

Leandro v. State of North Carolina
A Deliberation on School Funding in North Carolina

Overview

Should North Carolina’s public schools be funded locally? Through a structured small-group deliberation process, students will discuss the current system of school funding in North Carolina, examine the pros and cons of state versus local funding, and explore the impact of *Leandro v. State of North Carolina* on North Carolina’s public schools. Through the process of deliberation, students will develop critical thinking and analytical reading skills, learn to support statements based on evidence and sound reasoning, identify areas of agreement and disagreement with classmates, and expand their argumentative writing skills. (Additional topics/readings for deliberation are available at [http://www.dda.deliberating.org/.](http://www.dda.deliberating.org/))

Course

Civics and Economics

North Carolina Essential Standards for Civics and Economics

- CE.C&G.2.2 - Summarize the functions of North Carolina state and local governments within the federal system of government (e.g., local charters, maintain a militia, pass ordinances and laws, collect taxes, supervise elections, maintain highways, types of local governments, etc.).
- CE.C&G.2.4 - Compare the Constitutions and the structures of the United States and North Carolina governments (e.g., the various NC Constitutions, Bill of Rights, Declaration of Rights, Preambles, the organization of, the powers of, responsibilities, etc).
- CE.C&G.2.6 - Evaluate the authority federal, state and local governments have over individuals’ rights and privileges (e.g., Bill of Rights, Delegated Powers, Reserved Powers, Concurrent Powers, Pardons, Writ of habeas corpus, Judicial Process, states’ rights, Patriot Act, etc.)
- CE.C&G.3.3 - Analyze laws and policies in terms of their intended purposes, who has authority to create them and how they are enforced (e.g., laws, policies, public policy, regulatory, symbolic, procedural, etc.)
- CE.C&G.3.4 - Explain how individual rights are protected by varieties of law (e.g., Bill of Rights, Supreme Court Decisions, constitutional law, criminal law, civil law, Tort, Administrative law, Statutory law and International law, etc.
- CE.C&G.3.8 - Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.
- CE.C&G.5.2 - Analyze state and federal courts by outlining their jurisdictions and the adversarial nature of the judicial process (e.g., Appellate, Exclusive, Concurrent, Original, types of federal courts, types of state courts, oral argument, courtroom rules, Supreme Court, opinions, Court Docket, Prosecutor/Prosecution, Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing Complaint, Defendant, Plaintiff, hearing, bail, indictment, sentencing, appeal, etc.).

Materials

- Deliberating in a Democracy Lesson Procedures, attached
- Handout 1-Deliberation Guide, attached
- Handout 2-Deliberation Activities, attached
- Handout 3-Student Reflection on Deliberation, attached
- School Funding in North Carolina Reading, attached

Essential Questions

- Should the State of North Carolina maintain its current funding structure, in which the State provides an equal funding base for all school districts by paying teachers' salaries, allowing local governments the power to control the remainder of school funding?
- Should the State of North Carolina ensure equal funding by allocating districts all of their funds based on the number of students the district serves?
- What was the opinion of the Supreme Court of North Carolina in *Leandro v. State of North Carolina*?
- How is the Supreme Court of North Carolina's decision in *Leandro v. State of North Carolina* relevant to young North Carolinians?

Duration

One period (varies depending on whether reading is done in class or as homework prior to deliberation)

Question for Deliberation

Should North Carolina's public schools be funded locally?

Student Preparation

Through the structured steps of the deliberation process, students are set up to be successful in having a respectful and focused conversation around a controversial topic. However, it is still important for teachers to ensure students understand and agree to the "Rules for Deliberation" as noted on the attached Handout 1. For some classrooms, simply reviewing the rules as provided may be enough. If students tend to struggle with group work in general, or if the foundation for respectful communication is not already set, teachers may need to devote class time to focus on the expectations for deliberation and what each rule specifically means. An example of a way to introduce deliberation expectations in a more detailed process is:

