children of our state.

A BRIEF HISTORY OF LEANDRO

In May 1994, parents, school boards and students from five low-wealth counties [Cumberland, Halifax, Hoke, Robeson and Vance] filed a

lawsuit naming the State Board of Education and the State of North Carolina as defendants. The low-wealth counties (plaintiffs) said that the State did not provide enough money for them to provide their children with a quality education. [The lawsuit is commonly known as *Leandro*, after Robert Leandro, one of the students whose parents participated in filing the lawsuit.]

Six urban school districts [Asheville City, Buncombe County, Charlotte-Mecklenburg, Durham County, Wake County, and Winston-Salem-Forsyth] also asked to be parties to the *Leandro* lawsuit. The urban counties (plaintiff-intervenors) said that the state funding formula did not provide them with sufficient money to educate their at-risk students and students for whom English is not their first language.

The State's response to the lawsuit was to dispute whether or not the

counties had any legal basis to bring the lawsuit before the courts. Litigation of this issue began and eventually the matter was heard by the North Carolina Supreme Court. In 1997, the Supreme Court breathed new life in the case by finding that our state constitution guarantees “every child of this state an opportunity to receive a sound basic education in our public schools.” The case was sent back to Superior Court with instructions for the lower court to assess whether or not the State had met its constitutional obligation to provide an equal opportunity for a sound basic education.

In September 1999, Superior Court Judge Howard Manning began hearing evidence in the case. From 1999 to 2003, Judge Manning issued a series of opinions that concluded among other things:

- Every student must be taught by a highly qualified teacher.
- Every school must be led by a highly competent administrator.
- Every school must have the resources necessary to provide every student with an equal opportunity to receive a sound basic education.

On July 30, 2004, in response to an appeal of Judge Manning’s rulings by the State, the Supreme Court reaffirmed the 1997 ruling that every child in North Carolina has a constitutional right to have an equal opportunity to receive a sound basic education and upheld the majority of Judge Manning’s orders to the State to take steps to provide all students with that equal opportunity.

Over the last nine months, Judge Manning has conducted a series of hearings in which the plaintiffs, plaintiff-intervenors and the State defendants, proposed remedies to make a sound basic education a reality for all of North Carolina’s children. The

task now moves to our elected officials in the General Assembly to take legislative action to secure the educational rights of the state’s children.

Minimum *Leandro* Requirements

The *Leandro* mandate requires that every child be afforded the opportunity to attend a public school, which at minimum has the following educational resources.

- Every classroom must be staffed with a competent, certified, well-trained teacher who is teaching the Standard Course of Study by implementing effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in that classroom.
- Every classroom must be led by a well-trained competent principal with the leadership skills and the ability to hire and retain competent, certified and well-trained teachers who can implement an effective and cost-effective instructional program that meets the needs of at-risk children so that they can have the equal opportunity to obtain a sound basic education by achieving grade level or above academic performance.
- Every school must be provided, in the most cost effective manner, the resources necessary to support effective instruction within that school so that the educational needs of all children, including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.

NC EDUCATION AND LAW LEGISLATIVE UPDATE 2005

GLAZIER INTRODUCES SOUND BASIC EDUCATION ACT

Representatives Rick Glazier, Doug Yongue and Beck Carney, have filed House Bill 1745, the Sound Basic Education Act of 2005. This bill seeks to affirm the right of every student in North Carolina to a sound basic education.

The NC Supreme Court has defined a sound basic education as one that provides every student with the following:

- Sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society;
- Sufficient fundamental knowledge of geography, history and basic economic and political systems to help the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state and nation;
- Sufficient academic and vocational skills to enable the student to successfully engage in postsecondary education or vocational training; and
- Sufficient academic and vocational skills to enable the student to compete on an equal basis with further formal education or gainful employment in contemporary society.

The bill would also create the North Carolina Commission for a Sound Basic Education to study what is needed to meet the constitutional require-

ments of the *Leandro* ruling. Additionally, the bill would allot \$116 million this fiscal year and \$258 million the following year to ensure the court-ordered requirements of the *Leandro* school funding ruling.

