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Historic Lawsuit Challenges California's Unconstitutional Education Finance System

A historic lawsuit was filed today against the State of California requesting that the current education finance system be declared unconstitutional and that the state be required to establish a school finance system that provides all students an equal opportunity to meet the academic goals set by the State.

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The case, *Robles-Wong, et al. v. State of California*, was filed in the Superior Court of California in Alameda County. Specifically, the suit asks the court to compel the State to align its school finance system—its funding policies and mechanisms—with the educational program that the State has put in place. To do this, plaintiffs allege, the State must scrap its existing finance system; do the work to determine how much it actually costs to fund public education to meet the state’s own program requirements and the needs of California’s school children; and develop and implement a new finance system consistent with Constitutional requirements.

The lawsuit was filed by a broad coalition, including more than 60 individual students and their families, nine school districts from throughout the State, the California School Boards Association (CSBA), California State PTA, and the Association of California School Administrators (ACSA).

“Filing this lawsuit was a last resort,” said CSBA President Frank Pugh. “Education funding has been in a deteriorating spiral in California for decades. A failure to act now threatens the future of California’s students and the future of our state. The Governor and lawmakers have known for some time that the current school finance system is harming students and they’ve done nothing to remedy the crisis. The \$17 billion in cuts to education have only made a dire situation even worse. California’s unstable, unsound and insufficient school finance system is robbing our students of an education.”

“This lawsuit seeks to ensure that the State, the Legislature and the Governor comply with the Constitution and fund and deliver the promised education program to all students in the state,” said Bill Abrams, a partner at the law firm of Bingham McCutchen and counsel for plaintiff students and families. “The Constitution requires that school funding ‘first be set apart’ to meet program demands, and provides that education is a fundamental right and must be made equally available to every child. Too often, this isn’t the case, and the State balances its budget on the backs of its students by cutting or underfunding education programs, and thus prevents schools from meeting its own education standards.”

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California's broken school finance system has undermined the ability of districts to educate our children by making no connection between what is expected of schools and students and the funding provided in order to meet those expectations.

California has set clear requirements for what schools are expected to teach and what students are expected to learn. But the state has failed in its obligation to provide the resources necessary to meet these requirements. The state's failure to support the required educational program adversely affects all students. Academic achievement results show California's irrational, unstable and insufficient school finance system denies students the opportunity to become proficient in the State's academic standards.

"Numerous reports during the last decade have documented the state's failure to remedy the broken school finance system. The Governor's own Committee on Educational Excellence in 2007 concluded that our current system is not producing the results that taxpayers and citizens are counting on and that our students deserve," said Chuck Weis, president of the Association of California School Administrators. "We are asking the courts to require the State to meet the expectations set by law in the Constitution."

California's unique revenue and expenditure system makes our schools almost completely dependent on the state, and yet the Governor and Legislature have failed to make education a priority.

The Constitution gives education financing a unique priority by requiring that "from all state revenues there shall first be set apart the monies to be applied by the State for support of the public school system." Instead, school financing has been battered by instability that prohibits necessary planning to deliver what has been promised to students, and as a result all students suffer. Only half of all California students are proficient in English-language arts; and less than half (approximately 46 percent) are proficient in mathematics. In addition, fewer than 70 percent of California students graduate from high school.

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“We require students to meet high education standards and then deny them the resources they need to meet those standards,” said Jo A.S. Loss, president of the California State PTA. “We must have a system that allows schools to deliver a high-quality education for all children – in good times and in tough times.”

Currently, the state ranks 47th among all states in its per-pupil spending on education, spending \$2,856 less per pupil than the national average.

Yet most Californians, according to a recent poll conducted by the Public Policy Institute of California, believe there is not enough state funding going to public schools, and a majority single out K-12 education as the area that they most want to protect from spending cuts.

“Since I started going to school at Alameda High as a freshman, I know that summer programs have been cut. I know that teachers have been laid off. And I know that programs that are supposed to help my classmates and me go to college have been cut,” said Maya Robles-Wong, a 16-year-old 11th-grader and a plaintiff in the lawsuit. “I’m not an expert in education finance, but I know enough to say that it’s not because my teachers and our schools aren’t trying to give us what we need. I know that the real problem is that the State is not providing the support my school needs to teach me everything I need.”

Ignoring the facts about our state’s education finance system will deny generations of students the opportunity to be competitive and successful in our global economy. California educates the most diverse student population in the nation and yet we rank nearly last in per-pupil funding. Unless the State fixes the broken school finance system, students will be denied the opportunity to become informed citizens and productive members of society.

For more information about the school finance lawsuit, please visit www.fixschoolfinance.org.

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