- a) Explain to students that they will be discussing a highly controversial issue in class, and that to have a successful, mature conversation where everyone is heard, it is imperative that certain ground rules be set. Post a piece of chart paper in front of the class. Record student responses to the following questions:
 - When having a discussion and expressing your opinions out loud, how do you like to be treated? What makes you feel heard and valued? What does it take to make you feel safe to participate? Imagine a college classroom where students discuss issues with one another and their professor - What do you think the characteristics of that classroom and discussion are? How should a mature discussion look? Sound? Feel?
- b) Once comments wane, point out to students that they have noted some terrific traits, behaviors, and expectations for respectful deliberation, and that in order to discuss controversial issues in the class, they must exhibit the characteristics from their list. Ask students to unanimously agree to try their best to always abide by the very expectations they have developed. Teachers can go as far as asking students to sign the paper to pledge their commitment to respectful discussion at this point or after step "d."
- c) Teachers may also want to ask students to brainstorm negative behaviors, or actions that would be unacceptable as part of a respectful deliberation. (Again, note these on chart paper.) Facilitate student thinking by asking:
 - When having a discussion and expressing your opinions, what types of treatment upset you? What makes you feel disrespected, ignored, or not valued? (Once a list has been compiled, again ask students if they can agree to try their best to not exhibit any of the negative attributes or actions that they themselves have noted that they don't like.)
- d) Next, draw students' attention to a posted list of the "Rules for Deliberation." Ask students if these rules provide a good summary of what they have shared (for example, if a student noted that they don't like it when someone says "shut-up" during a discussion, that is covered under "Remain engaged and respectful when controversy arises." If anything that students noted in their brainstorm does not fall under one of the general deliberation rules provided, teachers should add a rule covering it.

- e) Some students may actually need to practice the expectations, or see them in action, before fully understanding them. One way to do this is to break students up into small groups. Ask half of the groups to prepare a skit in which they illustrate a group deliberation/discussion that properly follows the rules; ask the other groups to prepare scenes that break the rules. Allow students to perform these skits in front of their classmates, and ask the audience members to evaluate what they saw:
- a. Did this represent a positive or a negative discussion? Why?
 - b. How would participating in this group have made you feel? Why?
 - c. Would learning have taken place in this group? Why?
 - d. Why is it important that we make sure we follow the rules we have all created and agreed upon?

Teachers may want to have students consider the expectations and self-reflect on which expectation they think will be most challenging for them, either in writing or in a class discussion. If students share their thoughts out loud, other students can commit to assisting them in this area.

In truth, most students want to feel respected and valued, and they want to feel that their viewpoint matters. Thus, getting the class to buy-in to these “Rules for Deliberation” sets them up for a successful learning experience.

- f) Once students are prepared, begin the deliberation process following the attached “deliberating in a Democracy Lesson Procedures.”

School Funding in North Carolina

1 Jason and Julie attend public high school in different school districts in North Carolina.
2 Jason's school is rated one of the best in the state. In fact, the State of North Carolina ranked his
3 high school as a "School of Distinction" because 80 percent of the students perform at grade
4 level on their end-of-course tests. An important reason for his school's success is that the school
5 is located in a wealthy suburb that has an average median household income of \$52,500. Jason's
6 school district regularly receives its full budget request from the county. Last year, his school
7 opened a new science lab and renovated its classrooms, which all have internet access.

8 Julie's school, on the other hand, is struggling. Less than 50 percent of the students at her
9 school perform at grade level on end-of-course tests. Unlike Jason's wealthy community, Julie
10 lives in an area where the average median household income is \$32,000. The school district
11 never receives its full budget request because the county struggles to pay for other basic services
12 like jails and social services. Julie's school has not been renovated since the early 1970s, leaving
13 the campus severely outdated.

14 Is it fair that Jason has an opportunity for a better education than Julie because he lives in
15 a school district with more money and resources?

16 **How Public Schools are Funded**

17 In the United States, public education is overseen by individual states, not by the federal
18 government. In most states, funding for public schools is entirely local, either through county
19 property taxes or through school district taxes.

