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# Appendix I: Cases related to School Finance and Equity

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<b>Table of Cases</b>			
Case	Citation	State	Year
<i>Plessy v. Ferguson</i> <sup>1</sup>	163 U.S. 537, 163 U.S. 537	Louisiana	1896
<i>Cummings v Board of Education</i> <sup>2</sup>	175 U. S. 528	Georgia	1899
<i>Berea College v. Commonwealth of Kentucky</i> <sup>3</sup>	211 U. S. 45	Kentucky	1908
<b><i>Brown v. Board of Education (Brown I)</i></b> <sup>4</sup>	347 U.S. 483 (Brown I)	Virginia	1954
<i>Brown v. Board of Education (Brown II)</i> <sup>5</sup>	349 U.S. 294	Virginia	1955
<b><i>Green v. County School Board</i></b> <sup>6</sup>	391 U. S. 430	Virginia	1968
<b>First Wave Cases</b>			
<i>McInnis v. Shapiro</i> <sup>7</sup>	293 F. Supp. 327	Illinois	1968
<i>Burrus v. Wilkerson</i> <sup>8</sup>	310 F. Supp 572 aff'd per curium, 397 U S 44, (1970)	Virginia	1969
<i>Serrano v. Priest (Serrano I)</i> <sup>9</sup>	5 Cal. 3d 584, 487 P.2d 1241	California	1971
<i>Van Dusartz v. Hatfield</i>	334 F. Supp. 870	Minnesota	1971
<i>Yoder v. Wisconsin</i> <sup>10</sup>	406 U. S. 205	Wisconsin	1972

<sup>1</sup> The Supreme Court ruled that distinctions based on race violated neither the Thirteenth nor Fourteenth Amendment, two of the Civil War amendments passed to abolish slavery and secure the legal rights of the former slaves. Although the phrase "separate but equal" cannot be found in the court's ruling, its effect was to legally enforce segregation.

<sup>2</sup> The Augusta Board of Education wanted to provide a high school for whites but no school for blacks. The Supreme Court refused to intervene.

<sup>3</sup> Berea College was admitting black and white students in violation of the Day Law. The U. S. Supreme Court upheld Kentucky's action.

<sup>4</sup> The U. S. Supreme Court declared that constitutional and statutory provisions requiring racial segregation in schools were unconstitutional.

<sup>5</sup> The U. S. Supreme Court ordered school boards operating dual school systems, part "white" and part "Negro," to "effectuate a transition to a racially nondiscriminatory school system.

<sup>6</sup> Despite the ruling in *Brown v. Board of Education* in 1954, miniscule progress was being made toward integration, particularly in the south. The U. S. Supreme Court in *Green* ordered that desegregation plans had to have the promise "realistically to work now." This combined with the 1964 Civil Rights Act made the loss of federal funds a credible threat and desegregation plans began to be implemented on a large scale. In the 1963-64 school year barely 1% of black children attended school with white children. By 1972 that percentage had grown to better than 75%.

<sup>7</sup> In *McInnis*, the first fiscal equalization case to make it all the way to the U S Supreme Court, plaintiffs argued funds should be distributed based on educational needs. But they were unable to help the court devise "discoverable and manageable standards" by which the court could determine when the Constitution is satisfied and when it is violated. This foreshadows the Supreme Court's difficulty in *Rodriguez* later.

<sup>8</sup> Plaintiffs claimed that Virginia's system of school finance violated the 14<sup>th</sup> amendment of the U S constitution. The federal district court found no means to "tailor the public moneys to fit the varying needs of these students throughout the state."

<sup>9</sup> *Serrano* was the first major school case to be filed in a state rather than federal court. It was also the first time a state system of school finance was found to be unconstitutional. The state court found that the state system of funding violated the federal equal protection clauses of both the state and federal constitutions. Compulsory attendance was used as partial rationale supporting education as a fundamental right. The court's finding was ruled invalid by *Rodriguez*.

