

<sup>36</sup> *A Right Denied: Educational Inequity in North Carolina's Schools*, N.C. Civil Liberties Union and the American Civil Liberties Union, June 1991, p. 35-37.

<sup>37</sup> See note 35 above, p. 5.

<sup>38</sup> National Education Association, *Ranking the States 1996*, NEA Research Division, Washington, D.C., 1996, p. 48.

<sup>39</sup> Charles D. Liner, "Spending and Employment in the Public Schools," *Popular Government*, Institute of Government, Chapel Hill, NC, Spring 1990; p. 32.

<sup>40</sup> Robert Spearman, Parker, Poe, Adams, & Bernstein L.L.P. Press Release, May 25, 1994. See also Complaint for Plaintiffs, *Leandro v. State* (94 CVS 520), filed Sept. 26, 1994 with the Halifax Co. Clerk of Superior Court, p.10.

<sup>41</sup> *Britt*, see note 21 above.

<sup>42</sup> *Ibid.*, p. 436.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Britt v. N.C. Board of Education*, 320 N.C. 790, 790 (1987). The Supreme Court denied the plaintiffs' petition for discretionary review and allowed the defendant's motion to dismiss the appeal for lack of a substantial constitutional question.

<sup>45</sup> *Leandro v. State*, 468 S.E.2d 543, 552 (1995).

<sup>46</sup> *Ibid.*, pp. 547 and 552.

<sup>47</sup> *Ibid.*, p. 548.

<sup>48</sup> *Ibid.*, p. 549 (emphasis in the original).

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*, p. 550.

<sup>52</sup> *Ibid.*, p. 551.

<sup>53</sup> "Schools lose another round," *The Robesonian*, Lumberton, N.C., March 20, 1996, p. A4.

<sup>54</sup> Foon Rhee, "Court deals blow to schools suit," *The Charlotte Observer*, Charlotte, N.C., Mar. 20, 1996, p. 1A.

<sup>55</sup> "Access vs. adequacy," *The Charlotte Observer*, Charlotte, N.C., Mar. 22, 1996, p. A12.

<sup>56</sup> "School funding is legal but not fair," *The Wilson Daily Times*, Wilson, N.C., Mar. 25, 1996.

<sup>57</sup> "Equity in schools is up to the legislature," *News & Record*, Greensboro, N.C., Mar. 21, 1996, p. A16; "Another chance," *Daily Reflector*, Greenville, N.C., Mar. 25, 1996.

<sup>58</sup> The N.C. Supreme Court agreed to review the case on June 13, 1996. Oral arguments were held on Oct. 17, 1996, but the Court had not reached a decision at press time.

<sup>59</sup> See Public School Forum, note 34 above.

<sup>60</sup> See N.C. Civil Liberties Union, note 36 above, p. v.

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## *Center Recommends That the State Address the Financing of Equal Educational Opportunity in North Carolina*

**D**espite steady appropriations for low-wealth and small school districts by the N.C. General Assembly, disparities in educational opportunity persist in the North Carolina public schools. At least three indicators point to North Carolina's failure to live up to its constitutional promise of public schools where "equal opportunities shall be provided for all students." Those indicators are: (1) the gap in per pupil expenditures between the state's public school systems with the least to spend per student and those with the most; (2) differences in number of courses offered at high schools located in wealthy and poor school districts in North Carolina; and (3) the state's failure to fully fund its Basic Education Plan, which provides a statutory promise of a base level for educational opportunity in the state.

