



The *Leandro* Case: Its History and Current Posture

North Carolina Association of County Commissioners
Public Education Steering Committee
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Leandro Case History

STATE OF NORTH CAROLINA
COUNTY OF HALIFAX

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
94 CVS 520

KATHLEEN M. LEANDRO, individually)
and as guardian ad litem of)
Robert A. Leandro; STEVEN R.)
SUNKEL, individually and as)
guardian ad litem for Andrew J.)
Sunkel; CLARENCE L. PENDER,)
individually and as guardian ad)
litem of Schnika N. Pender; TYRONE)
T. WILLIAMS, individually and as)
guardian ad litem of Trevelyn L.)
Williams; D.E. LOCKLEAR, JR.,)
individually and as guardian ad)
litem of Jason E. Locklear; ANGUS)
B. THOMPSON II, individually and as)
guardian ad litem of Vandalliah J.)
Thompson; JENNIE G. PEARSON,)
individually and as guardian ad)
litem of Sharese D. Pearson;)
WAYNE TEW, individually and as)
guardian ad litem of Natosha L.)
Tew; DANA HOLTON JENKINS,)
individually and as guardian ad)
litem of Rachel M. Jenkins; FLOYD)
VICK, individually and as guardian)
ad litem of Ervin D. Vick; HOKE)
COUNTY BOARD OF EDUCATION; HALIFAX)
COUNTY BOARD OF EDUCATION; ROBESON)
COUNTY BOARD OF EDUCATION;)
CUMBERLAND COUNTY BOARD OF)
EDUCATION; VANCE COUNTY BOARD OF)
EDUCATION;

Plaintiffs,

v.

STATE OF NORTH CAROLINA; STATE
BOARD OF EDUCATION;

Defendants.

COMPLAINT

FILED
MAY 25 10:05
HALIFAX COUNTY, N.C.
HY 10/1

Plaintiffs, complaining of defendants, allege and say the following:

- Complaint filed May 25, 1994.
- Plaintiffs included students, parents, and local boards of education from 5 low-wealth districts: **Vance, Hoke, Halifax, Cumberland, and Robeson Counties.**
- Defendants are State of North Carolina and State Board of Education.
- Who is “Leandro”?

Primary Allegation of Lawsuit

N.C. Constitution (Art. IX, § 2(1)): “**The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools**, which shall be maintained at least nine months in every year, and wherein **equal opportunities shall be provided for all students.**”

Primary Claim

- Adequacy
- Constitutional right has a *qualitative* standard – a minimum below which the State cannot fall.
- We alleged that the State was failing to provide Plaintiff counties with resources sufficient to meet the qualitative standard.
- Obligation to ensure sufficient resources is on the **State** (not the low-wealth districts).
- Stated differently, that State had failed to provide children from low-wealth districts with sufficient resources for a constitutionally-*adequate* education.

1997 Supreme Court Decision ("Leandro I")

- Every child in North Carolina has a constitutionally-enforceable right to an “***opportunity for a sound basic education***” in a public school. [“OSBE”]
- The **State** must ensure that right is available to students in all districts.
- Question remained: is the State doing this?

The Trial Proceedings (1997-2002)

- Judge Howard Manning
- Judgment enter *against* the State.
- State was failing to ensure that an OSBE was provided to all students, particularly *at-risk* students in *low-wealth* counties.
- State appealed (again) to the Supreme Court.

2004 Supreme Court Decision (“Leandro II”)

Unanimously affirmed the “*Leandro Tenets*.” OSBE requires:

- That every classroom be staffed with a well-trained, competent **teacher**.
- That every school be led by a well-trained, competent **principal**.
- That every school be provided **resources** so that the educational needs of all children, including at-risk children, to have the equal opportunity to obtain a sound basic education, can be met.

State’s obligation “cannot be abdicated by transferring responsibility to local boards of education.”

State failing to provide the teachers and principals, as well as the resources, necessary to afford at-risk children, particularly in low-wealth districts, an OSBE.

State failing to provide adequate resources to “at-risk’ prospective enrollees” (Pre-K children).

Sent back to trial court for a remedy.