20 In North Carolina, public schools are funded with both state and county monies. The state
21 pays for the base salaries of all public school teachers across the state. The reason the state does
22 this is to ensure that each school district receives a basic level of funding. School districts,
23 through funding from their county governments, are responsible for covering all other costs, such
24 as school buildings, furniture, equipment, books, utilities, and salary supplements for teachers.

25 However, some North Carolinians debate the current structure for funding North Carolina's
26 schools. Should the State of North Carolina maintain a funding structure which allows local
27 governments to add additional funds to a base amount of State funding? Or, should the State
28 ensure equal funding by allocating districts all of their funds based on the number of students the
29 district serves?

30 Proponents of local control in school funding believe that individual school districts
31 know what is best for their own schools. Therefore, local districts should continue to have the
32 authority to raise and spend money for public schools in their area as they see fit. Proponents of
33 this system of funding also believe that a change to funding public schools entirely through state
34 funds would be unfair. According to proponents, this would result in taxpayers in one county
35 supporting the education of another county's students.

36 Opponents of local control of funding argue that the current funding structure results in
37 some school districts having a lot of money to spend on their students while other districts have
38 much less. This unfairly results in unequal educational opportunities for students. Opponents of
39 local control contend that because each county has a different tax base, the amount of local
40 income available for public education varies from school district to school district. Thus, poorer
41 counties with smaller tax bases have less money to spend on schools while wealthier counties
42 have more money to allocate towards schools.

43 **School Funding and the NC Constitution**

44 Proponents of local control in public education funding believe that North Carolina's
45 current funding process is allowed by the NC Constitution. Article IX, Section 2(2) of the NC
46 Constitution authorizes local governments to supplement their school districts at their own
47 discretion. The article states, "The General Assembly may assign to units of local government
48 such responsibility for the financial support of the free public schools as it may deem
49 appropriate. The governing boards of units of local government with financial responsibility for

50 public education may use local revenues to add to or supplement any public school or post-
51 secondary school program.” Thus, according to proponents, the current funding system for
52 public schools is constitutionally acceptable, even though a result of this system is unequal
53 funding across school districts.

54 Opponents of local control argue that the current funding system is not constitutional
55 because the State, not local governments, is ultimately responsible for public education. Article
56 1, § 15 of the NC Constitution states, “The people have a right to the privilege of education, and
57 it is the duty of the *State* to guard and maintain that right” (italics added). Opponents argue that
58 Article IX, Section 2(2) of the NC Constitution does not take away the State’s obligation to
59 ensure all students receive a financially equal education. ‘Rather, Article IX, § 2(1) of the NC
60 Constitution mandates the State to “provide for a general and uniform system of free public
61 schools.” Opponents thus hold that the State is failing in its constitutional responsibility when
62 students from poor school districts have worse educational opportunities than students from
63 wealthier school districts.

64 ***Leandro v. State of North Carolina***

65 The issue of public school funding, and what happens when some school districts have
66 less money than others was examined in great detail in *Leandro v. State of North Carolina*. The
67 affects of the Supreme Court of North Carolina’s decision are still being felt more than ten years
68 after the case began.

69 In 1997, five low-wealth school districts sued the State of North Carolina, claiming that
70 the state did not allocate enough money to their school districts to provide students with a quality
71 education. Six urban school districts later joined the lawsuit, claiming that the state did not
72 provide them with enough money to educate their at-risk students and ESL students.

73 *Leandro v. State of North Carolina* was first heard in Superior Court and was eventually
74 appealed to the Supreme Court of North Carolina in 1997. In the appeal to the Supreme Court of

75 North Carolina, plaintiffs claimed that North Carolina did not ensure equal and adequate
76 education among its public schools. The Court agreed with the plaintiffs on the issue of
77 adequacy, ruling that the NC Constitution guarantees “every child of this state an opportunity to
78 receive a sound basic education in our public schools. An education that does not serve the
79 purpose of preparing students to participate and compete in the society in which they live and
80 work is devoid of substance and is constitutionally inadequate.” However, the Court dismissed
81 the equity claim, ruling the NC Constitution was not being violated since Article IX, Section 2(2)
82 of the NC Constitution authorizes local governments to supplement their school districts at their
83 own discretion.

