



FROM THE CENTER OUT

Letters to the Editor

Vol. 7, No. 1:

Theme Issue on Local Governments

The latest issue of *North Carolina Insight* entitled "Local Government Facing the Future" is well done. I believe it provides a balanced and timely description of local government finance. For this reason, I would expect it to be very useful to inform legislators, especially study committees of the General Assembly, and interested citizens about current relationships between state and local finances.

I hope you and others at the North Carolina Center for Public Policy Research will continue your excellent work on timely public policy issues in North Carolina.

Hilda Highfill
Senior Fiscal Analyst
N. C. General Assembly

Perhaps I can add to your "Insight" by introducing you to the best source of information for local governments going. The heart, backbone and muscle of North Carolina cities and towns are their CLERKS. Please make yourself familiar with the North Carolina Association of Municipal Clerks and the International Institute of Municipal Clerks.

Corinne Webb Geer
Town Clerk
Pine Knoll Shores

Ed. Note: Ms. Geer suggests an excellent addition to the listing of resources in Vol. 7, No. 1, page 75.

I want to congratulate you [Lanier Fonvielle] for the fine article on school finance you wrote for the June issue of *Insight* ("Disparity in Local School Financing"). Debates on appropriate education services needed by children can make little headway until we attack financing.

Although North Carolina funds a large portion of the expenses of the State's public schools, educational opportunities do vary across the state. That we are in better shape on the equity issue than other states does not mean we are in good shape. You are pointing us in the right direction when you point us toward program equity.

Figures do not always tell the story. Whatever their purpose, for example, federal funds do not "serve to equalize funding disparities." Because federal funds can be used only for certain purposes—primarily providing critically needed help for disadvantaged youngsters—they cannot "equalize funding disparities" which result in disparities in arts, math, science, or foreign language instruction.

I hope your article enjoys the wide readership it warrants.

Howard Maniloff
Special Assistant, Policy Development
N. C. Department of Public Instruction

I very much enjoyed your recent "Local Government" issue (June 1984). *N. C. Insight* always goes directly to the top of the ever-present pile of professional reading in my office.

I did notice what I consider a significant omission in Jody George's article "Courts Split on School Finance Issue." North Carolina courts have not spent much time on the "free public schools" clause of the Constitution, Const. 1970, Art. 9 § 2(1), but the section was discussed in reference

to fees in *Sneed v. Greensboro City Board of Education*, 299 N.C. 609, 264 S.E.2d 106 (1980). Among other things, Justice Exum said: "It is clear, then, that equal access to participation in our public school system is a fundamental right, guaranteed by our State Constitution and protected by considerations of procedural due process." *supra*, S.E.2d 113.

Equal protection law is a murky subject at best but North Carolina courts follow the United States courts in applying "strict scrutiny" where there is an infringement of a "fundamental right," *Texfi Industries, Inc. v. City of Fayetteville*, 301 N.C. 1, 269 S.E.2d 142 (1980), rather than a lesser "rational basis" test. A fair reading of the quoted *Sneed* language strongly suggests that a challenge of school funding formulas under the equal protection clause of the North Carolina Constitution would be subject to the tougher "strict scrutiny" standard.

Equal protection relief was accorded the plaintiffs in *Sneed* in the area of "equal access": the school funding formulas lead directly to the issue of equality of "participation in our public school system." Defendants, it seems, do not often win equal protection cases where the standard of review is "strictly scrutiny." I hope the work of the School Finance Project goes well—and speedily too.

Douglas A. Scott
Attorney at Law
Central Carolina Legal Services, Inc.
Greensboro

Ed. Note: Mr. Scott adds a valuable and needed comment. Ms. George's article, however, was designed to summarize school finance decisions in other states, not in North Carolina.

I noted on page 58 in the interview with Leigh Wilson an error under the discussion of joint tax collection. One of the examples cited is the Hickory Catawba County effort, but Lenoir County is mentioned instead of Catawba County.

J. Thomas Lundy
County Manager
County of Catawba

Vol. 6, No. 4: General Issue with Special Utilities Section

I have glanced over the latest issue of *North Carolina Insight*. I again express my admiration for it. It seems to fulfill well this role, if not that of others: that of providing an intelligent audience, one interested in North Carolina public policy, with a great deal of facts and interpretation to enable it to make rational judgments on policy. The writing in the journal is not too filled with jargon, not too technical, yet it seems to get to the heart of the problems investigated. The audience either has a college education or its equivalent in the "school of hard knocks."

Gibson Gray
Chair, Department of Political Science
Pembroke State University

Vol. 6, No. 2-3: Theme Issue on State Programs For Handicapped Persons

Your October 1983 volume on the handicapped is superb. An obviously thoughtful series of studies coupled with readable articles and clear statements summarizing otherwise complex reports is a genuine service to the several professions involved. More important, it provides an understandable basis for moving forward on the key issues you have addressed.

Donald J. Stedman
Associate Vice President
for Academic Affairs
General Administration
The University of North Carolina

I wish to commend [Bill Finger] and Kendall Guthrie for the comprehensive report on "Willie M." in the October 1983, issue of *Insight*. The article provides a balanced and thorough account.

My appointment as the fifth member of the [Willie M.] review panel was agreed upon and approved by the defendants and by the attorneys for the plaintiffs as required by the consent decree. Your statement that the fifth member of the review panel was appointed by the other four (p. 59) represents a significant error. My colleagues cannot claim credit for my appointment to the panel.

Carolyn I. Thornton, ACSW
Director
Social Work/Mental Health Services
Lincoln Community Health Center

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