Case	Citation	State	Year
<i>Blasé v. State</i>	55 Ill. 2d 94, 302 N.E. 2d 46	Illinois	1973
<i>Keyes v. School district No. 1</i> <sup>11</sup>	413 U. S. 189	Colorado	1973
<i>Milliken v. Green</i>	390 Mich. 389, 212 N. W. 2d 711	Michigan	1973
<i>San Antonio Independent School district v. Rodriquez</i> <sup>12</sup>	411 U. S. 1	Texas	1973
<b>Second Wave Cases</b>			
<i>Robinson v. Cahill (Robinson I)</i> <sup>13</sup>	62 N. J. 473, 303 A.2d 273	New Jersey	1973
<i>Shofstall v. Hollins</i>	110 Ariz. 88, 515 P.2d 590	Arizona	1973
<i>Northshore School district No. 417 v. Kinnear</i>	84 Wash. 2d 685, 530 P. 2d 178	Washington	1974
<i>State ex. rel. Woodahl v. Straub</i> <sup>14</sup>	161 Mont. 141, 520 P.2d 776	Montana	1974
<i>Hootch v. Alaska State Operated School System</i>	536 P.2d 793	Alaska	1975
<i>Thompson v. Engelking</i>	96 Idaho 793, 537 P.2d 635	Idaho	1975
<i>Buse v. Smith</i> <sup>15</sup>	74 Wis. 2d 550, 247 N. W. 2d 141	Wisconsin	1976
<i>Knowles v. State Board of Education</i>	219 Kan. 271, 547 P.2d 699	Kansas	1976
<i>Olsen v. State ex. rel. Johnson</i>	276 Ore. 9, 554 P. 2d 139	Oregon	1976
<i>Serrano v. Priest (Serrano II)</i> <sup>16</sup>	18 Cal. 3d 728, 557 P.2d 929	California	1976
<i>Clowes v. Serrano (Serrano II)</i>	432 U.S. 907	California	1977
<i>Horton v. Meskill (Horton I)</i> <sup>17</sup>	172 Conn. 615, 376 A.2d 359	Connecticut	1977
<i>Milliken v. Bradley</i> <sup>18</sup>	433 U.S. 267, 287	Michigan	1977
<i>Seattle School District No. 1 v. State of Washington</i> <sup>19</sup>	90 Wash. 2d 476, 585 P.2d 71	Washington	1978

<sup>10</sup> The U.S. Supreme Court analyzed in detail the purposes of compulsory education. The court accepted a two-fold justification, i.e. “to participate effectively and intelligently in our open political system,” and the preparation “to be self-reliant and self-sufficient participants in society.”

<sup>11</sup> The U. S. Supreme Court ruled that the mandate in *Brown* did not require desegregation of school systems where the segregation was de facto due to housing patterns rather than intentional state actions.

<sup>12</sup> The U. S. Supreme Court effectively precluded plaintiffs from using the equal protection clause of the U. S. Constitution finding that education was not a fundamental right. The court also noted that the equal protection clause applies to individuals, not governmental entities.

<sup>13</sup> The state court ruled the school funding system unconstitutional based on the education clause in the state constitution.

<sup>14</sup> The court found that a modest equalization scheme was constitutional.

<sup>15</sup> The court declared unconstitutional a highly progressive funding mechanism that re-distributed tax revenues across districts.

<sup>16</sup> California Supreme Court determined that education was a fundamental right protected by the state constitution.

<sup>17</sup> The Connecticut Supreme Court determined that the “degree of support given to education by the legislature” contributed to a ruling that education was a fundamental right.

<sup>18</sup> The U. S. Supreme Court held that predominantly white suburbs would not be required to participate in metropolitan area desegregation schemes absent evidence of past of past discrimination against minority students.

<sup>19</sup> The state court ruled the school funding system unconstitutional based on the education clause in the state constitution.