84 **The Leandro Case Today**

85 Although the Supreme Court of North Carolina rejected the equity claim, the 1997 ruling
86 agreed with the issue of adequacy — the NC Constitution guarantees every child should receive
87 a sound basic education. The Supreme Court of North Carolina remanded the case back to
88 Superior Court. The Superior Court was instructed to assess whether the State had met its
89 constitutional obligation to provide a sound basic education. In September 1999, Superior Court
90 Judge Howard Manning began hearing evidence in the case. From 1999 to 2003, Judge Manning
91 issued a series of opinions that set forth specific measures of *adequate* education in North
92 Carolina.

93 One such measurement of adequacy, according to Judge Manning, is that the minimum
94 academic performance students should receive on an end-of-course test is a level III. He also
95 held that every North Carolina school is capable of having 90% of its students achieve a III or
96 above on end-of-course tests. Despite Judge Manning’s opinions, questions still remain about the
97 issues of adequacy in public education.

98 Over ten years after the original Supreme Court ruling in the Leandro case, there have
99 been many difficulties in meeting the adequacy requirement. Even though the trial court has held

100 hearings, heard testimony, and visited schools to try to establish a system in which every student
101 receives a sound basic education, many schools continue to struggle. There are currently over 40
102 North Carolina high schools that have failed to meet Judge Manning's mandates for several years
103 in a row. Clearly, this is an issue that will continue to be debated and remain important for
104 students in public schools across North Carolina.

School Funding in North Carolina— Deliberation Question with Arguments

Deliberation Question: Should North Carolina’s public schools be funded locally?

Arguments to Support the Deliberation Question

1. Local governments need to control the level of funding received by their public schools to ensure their students receive a solid education. Even if the state government covers basic items like teachers’ salaries, local governments should be able to supplement this basic funding.
2. North Carolina’s Constitution allows local governments to provide funding to their school districts. Thus, local governments have the constitutional authority to decide how much money to give to their public schools.
3. Funding public schools entirely through state funds would be unfair because taxpayers in one city or county would be supporting the education of another county’s students.

School Funding in North Carolina— Deliberation Question with Arguments

Deliberation Question: Should North Carolina’s public schools be funded locally?

Arguments to Oppose the Deliberation Question

1. The State of North Carolina should provide school funding in order to guarantee that every student receives an equal education, regardless of the community they live in. Without the state controlling funds and monitoring education, there will be no way to ensure every school is funded equally.
2. North Carolina has a constitutional responsibility to provide its students with an equal education. For example, Article 1, § 15 of the North Carolina Constitution says the State (not local governments) has a duty to guard and maintain the right to education.
3. Disproportionate funding between school districts creates differences in performance for students enrolled in different public schools. School districts located in poor regions of the State will always be limited in the amount of tax revenue that can be raised by their district. Therefore, the state government needs to provide public school funding in order to correct the disparity that exists when local governments provide this funding.

Sources on the Leandro Case

1997 Ruling: *Leandro v. State of North Carolina*

Justice Orr's dissent on page 16

<http://www.ncchild.org/images/stories/SupremeCourtLeandro.pdf>

Action for Children:

<http://www.ncchild.org/action/index.php/Education/Brief-History-of-the-Leandro-Case.html>

NC Justice Center newsletter, *From the Ground Up*

http://www.ncjustice.org/assets/library/366_fguv2n2.pdf

Local Government in North Carolina by Gordon Whitaker.

Provides explanation of NC's funding structure for education on pg. 40



Deliberation Procedures

PART I (In class the day before)

1. **Introduction.** Teachers review the meaning of deliberation, the reasons for deliberating, and the rules for deliberation. (Handout #1)

PART II (approximately 30 minutes)

2. **Careful Reading of the Text.** Students read the text individually, in small groups of 4 or as a whole class in order to reach a common understanding of the reading. If students do not understand the reading, the deliberation will not be successful. As a whole class or in their small groups, students agree on at least three interesting facts and/or ideas. (Handout #2).

