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# Appendix C: Council for Better Education: Chronology of Events

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## COUNCIL FOR BETTER EDUCATION

### CHRONOLOGY OF EVENTS

<b>DATE</b>	<b>EVENT</b>
4/12/84	Guess invites selected superintendents to meet regarding Kentucky's school finance system.
5/4/84	28 school districts are represented. Presentations made to the group by Arnold Guess, James Melton, David Alexander, Richard Salmon and Alex Eversole. Each Superintendent agrees to ask their local Board of Ed. for \$.50 per child in ADA to cover the expenses of filing suit. Guess and Melton agree to handle communications for the Organization through the Kentucky School Boards Association. Council Bylaws were drafted.
5/14/84	Articles of Incorporation filed for The Council for Better Education by its officers. Frank Hatfield, President. Steve Towler, Vice President. Jack Moreland, Secretary/Treasurer.
5/25/84	Hatfield meets with Maloney.
5/30/84	Hatfield meets with Combs.
6/8/84	McDonald tells Louisville Times that she will sue if Council uses school funds. Senator Mike Maloney says suit will alienate legislators "who have been working to improve the situation."
6/11/84	Frank Hatfield meets with KEA President, Executive Secretary and Attorney.
6/17/84	Courier-Journal editorial congratulates Guess, Melton and Council efforts. The editorial supports the Council suit to answer the equity question "once and for all."
6/19/84	Council sends message to General Assembly membership assuring that the proposed suit intends no malice.
6/25/84	Hatfield, Eversole and Moreland invited by Sen. Allen to meet with the Interim Joint Committee on Education to discuss the proposed suit.

- 7/27/84 Council position paper drafted.  
The Council identifies parents willing to sue on behalf of their children.
- 8/8/84 Tony Collins meets with McDonald and indicates McDonald is willing to begin positive dialogue
- 9/4/84 Council steering Committee meets in Louisville.  
Presentations made by Combs, Alexander and Lavitt.  
Combs and Lavitt encourage suit and discuss the best jurisdiction.  
Steering Committee to begin interviewing legal firms to prepare case.  
The steering committee decided to continue to act for the Council until all districts desiring to join the Council had the opportunity. At that time a board of directors would be selected from the membership.
- 10/3/84 Guess and Steering Committee meet with Combs.  
Wyatt, Tarrant and Combs selected to represent Council along with Dr. Tom Lewis and Edward Prichard.
- 10/12/84 Kentucky Post Editorial calls for school funds to be distributed "so that all... children have an equal educational opportunity."
- 10/15/84 The Prichard Committee for Academic Excellence holds it's first state-wide Town Forum, broadcast on KET, and introduced by Governor Collins, Governor Cor Bob Sexton and Alice McDonald.
- 11/15/84 Combs meets with Superintendents.
- 12/3/84 Council for Better Education Steering Committee meets with Combs, Alexander and Lewis to review progress.  
25 previously uncommitted Superintendents declare they will seek permission from their boards to participate in the suit.  
Some legislators threaten not to vote any additional money to education if a suit is pending.
- 12/12/84 Hatfield requests Attorney General's opinion on the expenditure of school funds for the suit.
- 1/27/85 Steering Committee conducts discussion at KSBA in Louisville.
- 2/26/85 Combs and Guess meet with Attorney General Armstrong.
- 3/10/85 Ashland Daily Independent reports that the Council has commitments from 61 districts to join suit.  
KEA decides to take no position on the Council's proposed suit.
- 5/7/85 Kern Alexander and Ted Lavitt complete drafting of the complaint.