Case	Citation	State	Year
<i>Board of Education v. Walter</i>	58 Ohio St. 2d 368, 390 N. E. 2d 813	Ohio	1979
<i>Danson v. Casey</i>	484 Pa. 415, 399 A.2d 360	Pennsylvania	1979
<i>Pauley v. Bailey</i> <sup>20</sup>	255 S. E. 2d 859	West Virginia	1979
<i>Pauley v. Kelly</i>	162 W. Va. 672, 225 S. E. 2d 859	West Virginia	1979
<i>Washakie County School district No. 1 v. Herschler</i> <sup>21</sup>	606 P.2d 310	Wyoming	1980
<i>Board of Education Levittown Union Free School District v. Nyquist</i>	57 N. Y. 2d 127, 439 N.E. 2d 359	New York	1982
<i>Lujan v. Colorado State Board of Education</i>	649 P.2d 1005	Colorado	1982
<i>McDaniel v. Thomas</i>	248 Ga. 632, 285 S. E. 2d 156	Georgia	1982
<i>Dupree V. Alma School District No. 30 of Crawford County</i> <sup>22</sup>	279 Ark 340, 651 S. W. 2d 90	Arkansas	1983
<i>Hornbeck v. Somerset County Board of Education</i>	295 Md. 597, 458 A.2d 758	Maryland	1983
<i>East Jackson Public Schools v. State of Michigan</i>	133 Mich. App. 132, 348 N.W.2d 303	Michigan	1984
<i>Abbott v. Burke (Abbott I)</i>	100 N. J. 269, 495 A.2d 376	New Jersey	1985
<i>Horton v. Meskill (Horton III)</i> <sup>23</sup>	195 Conn. 24, 486 A.2d 1099	Connecticut	1985
<i>Britt v. North Carolina State Board of Education</i>	86 N. C. App 282, 357 S. E. 2d 432 aff'd mem. 320 N. C. 790, 361 S. E. 2d 71	North Carolina	1987
<i>Fair School Finance Council of Oklahoma, Inc. v. State</i> <sup>24</sup>	746 P.2d 1135	Oklahoma	1987
<i>Richland County v. Campbell</i>	294 S. C. 346 S. E. 2d.470	South Carolina	1988
<i>State ex rel. Boards of Education v. Chafin</i>	376 S.E.2d 113	West Virginia	1988
<b>Third Wave Cases</b>			
<i>Rose v. Council for Better Education</i> <sup>25</sup>	<b>790 S. W. 2d 186</b>	<b>Kentucky</b>	<b>1989</b>
<i>Edgewood Independent School District v. Kirby (Edgewood I)</i> <sup>26</sup>	777 S. W. 2d 391, 33 Tex. Sup. J. 12.	Texas	1989
<i>Helena Elementary School District No. One v. State of Montana</i> <sup>27</sup>	236 Mont. 44, 769 P.2d 684	Montana	1989

<sup>20</sup> The West Virginia court relied on the “explicitly or implicitly guaranteed” test of *Rodriquez* in finding that the state constitution’s clause calling for a “thorough and efficient system of free schools” was sufficient to find that education is a fundamental right.

<sup>21</sup> The Wyoming court determined that the emphasis placed on education in the state constitution led to the determination that education was a fundamental right.

<sup>22</sup> The rational basis test was used by the Arkansas court to overturn the school funding scheme.

<sup>23</sup> The Connecticut Supreme Court determined that education was a fundamental right protected by the state constitution. But *Horton III* imposed a more demanding burden of proof for plaintiffs claim concerning the adequacy of reform.

<sup>24</sup> Oklahoma’s education clause requires “a basic, adequate education.”

<sup>25</sup> The Kentucky Supreme Court ruled the entire school system unconstitutional based on the education clause in Section 183 of the state constitution.

<sup>26</sup> The state court ruled the school funding system unconstitutional based on the education clause in the state constitution. The Texas accountability system, which was standards-based was found to meet constitutional adequacy requirements.

<sup>27</sup> The Montana court ruled the school funding system unconstitutional based on the education clause in the state constitution.

Case	Citation	State	Year
<i>Kukor v. Grover</i> <sup>28</sup>	148 Wis. 2d 469, 436 N. W. 2d 568	Wisconsin	1989
<i>Abbott v. Burke (Abbott II)</i> <sup>29</sup>	119 N. J. 287, 575 A.2d 359	New Jersey	1990
<i>Board of Education of Oklahoma City v. Dowell</i>	498 U. S. 237	Oklahoma	1991
<i>Coalition for Equitable School Funding, Inc v. State</i>	311 Or. 300, 811 P.2d 116	Oregon	1991
<i>Mock v. Kansas</i>	No. 91-CV-1009	Kansas	1991
<i>Freeman v. Pitts</i>	503 U. S. 467	Georgia	1992
<i>Claremont School District v. Governor</i> <sup>30</sup>	138 N. H. 183, 635 A.2d 1375	New Hampshire	1993
<i>Gould v. Orr</i>	224 Neb. 163, 506 N. W. 2d 349	Nebraska	1993
<i>Harper v. Hunt</i> <sup>31</sup>	624 So.2d 107	Alabama	1993
<i>Idaho Schools for Equal Educational Opportunity v. Evans</i>	850 P.2d 724	Idaho	1993
<i>McDuffy v. Secretary of the Executive Office of Education</i> <sup>32</sup>	415 Mass 545, 615 N. E. 2d 516	Massachusetts	1993
<i>Skeen v. State</i> <sup>33</sup>	505 N. W. 2d 299	Minnesota	1993
<i>Tennessee Small School Systems v. McWherter</i> <sup>34</sup>	S. C. No. 01-S01-9209-CH-00101	South Carolina	1993
<i>Abbott v. Burke (Abbott III)</i>	136 N. J. 444, 643 A.2d 575	New Jersey	1994
<i>Bismark Public School District #1 v. State</i>	511 N. W. 2d 24	North Dakota	1994
<i>Committee for Educational Equality v. State of Missouri</i>	878 S.W.2d 446	Missouri	1994
<i>Roosevelt Elementary School District No. 66 v. Bishop</i> <sup>35</sup>	179 Ariz. 233, P.2d 806	Arizona	1994

