

## **Schools, PTA Sue California Over Education Funding**

By Sharon Noguchi  
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In a case that could radically change how and how much California pays for public schools, a coalition including students, school officials and the state PTA filed suit Thursday to force increased education funding.

The suit, which asks the courts to scrap the financing system and direct the governor and Legislature to create one that is "sound, stable and sufficient," contends that Sacramento's complicated way of funding public education violates the state constitution. The suit could prove to be California's most far-reaching school litigation in decades.

"Schools have been cut to the bone for the last two years. These cuts are just the tip of the iceberg," said Frank Pugh, president of the California School Boards Association, one of the plaintiffs.

The state is expected to fight the suit, which is unlikely to affect 2010-11 school budgets. Gov. Arnold Schwarzenegger has recommended cutting them by about \$200 to \$250 per student; more reductions are predicted for the following year.

For most of California's roughly 1,000 school districts, the state budget crisis has caused per-student funding to fall for two years. But the complaint reaches beyond current cutbacks. For decades, California schools have budgeted according to a complicated funding mechanism determined by multiple laws and court rulings and resulting in unpredictable and different per-student amounts for each district. For example, in 2008-09, Evergreen Elementary School District in San Jose received \$7,787 per student, but Palo Alto Unified received \$14,214.

The suit contends that the state has neglected to do what the constitution requires: prioritize school funding.

In a news conference Thursday morning, speakers representing the dozens of plaintiffs expressed exasperation with the state and called the suit a last resort. They noted that California set some of the highest standards in the nation, yet ranks nearly last among states in per-pupil funding and in ratios of students to teachers, counselors and nurses.

As a result, they point out, California students perform poorly compared with those in other states.

"The time for patience has passed. We cannot wait to fix our school finance system any more than children can postpone their childhood," said Jo A.S. Loss, president of the California State PTA.

The governor's office issued a terse reply. "The governor will oppose this lawsuit and believes the state will prevail," Education Secretary Bonnie Reiss said in a statement. "The funding of public education in California has long been and continues to be a top priority of California, even in bad economic and budget times."

Similar suits have been filed in other states, with varying results. In New Jersey, where litigation began in 1970, additional money did improve targeted schools, said Abe Hajela, one of the California plaintiffs' attorneys.

Erik Hanushek, a senior fellow at Stanford University's Hoover Institution, disputed that. Lawsuits over state funding haven't improved student achievement, he said. "I do not think this is going to be very helpful," he said. "There's no way to determine how much money is needed to achieve the standards if you don't think about changing how we organize and run schools."

A state-commissioned study three years ago concluded that California schools needed at least \$10 billion more, but emphasized that money alone could not solve fundamental problems — such as effective teachers in all classrooms, more local decision-making and a data system to evaluate what's working.

Ever since Proposition 13 three decades ago largely transferred school funding from local to state officials, Californians have tried to ensure adequate financing for education. Voters created the state Lottery to provide a small stream of money dedicated to schools. In 1988, they passed Proposition 98 to ensure a minimum amount schools receive.

But that funding is not adequate, and in difficult economic times, Sacramento has both suspended and manipulated Proposition 98, plaintiffs said.

The case, known as Robles-Wong, et al. v. State of California — named for the 16-year-old lead plaintiff, a junior at Alameda High School — was filed in Alameda County Superior Court on behalf of all state public schools and students. The plaintiffs include the California School Boards Association, the Association of California School Administrators, the California State PTA, nine school districts and 60 students and parents. No Santa Clara County districts are part of the lawsuit.

Also on Thursday, several community groups threatened to sue the state over the adequacy and equity of education funding. They demanded that the governor and Legislature "aggressively change the system" for funding within two weeks, or they would file suit, said attorney John Affeldt of the public-interest firm Public Advocates. The firm was involved in a successful lawsuit over the adequacy of textbooks and other school supplies.