- 5/8/85 Council meets in Frankfort.  
Progress reports from Combs, Lewis, Alexander, and Lavittt.  
Bylaws were adopted.  
Eleven-member board of directors elected.  
Legal complaint being developed - considering state and federal jurisdictions.
- 5/14/85 Lavittt prepares Articles of Incorporation and Tax Exempt Status papers
- 5/24/85 Dayton Independent becomes the first school district to pay their dues and complete its membership in the Council for Better Education.
- 5/28/85 Alexander meets with potential plaintiffs in several southeastern counties.
- 5/30/85 Jackson Independent joins Council.  
Council Board of Directors meets in Lexington.  
Bylaws ratified and officers elected.
- 5/31/85 Barbourville and Fulton Independent join Council.
- 6/1/85 Lavittt amends minor error in Articles of Incorporation to change name from "Counsel" to "Council."
- 6/5/85 East Bernstadt, Pineville and Silver Grove Independents join the Council.
- 6/6/85 Eminence Independent joins Council.
- 6/17/85 Butler Co, Harlan, Berea, Pendleton Co, Russelville, Ludlow, Bell Co, Todd Co, Hickman Co, Monroe Co, Owen Co, Williamsburg, Hardin Co, Metcalfe Co, McCreary Co, Rowan Co, Grant Co, Bracken Co, Augusta, Middlesboro, Crittenden Co and Fleming Co join Council.
- 6/19/85 Scott Co and Bullitt Co join Council.  
Signed affidavits from plaintiff parents are sent to Dawahare.
- 6/20/85 Harrison Co joins Council.
- 6/21/85 Wayne Co, Warren Co and Dawson Springs Independent join Council.
- 6/25/85 Trimble Co joins Council.
- 6/25/85 Jenkins Independent and Breathitt Co join Council.
- 7/1/85 Fulton Co joins Council.
- 7/2/85 Attorney General opines in OAG 85-100 "...that a local board of education may expend school funds to support litigation efforts relating**

**to the equity of distribution of financial resources..."**

- 7/8/85 Special Session of the legislature begins.  
Spencer Co joins Council.
- 7/11/85 Anderson Co joins Council.  
Warren Co. withdraws from Council, under pressure, asks for (but does not receive) refund of dues. Gover resigns board of directors.
- 7/15/85 McClean Co joins Council.
- 7/24/85 Boyd Co, Elliott Co, Lee Co, Logan Co and Mason Co join Council.
- 7/30/85 Greenup Co joins Council.
- 8/12/85 Council board of directors meets in Lexington.  
Discussion of Governor's Education Improvement Program takes place.
- 8/23/85 Lawrence Co joins Council.
- 8/28/85 Lavitt urges Hatfield to ignore legislative promises of \$60 million in power equalization and file the suit.
- 9/5/85 Moreland reports that the suit is ready for filing.
- 9/16/85 Ballard Co joins Council.  
Council membership is surveyed for a decision whether to file suit immediately or wait for the 1986 Regular Session.
- 10/17/85 Courier-Journal quotes Joe Clarke saying "it's unlikely that the legislature will increase money for power equalization." Over 1984-85, \$39 million were allocated.
- 10/21/85 Letcher Co joins Council.
- 11/4/85 Wolfe Co joins Council.
- 11/8/85 Board of Directors meets to discuss weak response to the member survey re: whether to proceed with suit, or wait. Survey says wait. Board votes to proceed.
- 11/19/85 Council issues two statements of purpose.
- 11/20/85 Council for Better Education, et al. v. Martha Layne Collins, Governor, et al.; Civil Action No. 85-CI-1759 is filed in Franklin Circuit Court and assigned to Judge Ray Corns.**

- 11/22/85 Courier-Journal editorial supports the filing of the suit.
- 11/26/85 Rockcastle Co letter indicated their inability to pay their dues. Their offer to resign is rejected by the Council.
- 12/3/85 Monticello Independent and Allen Co join Council.
- 12/6/85 Clay Co joins Council.
- 12/17/85 Covington Independent and Edmonson Co join Council.
- 1/2/86 Hart Co and Leslie Co join Council.
- 1/17/86 SB 102, reported out of the Senate, would disallow the expenditure of local, state or federal funds to support litigation that would challenge the allocation of those funds.
- 1/17/86 A State Journal opinion supports the Council suit as a means to settle the equity issue.
- 1/27/86 Moreland memo urges superintendents to testify against Senate Bill 102.
- 1/30/86 Kentucky Department of Education Attorney, Gary Bale, files answer to the Complaint from Alice McDonald.
- 2/19/86 Council Executive Directors Meet in Lexington.  
Lavitt and Dawahare report that the suit has been filed in Franklin Co and Judge Ray Corns was assigned to the case.  
Combs reports that SB 102 was in committee and stressed the importance of keeping it there.  
Salmon replaces Alexander as consultant at the rate of \$250 per day.  
\$17,023.77 reported on hand.
- 2/26/86 Letter from Lavitt to Roger Noe requests that SB 102 should be prevented from coming out of committee.
- 3/12/86 Towler resigns Vice Chairmanship of Council under political pressure.
- 4/18/86 Combs letter to Corns requesting Pretrial Conference to settle issues related to whether the plaintiffs have standing to maintain the action.  
Scent files Requests for Admissions to certain facts for the defense.
- 6/2/86 Corns rules, in Pre-Trial Conference, that the 13 members of the Kentucky Board of Education were indispensable parties in the suit, but not all 138 members of the General Assembly. Plaintiffs were given until**