<sup>28</sup> In denying the appellants relief the court indicated that the result might have been otherwise if they had raised educational adequacy rather than equity claims. Appellants failed to assert that their districts were unable to meet the legislative standards. The court upheld a moderately egalitarian funding mechanism that plaintiffs felt did not provide sufficient revenues for inner-city districts.

<sup>29</sup> The state court ruled the school funding system unconstitutional based on the education clause in the state constitution.

<sup>30</sup> The court adopted the adequacy definition from *Rose* pointing to the seven specific criteria articulated by the Kentucky court as guidelines to legislators. The court ruled both an adequate education and adequate funding a constitutional right in New Hampshire.

<sup>31</sup> An Alabama Circuit Court found the entire school system to be unconstitutional because it was inadequate and inequitable. The state decided not to appeal.

<sup>32</sup> The Massachusetts court ruled the school funding system unconstitutional based on the education clause in the state constitution. It creates the legislative duty to “cherish...public schools” which has been interpreted to mandate “an adequate education.” The court adopted the definition of adequacy from *Rose*.

<sup>33</sup> In denying the plaintiffs relief the court indicated that the result might have been otherwise if they had raised educational adequacy rather than equity claims.

<sup>34</sup> The Tennessee court ruled the school funding system unconstitutional based on the education clause in the state constitution. Tennessee’s constitution requires a system that “generally prepare[s] students intellectually for a mature life.”

<sup>35</sup> The Arizona court ruled the school funding system unconstitutional based on the education clause in the state constitution. The *Bishop* decision concerned only the funding of school facilities.

<b>Case</b>	<b>Citation</b>	<b>State</b>	<b>Year</b>
<i>Scott v. Commonwealth</i> <sup>36</sup>	443 S.E.2d 138	Virginia	1994
<i>Unified School District No. 229 v. State</i> <sup>37</sup>	256 Kan. 233	Kansas	1994
<i>Campbell County School District v. State</i> <sup>38</sup>	907 P.2d 1238	Wyoming	1995
<i>City of Pawtucket v. Sundlun</i>	662 A.2d 40	Rhode Island	1995
<i>Reform Education Financing Inequities Today (R.E.F.I.T) v. Cuomo</i>	86 N.Y.2d 279, 631 N.Y.S.2d 551	New York	1995
<i>School Administrative District No. 1 v. Commissioner</i> <sup>39</sup>	659 A. 2d 854	Maine	1995
<i>Coalition for Adequacy and Fairness in School Funding v. Chiles</i>	680 So. 2d 400	Florida	1996
<i>Committee for Educational Rights v. Edgar</i>	174 Ill. 2d 1, 672 N.E. 2d 1178	Illinois	1996
<i>Sheff v. Oneill</i>	238 Conn. 1, 678 A.2d 1267	Connecticut	1996
<i>Tucker v. Lake View School District No. 25</i>	323 Ark. 693, 917 S.W.2d 530	Arkansas	1996
<i>Abbott v. Burke (Abbott IV)</i> <sup>40</sup>	149 N. J. 145, 693 A.2d 417	New Jersey	1997
<i>Brigham v. State</i> <sup>41</sup>	166 Vt. 246, 692 A. 2d 384	Vermont	1997
<i>DeRolph v. State</i> <sup>42</sup>	Docket No. 95-2066, Ohio LEXIS 687	Ohio	1997
<i>Hull v. Albrecht</i> <sup>43</sup>	190 Ariz. 520, 950 P.2d 1141	Arizona	1997
<i>Leandro v. State of North Carolina</i> <sup>44</sup>	346 N.C. 336, 488 S.E.2d 249	North Carolina	1997
<i>Matanuska-Susitna Borough School District v. Alaska</i>	931 P.2d 391	Alaska	1997

<sup>36</sup> In denying the plaintiffs relief the court indicated that the result might have been otherwise if they had raised educational adequacy rather than equity claims. Manner of funding was not shown to prevent schools from meeting standards.

