

CENTER FOR TAX AND BUDGET ACCOUNTABILITY

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School Funding Litigation

Overview:

Lawsuits challenging state methods of funding public schools have been brought in 45 of the 50 states. The Illinois Supreme Court has twice rejected lawsuits challenging the method of funding public schools in Illinois. In *Committee for Education Rights v. Edgar* (1996), the court rejected the claim that the method of funding public schools in Illinois was inequitable and held that “the process of reform must be undertaken in a legislative forum rather than in the courts.” The *Committee for Education Rights v. Edgar* placed squarely the task of school funding reform with the Illinois General Assembly. In *Lewis E. v. Spagnolo* (1999), the court rejected the claim that the funding for public schools in Illinois was inadequate and ruled that, “once again,” the court was being asked to “enter the arena of Illinois public school policy.” The court reiterated that the state legislature was the proper forum for the consideration of reform.

Illinois Constitution and Education Funding:

Despite the inclusion of Section 1 of Article 10 into the Illinois Constitution, delegates to the Constitutional Convention in 1970 failed to include education as a fundamental right. In 1992, an attempt made to include the statement, “a fundamental right to an adequate education,” failed in a close statewide vote.

Although the last sentence in Section 1 of Article 10 states, “The State has the primary responsibility for financing the system of public education,” in fiscal year 2003 state revenue to schools accounted for only 30% of total education funding. Many interpret Section 1 of the state constitution to mean that the state is responsible for 51% of the cost of K-12 education in Illinois.

SECTION 1. GOAL - FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

(Source: Illinois Constitution.)

Learn more about school funding litigation by visiting the ACCESS website at www.schoolfunding.info.

For additional information, contact Chrissy Mancini at 312/332-1481