- June 12, 1986 to file an amended complaint naming the state board.**
- 6/27/86 Defendant's motion for summary judgment is overruled by Corns.
- 9/26/86 Guess meets with Salmon, Alexander and Dawahare to plan for depositions.
- 12/2/86 Hatfield presents a suggested list of Superintendents to testify for the Council to Combs.  
Hatfield recommends using the new legislation on deficient school districts and Management Assistance Program as supportive of the arguments for equity.
- 4/4/87 Corns receives depositions in Council v. Collins.
- 5/25/87 Salmon deposition taken.
- 5/26/87 Superintendents from Wolfe Co, Jenkins and Ft. Thomas agree to provide exhi for the court
- 6/10/87 Hatfield deposition taken.
- 6/30/87 Hatfield resigns Superintendency and Council chairmanship.
- 7/30/87 Council meets in Louisville.  
Lavitt presents update on the lawsuit.  
Moreland elected President  
Binion elected Vice President, Martin Carr elected Secretary/Treasurer.
- 8/4/87 Trial Begins**
- 9/22/87 Alexander, Guess and Brock testimony presented.
- 3/9/88 Dawahare files Plaintiff's Reply Brief.
- 3/28/88 Council enters Motion to Substitute.  
Wilkinson for Collins, Governor.  
Brock for McDonald, Superintendent of Public Instruction.  
Meade for Mills, State Treasurer.  
Rose for Prather, President Pro Temp of the Senate.  
Clay Parks for James Ratliff, Chairman, Kentucky Board of Education.  
Lila Bellando for Ann Bardwell, Vice chair. Kentucky Board of Education.  
New Members of the Kentucky Board of Education- Patti Acquisto, James Figley, Jane Joplin-Evans, Francis Hamilton, Keneth James, James Ratcliffe and Gary Cox.  
Corns postpones oral arguments from April 5 until April 18 to provide new defendants preparation time.

- 4/18/88**    **Corns hears final oral arguments, nearly twenty-nine months after the filing of the suit.**  
Prichard Committee files Amicus curiae brief.  
Department of Education now under the leadership of John Brock withdraws their defense in support of the plaintiffs.  
Defense attorney William Scent argues that the legislature has done much to attack the inequities, problem lies with poor tax collection and mismanagement.
- 5/31/88**    **Corn's Decision declares Kentucky system of school finance unconstitutional. Findings of Fact, Conclusions of Law and Findings.**  
Corns names Select Committee.  
Kern Alexander named Chair.  
Members include John Brock, James Melton, Larry Forgy and Sylvia Watson.
- 6/16/88    Alexander announces Select Committee Public Hearings.
- 7/5/88    Select Committee begins Hearings in Covington.
- 7/6/88    Council meets in Lexington.  
Moreland read testimony that was presented to the Select Committee the day before.  
Moreland announced the likelihood that all 66 districts would be audited by Bob Babbage's office.  
Alexander reported on the case and support from Wallace Wilkinson.  
Combs suggested that the Council support Wilkinson's *benchmark school* concept as an act of "good faith" in return for his support of the suit. Council approved a motion to that effect.  
Moreland to poll other districts to assess the desire to join since the suit.  
Committee named to draft funding plan for Corns, includes Alex Eversole, Jim Young, Steve Towler and Gene Binion.  
New members of Council executive committee were named to replace retired members including Dennis Lacy, Towler, Charles Brown, Clarence Bates, Alex Eversole, John Ray, Earl Reed, Ken Bland, Jim Young and Jack Herlihy.  
New Officers elected - Moreland, Pres.; Binion, VP; Herlihy, Sec/Treas.  
Select Committee Hearing in Frankfort.
- 7/11/88    Select Committee Hearing in London.
- 7/12/88    Select Committee Hearing in Madisonville.
- 7/13/88    Select Committee Hearing in Louisville.
- 8/8/88    Interim Joint Committee Public Hearing in Somerset.