LEGISLATORS GET DOWN TO BUSINESS

The North Carolina General Assembly has been in session for the past four months and our state leaders are definitely getting down to business. Since the session started in January over 2,000 bills have been filed. A complete listing of all bills can be found at the NC General Assembly's website <http://www.ncga.state.nc.us/homepage>. This website lists the bills that have been introduced; identifies the committees to which the bills have been assigned; and specifies the committee assignments of members of the General Assembly. Below is a listing of some of the education bills that have been introduced this session.

[H224/ S113 Low-Wealth Supplemental Funding](#), **Primary Sponsors: (H224) Representatives Young, Preston, Glazier, Sauls; (S113) Senator Rand**

This bill would ensure the full funding of the low-wealth school fund which is estimated to need an additional \$70 million to assist low wealth schools in providing the needed resources for all students.

[H779/ S702 Raise Compulsory School Attendance Age](#), **Primary Sponsors: (H779) Representative Fisher; (S702) Senator Nesbitt**

This bill would require students to attend public school until 18 years of age and could potentially

LEGISLATIVE UPDATE 2005 CONTINUED

mean prosecution for parents when their child is truant.

H805 Update List of High Priority Schools, Primary Sponsors: Representatives Glazier, Parmon, B. Allen, Lucas

Updates list of schools with high needs due to low test scores and high percentage of students who qualify for free and reduced lunch.

H836 Duties of School Counselors, Primary Sponsor: Representative Bell

This bill would require school counselors to spend 80% of their time providing counseling to students. Counselors would no longer be responsible for administering standardized tests.

H1032/ S906 Placing Students in Seclusion, Primary Sponsors: (H1032) Representatives Glazier, Preston, Farmer-Butterfield, Barnhart, (S906) Senator Katie Dorsett

This bill would establish guidelines and training for public school personnel in the proper use of restraint and seclusion of students. Guidelines would include what is permissible and what is not permissible in the use of restraint and seclusion. Training would include the proper techniques and procedures that could be used in order to protect the students and staff when engaging in the permissible use of restraint and seclusion.

H1183 Access to Higher Education and a Better Economic Future, Primary Sponsors: Representatives Glazier, Luebke, Barnhart and Sauls

Under this bill, students who attend a NC school for a minimum of four years, graduate from a

North Carolina high school, and meet admissions requirements for the college or university, may pay in-state tuition rates even if that student does not have lawful immigration status, providing that the student is seeking lawful status or will seek lawful status as soon as he is eligible to do so.

H1747 Appropriate Education for Suspended Students, Primary Sponsors: Representatives Preston, Bell, Parmon, Stam

This bill calls for providing an appropriate educational program for students who have been suspended or expelled from school. Suspended or expelled students would be referred to the Superintendent's office for appropriate placement and parents would have input into the placement process.

ABOUT THE BUDGET

The past few weeks have been extremely busy at the General Assembly as House members work on the budget proposal. The House budget is expected to be finalized and voted on by June 9th. In addition to the budget, House members are also focusing on ensuring that all legislation is introduced before the new "crossover" deadline, of June 2nd (1800 bills have been introduced since January). . According to reliable sources, House Appropriation Committee members have been given suggested spending targets. These proposed targets are needed to fill an estimated \$1.3 to \$1.5 billion budget shortfall. House Appropriation Education chairs have stated that they plan to do better by children and teachers in NC. One such move includes providing \$80 million to low-wealth schools over the next three years and \$45 million to the Disadvantaged Student Supplemental Fund (DSSF).

PUTTING *LEANDRO* INTO ACTION:

AN OPEN LETTER FROM A NEW GRASS-ROOTS ORGANIZATION WORKING TO FULFILL EVERY CHILD'S RIGHT TO A "SOUND BASIC EDUCATION."

In the *Leandro* case, Superior Court Judge Howard Manning ruled the state has the responsibility to provide every child with a sound basic education. **NCCARE** – North Carolina Community Advocates for Revitalizing Education – is working to make sure the state fulfills that promise.

Right now, thousands of children in North Carolina do not have access to the quality education which is their right. Low-wealth districts cannot afford the salaries necessary to keep qualified teachers. Urban areas don't have the funds to educate at-risk children and those for whom English is a second language.

NCCARE is made up of parents, educators and community leaders, and it has two primary goals.

1. To reform our current system of school finance to make sure every district has adequate and equitable funding.
2. To eliminate the achievement gap.