**Differences in per pupil expenditures.** In the 1994-95 school year, the gap between the public school system that spent the most per student for public education and the one that

spent the least approached 96 percent. Hyde County spent \$7,460 per pupil, while Onslow County spent only \$3,809. The Asheville City Schools spent the second most per student at \$6,611—some 74 percent more than the resource-poor Onslow County district. Factors such as size of school district and education-level of teachers have a strong impact on per-pupil expenditures, but so does whether state and local officials decide to provide adequate funding for local schools. In that sense, the fact that the gap has persisted and even grown over time is troubling. In 1987-88, for example, the North Carolina Center for Public Policy Research found that the gap between the school system that spent the most and the one that spent the least—including federal, state, and local appropriations—was 56 percent. In 1983-84, the gap was 58 percent. The legislature began appropriating funds for small and low-wealth school systems in 1991, and this has helped move up some of the least able of the

state's 119 school systems. But these appropriations have not approached the need, and many underfunded school systems are not small enough or poor enough to get any help.

#### **Course offerings at the high school level.**

The Center found high schools in some of the least affluent North Carolina counties to have far fewer course offerings than those in more affluent counties. Alexander County Central High School, for example, offered 85 courses to its 970 students in the 1996-97 school year, including honors, advanced placement, and non-academic courses such as shop. The county's school system ranked 116th in per pupil expenditures among the state's 119 public school systems in 1995-96. On the other end of the spectrum, Asheville High offers its 1,150 students 190 courses, more than twice as many as the number offered in the poorer county. The Asheville City Schools rank 2nd in the state in per pupil expenditures. Consider also Harnett County Central High, located in another low-wealth county and ranking 115th in total per-pupil expenditures. The school offers its 980 students 115 courses, while Chapel Hill High—an affluent school district ranking 6th in the state in total per-pupil expenditures—offers 150 courses to its 1,600 students.

Other examples among low-wealth counties include: Hoke County High—1,400 students, 105th in total PPE, 131 courses offered; and North Davidson County High—1,200 students, 117th in total PPE, 100 courses offered. Among higher-wealth counties, there are these additional examples: Northwest Guilford County High, 1,500 students, 22nd in total PPE, 262 courses offered; and West Mecklenburg County High, 1,400 students, 30th in PPE, 294 courses offered.

**Failure to fully fund the state Basic Education Plan.** While the state Constitution promises equal opportunities for all students, the Basic Education Plan spells out in state statutes what the opportunity should be. Yet even though the Basic Education Plan has been on the books since 1985, it never has been fully funded. The BEP is a good example of North Carolina's start-and-stop approach to education reform, which has given it a national reputation for carrying out "random acts of reform" while failing to stick with those reforms to fruition.

The fact that the Basic Education Plan is not fully funded supports a contention that not all of North Carolina's public school students have access to an adequate public education.

Five counties—Cumberland, Hoke, Halifax, Robeson, and Vance—have sued the state on grounds that its system for funding the public schools does not provide "adequate or equal education" in North Carolina's low-wealth counties (*Leandro v. State*). In March 1996, the Court of Appeals reversed a Superior Court judge's denial of a motion by the state to dismiss the case for failure to state a claim. Chief Judge Gerald Arnold, writing for the majority, opined that the state Constitution guarantees "equal access to education," rather than "equal educational opportunities." Yet the constitution clearly states, "[E]qual opportunities shall be provided for all students." The case currently is before the state Supreme Court, which must decide whether to uphold the Appeals Court decision or remand the case to Superior Court for trial.

The Center's research indicates at least three factors that point to less-than-equal educational opportunities in the North Carolina public schools: (1) there are persistent gaps in per-pupil funding between school systems with the most to spend per student and those with the least; (2) some high school students in low wealth school systems get fewer courses from which to choose; and (3) the Basic Education Plan to provide a guaranteed level of educational opportunity for all students has never been fully funded.

Whether the five plaintiffs in the case currently before the state Supreme Court deserve a trial on the merits of this case is a matter for the court to decide. But a trial *would* allow the five counties to present their evidence and thus help determine once and for all whether the state has an equitable system of school finance, as promised by its own Constitution. That would be in the best interest of North Carolina's public school students and *all* its citizens. Whatever the courts decide, the N.C. Center for Public Policy Research recommends that the executive and legislative branches continue to address the problem of disparity in educational opportunity in North Carolina. ☐☐

—Mike McLaughlin