- 8/17/88 Council meets In Lexington.  
Balance in treasury = \$18,270.  
Towler reports that Governor and Superintendent of Public Instruction decided not to appeal Corns decision.  
Rose and Blandford to appeal.  
Council members plan to attend each of the regional Interim Joint Committee hearings.  
Moreland reports 31 more districts potentially interested in joining Council.  
Council sends info to districts with a Nov 1, 1988 deadline.  
Secretary Jack Foster addresses group on the Governor's program.  
Council approves funding proposal for presentation to Corns.
- 9/14/88 Lewis Co and Bath Co join Council.
- 9/15/88 Interim Joint Committee Public Hearing in Winchester and Salyersville.
- 9/16/88 Interim Joint Committee Public Hearing in Hindman.
- 9/20/88 Report of Select Committee submitted to Judge Ray Corns. Final order issued.
- 10/3/88 Robertson Co, Morgan Co and Laurel Co join Council.
- 10/14/88 Moreland called to Frankfort to secure reinstatement of Domestic Corporation Charter for the Council for Better Education.
- 10/14/88 Corns issued Supplemental Findings – Final Judgment.**
- 10/19/88 Frankfort Independent joins Council.
- 10/20/88 Interim Joint Committee Public Hearing in Henderson Co. and Mayfield.
- 10/21/88 Russell Co joins Council.  
Interim Joint Committee Public Hearing in Russelville.
- 10/24/88 Lyon Co joins Council.
- 10/25/88 Bellevue Independent joins Council.
- 11/17/88 Interim Joint Committee Public Hearing in Mt. Vernon and Columbia.
- 11/18/88 Interim Joint Committee Public Hearing in Elizabethtown and Anchorage.
- Winter, 1988 Larry Forgy, a member of Corns' Committee, addresses the Kentucky Association of School Superintendents on Court's Decision. Calls for unified support of the ruling on political and legal grounds.

- 12/7/88 Oral Arguments taken before the Kentucky Supreme Court.**
- 6/8/89 Kentucky Supreme Court Rules in favor of the Council for Better Education affirming and expanding Judge Corn's decision.**  
Wilkinson holds press conference to pledge that he will comply with the court order.
- 7/17/89 Interim Joint Committee on Education completes its report.
- 9/20/89 Council meets in Frankfort.  
Aspects of Supreme Court ruling presented by Combs, Forgy, Alexander, Melt Hatfield and Eversole.  
Total cost of the suit to date = \$82,062.99.  
\$4,500 left on hand after expenses.  
Alexander employed to work with committee to draft a position paper.
- 12/7/89 Courier-Journal reports Council's dissatisfaction with the direction taken by the various task forces and their lack of focus on the equity question.
- 12/13/89 New Position paper distributed to all school superintendents.
- 12/15/89 Council meets in Frankfort.  
Clarification of Judicial guidelines prepared by Alexander is endorsed and sent to the press, the General Assembly and Task Force.  
New assessment of \$.25 per child in ADA is made.
- 1/4/90 Rep. John Harper et al. submits HJR 25, which would refund Council expenses each member district.
- 1/10/90 Oldham Co, Floyd Co, Cumberland Co, Williamstown Independent, Science Hill Independent, Washington Co and Maysville Independent join Council.
- 1/16/90 Carroll Co, Corbin Independent and Boyle Co join Council.
- 1/17/90 Ft. Thomas Independent joins Council.
- 1/18/90 Lincoln Co, Webster Co and Menifee Co join Council.
- 1/19/90 Somerset Independent, Trimble Co and Henry Co join Council.
- 1/22/90 Letter to Moreland from Smitty Taylor Indicated Task Force will not forget the equity concerns raised in the Supreme Court Decision.  
Southgate Independent and Fulton Co join Council.

- 1/24/90 Combs addresses the Subcommittee on Elementary, Secondary Education in Washington in support of the Hawkins "Fair Chance Act."  
Trigg Co joins Council.
- 1/25/90 Jessamine Co and Johnson Co join Council.
- 1/26/90 Letter from David McAnelly (Governor's Chief of Staff) says Task Force has not deviated from equity or adequacy principles.  
Harlan Co joins Council.
- 2/7/90 Letter from Foster says Governor's Budget will address equity and adequacy.  
2/8/90 Raceland Independent and Rockcastle Co join Council.
- 2/9/90 Magoffin Co joins Council.
- 2/12/90 Union Co joins Council.
- 2/15/90 Garrard Co joins Council.
- 2/16/90 Knox Co joins Council.
- 2/22/90 Campbell Co, Nelson Co, Fairview Independent and Harrodsburg Independent join Council.
- 2/27/90 Simpson Co and Beechwood Independent join Council.
- 3/26/90 Clinton Co joins Council.
- 4/11/90 Governor Wilkinson signs Education Reform Act.**