<sup>37</sup> The statement of goals from *Rose* has provided an operational definition of adequacy for this case. The court ruled that a redistributive scheme that established by the state legislature was constitutional. The suit was brought by school districts that had lost funding under the plan.

<sup>38</sup> The Wyoming Supreme Court provided substantive instructions to the legislature on how it should define specific elements of an adequate education including small class size, low student/teacher ratios, student/computer ratios, curriculum and student skills acquisition.

<sup>39</sup> In denying the plaintiffs relief the court indicated that the result might have been otherwise if they had raised educational adequacy rather than equity claims. Funding disparities were not shown to result in inadequate education.

<sup>40</sup> The New Jersey Supreme Court upheld a system of content standards consistent with “a standards-based approach to the improvement of public education.” The standards provide achievement goals applicable to all students in seven core academic areas.

<sup>41</sup> The Vermont court ruled the school funding system unconstitutional based on the education clause in the state constitution. Vermont’s constitution sought to foster “republican values or public ‘virtue.’”

<sup>42</sup> The Ohio Supreme Court declared in broad terms that children must be “educated adequately so that they are able to participate fully in society.” The court issued guidelines calling for the eliminating emphasis on the local property tax, and ensuring that the system include an appropriate “student teacher ratio, ...sufficient computers...facilities in good repair and the supplies, materials and funds necessary to maintain these facilities in a safe manner.”

<sup>43</sup> At issues were capital facilities disparities. The Arizona Supreme Court enunciated guidelines for a new funding system that must bring existing facilities up to an adequate standard, construct new facilities and maintain all facilities at an adequate level.

<sup>44</sup> The statement of goals from *Rose* has provided an operational definition of adequacy for this case.

<i>Abbott v. Burke (Abbott V)</i>	153 N. J. 480, 710 A.2d 450	New Jersey	1998
<i>Hull v Albrecht</i>	192 Ariz. 34, 960 P.2d 634	Arizona	1998
<i>Idaho Schools for Equal Educational Opportunity</i>	976 P.2d 913	Idaho	1998
<b>Case</b>	<b>Citation</b>	<b>State</b>	<b>Year</b>
<i>Marrero v. Commonwealth</i>	709 A.2d 956 (Commonwealth Court)	Pennsylvania	1998
<i>Pennsylvania Association of Rural And Small Schools v. Commonwealth</i>	Docket No. 11 M.D.1991 (Commonwealth Court)	Pennsylvania	1998
<i>Abbeville Co. School District v. State of South Carolina</i> <sup>45</sup>	335 S. C. 58, 515 S. E. 2d535 [SC 1999]	South Carolina	1999
<i>Hoke County Board of Education v. State</i> <sup>46</sup>	95 C. V. S. 1158, 2000 WL 1639686, slip op. at 30	North Carolina	2000
<i>Lake View School district No. 25 v. Huckabee</i> <sup>47</sup>	10 S. W. 3d 892	Arkansas	2000
<i>Vincent v. Voight</i>	614 N. W. 2d 388	Wisconsin	2000
<i>Campaign for Fiscal Equity v. State of New York</i> <sup>48</sup>	187 Misc. 2d 1; 719 N. Y. S. 2d 475	New York	2001

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<sup>45</sup> The South Carolina Supreme Court ruled the school funding system unconstitutional based on the education clause, which requires "a minimally adequate education." The statement of goals from Rose has provided an operational definition of adequacy for this case.

<sup>46</sup> This case is a follow up to Leandro. The North Carolina Supreme Court defined the constitutional concept of a sound basic education and remanded the case for trial to determine if that standard was being met.

<sup>47</sup> The trial court adopted the definition of adequacy from *Rose*.

<sup>48</sup> New York's education clause required "a sound basic education." The court on its own issued a "template" definition that included both substantive educational goals and specific resource essentials.