Status of State's Initial Compliance

Education Funding Resulting from the *Leandro* Holdings 2004-2009

DSSF	\$67.5 M
Low Wealth Fund Increases	\$40 M
Pre-K for at risk 4 year olds	\$268.3 M
Early Grade Class Size Reduction	\$516.4 M
Salary Increases for Teacher Recruitment and retention	\$170 M
Other Senate Bill 622 <i>Leandro</i> provisions	\$31 M

TOTAL \$1.09 Billion

But, the next five years (2010-2015)...

- NC dropped to 46th in nation in teacher salary and funding for teacher salaries was reduced.
- Teaching Fellows scholarships eliminated in 2011-12.
- Funding for Future Teachers Scholarship/Loan Program eliminated in 2012.
- \$12.5 million allocated to staff development funding eliminated in 2009-10.
- Teacher assistant positions reduced by 8.75% (1521 positions) in 2009-10.
- Funding for teacher assistants reduced by 21% for 2013-14 and 19% for 2014-2015.
- \$38.3 million in Student Accountability funding eliminated.
- Textbook funding reduced by \$48 million in 2009-10 (was then only \$14.26 per ADM as compared to \$49.11 per ADM in 1997-98).
- Limited English Proficient program reduced by \$2 million in 2009-10 and \$6 million in 2013-14.
- Slots in the More at Four/NC Pre-K Program reduced.
- Principals' Executive Program eliminated in 2009-10.
- Over \$22 million in funding for assistant principals eliminated in 2011-12.
- Enrollment in NC teacher programs plummeted by more than 25% from 2010 to 2014, and continued to drop.

Resulted in ...

- **More at-risk children & fewer resources from the State.**
- Low-wealth districts hit particularly hard.
- Plaintiffs file motion in the cause for development of new State remedial action plan.
- “Plan” submitted to court by State in 2015 urged *status quo* and was unacceptable.
- Judge David Lee: “*The time is drawing near when due deference to both legislative and executive branches must yield to the court’s duty to adequately safeguard and actively enforce the constitutional mandate on which this case is premised.*”

So, what is happening now?

Feb. 1, 2018 Case Management and Scheduling Order

- Independent consultant appointed by the court.
- Detailed, comprehensive, written recommendations for specific actions:
 - to provide a competent, well-trained teacher in every classroom;
 - to provide a competent, well-trained principal for every school;
 - to identify the resources necessary to ensure all children, including those at risk, have an equal opportunity to obtain a sound basic education.

So, what is happening now? (cont'd)

Governor's Commission of Access to a Sound Basic Education

- Executive Orders 10 (July 21, 2017) and 27 (November 15, 2017)
- To gather information and assist in the development of a comprehensive plan to address compliance with constitutional mandates of *Leandro*.

So, what is happening now? (cont'd)

Case Management and Scheduling Order:

- Consultant submitted final recommendations to all Parties, the Commission and the Court on December 10, 2019.
bit.ly/NCActionPlanReport
- Parties will submit a proposed consent order (or separate orders) of specific actions to achieve compliance with the constitutional mandates.
- Status Conference with Judge Lee on January 21, 2020.

Key WestEd Findings

- Funding in North Carolina has declined over the last decade.
- There is inadequate funding to meet student needs.
- Teacher supply is shrinking, and shortages are widespread.
- Teacher demand is growing, and attrition increases the need for hiring.
- Although there are high-quality preparation programs in the state, they are training fewer and fewer principals.
- High-quality early childhood education is available in North Carolina.
- Participation in high-quality early childhood education varies in North Carolina, and lower-wealth communities often lack an adequate supply of early childhood programs.

- Students attending high-poverty schools are far less likely to receive a sound basic education.
- There are opportunities to increase coherence between curriculum, instruction, and assessment in North Carolina.
- There is a lack of alignment between the state assessment system and the state's theory of action as articulated in its ESSA plan.
- The accountability system emphasizes students' proficiency status over growth, which results in a strong bias against schools that largely serve economically disadvantaged students and fails to credit these schools with successful efforts that are foundational to their students' receiving a sound basic education.
- The state's system of support for improving low-performing schools is insufficient to ensure all students obtain a sound basic education.