Note on Supplemental Resources. Each deliberation includes both a basic reading and one or more supplemental resources. Supplemental resources may be a graph, a political cartoon or image, a glossary, a page of expert quotes, or a primary source or independent news story. These supplemental resources are optional materials that can be used to provoke discussion and critical thinking. These materials may be used by teachers as part of the lesson—as part of the *Introduction (Step 1)*, *Careful Reading of the Text (Step 2)*, *Presentation of Positions (Step 4)*, *Reversal of Positions (Step 5)*, or *Reflection (Step 8)*. Teachers can use these materials to differentiate instruction with some or all the students in class. Supplemental resources also can add depth or enrich the deliberation.

3. **Clarification.** After checking for understanding of the terms and content, the teacher makes sure students understand the deliberation question. (Handout #2)
4. **Presentation of Positions.** Students work in small groups of 4 divided into pairs (A & B). Each pair is assigned a position. The position of the A's is to find at least two compelling reasons to say YES to the deliberation question. The position of the B's is to find at least two compelling reasons to say NO to the deliberation question. A's teach B's at least two reasons to say YES to the deliberation question. B's teach A's at least two reasons to say NO to the deliberation question. (Handout #2)
5. **Reversal of Positions.** The pairs reverse positions. The B pair now adopts the position to say YES to the deliberation question; the A pair adopts the position to say NO to the deliberation question. The A's & B's should select the best reason they heard from the other pair and add at least one additional compelling reason from the reading to support their new position. (Handout #2)

PART III (approximately 15-20 minutes)

6. **Free Discussion.** Students drop their assigned roles and deliberate the question in their small groups. Each student reaches a personal decision based on evidence and logic.



PART IV (approximately 10-15 minutes)

- 7. Whole Class Debrief.** The teacher leads the whole class in a discussion to gain a deeper understanding of the question, democracy, and deliberation.
- What were the most compelling reasons for each side? What were the areas of agreement? What questions do you still have? Where can you get more information?
 - What is your position? (Poll the class on the deliberation question.) In what ways, if any, did your position change?
 - Is there an alternative policy that might address the problem more effectively? What, if anything, might you or your class do to address this problem?
 - What principles of democracy were inherent in this discussion? Why might deliberating this issue be important in a democracy?
 - Add other questions relevant to your curriculum.

PART V (15-30 minutes either in class or for homework)

- 8. Student Reflection.** Students complete the reflection form either at the end of class or for homework. (Handout #3)



Handout 1—Deliberation Guide

What Is Deliberation?

Deliberation is the focused exchange of ideas and the analysis of multiple views with the aim of making a personal decision and finding areas of agreement within a group.

Why Are We Deliberating?

People must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. People and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables people to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?

- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Understand and analyze what others are saying.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Remain engaged and respectful when controversy arises.



Handout 2—Deliberation Notes

The Deliberation Question:

Review the reading and in your group determine at least three of the most important facts and/or interesting ideas. Ask about any terms that are unclear.

Reasons to Support the Question - YES	Reasons to Oppose the Question - NO



Handout 3—Deliberation Reflection

What I think:

1. What did I decide and why? Did I support or oppose or have a new idea?

2. What did someone else say or do that was particularly helpful?

3. What, if anything, could I do to address the problem?

What we think:

1. What did we agree on?

2. What, if anything, could we do to address the problem?

Rate yourself and the group on how well the rules for deliberation were followed:

(1 = not well, 2 = well, 3 = very well)

	Me	Group
Read the material carefully.		
Focused on the deliberation question.		
Listened carefully to what others said.		
Understood and analyzed what others said.		
Spoke and encouraged others to speak.		
Referred to the reading to support ideas.		
Used relevant background knowledge and life experiences in a logical way.		
Remained engaged and respectful when controversy arose.		

1. What can I do to improve my deliberation skills?

2. What can the group do to improve the deliberation?