To achieve these goals, the members of **NCCARE** are working at the grassroots level, meeting with parents and leaders in low-income and urban communities, informing them about their children's rights and teaching them to be advocates. **NCCARE** intends to build a powerful movement in these communities which will be able to *demand* the legislators provide the leadership and funding necessary to turn the promises of *Leandro*

into reality.

We support House Bill 1745 which would do the following:

- Give low-wealth districts \$75 million over the next two years to enhance their instructional programs and student achievement.
- Put \$300 million into the Disadvantaged Student Supplemental Fund, which would go to school districts based on the number of disadvantaged students.
- Establish a commission to conduct a comprehensive study to determine the professional development, instructional strategies and financial resources needed to achieve the goal of a Sound Basic Education for all North Carolina children.

We hope we can count on your support as we work to educate our communities and advocate for our children.

The **NCCARE** Executive Board

Revondia Barrow (Beaufort County)

Elizabeth Brown (Orange County)

Margarita Machado-Casas (Durham County)

NCCARE asks you to join us in showing support for House Bill 1745.

On June 2, between the hours of 9:00 am and 3:00 pm, please contact your legislators by phone, e-mail or letter and tell them that you support House Bill 1745. To find out who your legislative representatives are go to:

http://www.ncleg.net/GIS/Representation/Who_Represents_Me/Who_Represents_Me.html

NCCARE asks you to join us in showing support for House Bill 1745.

On June 21, please join us for a support quality education rally at the legislative building. Mark the date on your calendar. Call the NCCARE hotline to request more information at 861-1450 in Raleigh or toll-free at 1-866-446-8398.

Joining NCCARE

If you are interested in becoming a part of NCCARE please call the telephone numbers listed above and leave your name and a contact telephone number. We will call you back and sign you up as a member!

EDITORIAL by Sheria Reid

Education is important. Three simple words that are not likely to be a source of disagreement in any group. Belief in the value of a quality education cuts across the barriers of culture, race, and ethnicity. The importance of providing quality education opportunities for all children is on the lips of everyone from parents to politicians.

In 1997, our state supreme court held that under our state constitution, every child in North Carolina is entitled to an equal opportunity to receive a sound basic education. However, in spite of the broad agreement as to the value of a quality education, there is broad disagreement on all the particulars of providing every child in North Carolina with a sound, basic education.

For more than ten years, the state courts have wrestled with the question of how much money it takes to give every child access to the sound basic education mandated by our state constitution. We continue to go round and round about whether more money is needed, or better spending habits would fix the problems of our education system. To stop this dizzying ride, we need to take a clear look at our system of school finance and ask, is our current method of funding public

education fair to each and every child in North Carolina? Does every child in North Carolina, regardless of where she lives, have an equal opportunity to receive a sound basic education?

We propose that the answer to both questions is no. For a detailed analysis of why we believe that our current state education funding formula is inadequate to provide all children with a sound basic education please see our report, *Common Ground*, available online at http://www.ncjustice.org/media/library/40_commongrd04.pdf.

We all agree as to the essential worth of education. It is time for our elected body, the General Assembly, to enact legislation to create the Sound Basic Education Commission. The task of that Commission? To determine how much it costs, in dollars and cents, to provide every child in North Carolina with a sound basic education. It is time to commit to providing sufficient funding to meet that cost. Beyond the constitutional mandate, basic fairness requires that all of our state's children have equal access to a sound basic education. The continued growth and development of North Carolina is only as good as the education that we provide for the children of this state.

The **North Carolina Justice Center** is a statewide, non-profit advocacy organization dedicated to securing legal, social and economic justice for persons living in poverty and disadvantaged communities. The Justice Center operates a number of special projects to further its mission and work including the North Carolina Education and Law Project (NCEDLAW). The mission of NCEDLAW is to improve educational opportunities and outcomes for poor and minority students through education policy research and analysis, litigation, and grassroots leadership development of parents and community leaders. Since its inception in 1996, NCEDLAW has conducted policy analysis on major education issues, developed a leadership development program for community-based parent leaders, pursued major education litigation related to school finance and testing and advocated for changes in state policy and law which promoted improved education opportunities and outcomes for vulnerable students.