

**NEW JERSEY JOINT LEGISLATIVE COMMITTEE ON
PUBLIC SCHOOL FUNDING REFORM**

Senator John H. Adler and Assemblyman Herb Conaway, Jr., M.D., Co-Chairs

August 22, 2006

Outline of remarks, Molly A. Hunter, Director, National Access Network, Teachers
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NATIONAL PERSPECTIVE ON SCHOOL FUNDING LITIGATIONS

I. Historical Background

- A. From 1819 in Mass. to early 1970s in Calif. and NJ
- B. From federal courts, *Rodriguez*, to state courts in 45 states
- C. "Equity" to "adequacy" theories
- D. History of state constitutional education articles

II. Anatomy of Adequacy Cases

- A. Basics
 - 1. State constitutions
 - 2. State learning standards
 - 3. Changes funding questions
 - 4. Other causes of action
- B. At Trial – plaintiff and defendant positions
 - 1. Justiciability and responsibility
 - 1. Constitutional standard (NCLB)
 - 2. Educational inputs and outcomes
 - 3. Other issues
 - 4. Causal link

III. Court Decisions

- A. Justiciable in most states and state responsibility
- B. Citizenship and employment
- C. Standards for the 21st century, ie, "high minimum" adequacy
- D. Education essentials
- E. Money matters
- F. Plaintiffs winning in "red" and "blue" states

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IV. Remedies

- A. Deference to legislative and executive branches
- B. Adequate and equitable funding
- C. Cost studies
- D. Accountability that builds school capacity
- E. More specificity, eg teaching quality, high quality preschool, facilities, etc.

“Democracy is never a final achievement. It is the
call to untiring effort.”