



# Funding Our Schools

*Reforms and Partnerships in Pursuit of a High-Quality Education*

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# Table of Contents

<b>Introduction .....</b>	<b>1</b>
<b>Profiles of State Funding Reforms .....</b>	<b>2</b>
<b>State Profile: California.....</b>	<b>3</b>
<b>State Profile: Massachusetts.....</b>	<b>5</b>
<b>State Profile: Wyoming.....</b>	<b>7</b>
<b>The Federal Role in School Funding .....</b>	<b>9</b>
<b>Federal Resources to Address Funding Challenges .....</b>	<b>9</b>
Financial Assistance .....	9
Research and Technical Assistance .....	10
Potential Federal Reforms to Help Close School Funding Gaps .....	11
New Federal Support That Leads to States and Districts Closing School Funding Gaps.....	12
<b>A Federal Right to Education.....</b>	<b>13</b>
<b>Accountability for School Finance.....</b>	<b>14</b>
<b>Connecting School Funding to Student Outcomes.....</b>	<b>14</b>
<b>Holding Funders Accountable .....</b>	<b>15</b>
<b>Conclusion.....</b>	<b>16</b>
<b>Glossary .....</b>	<b>17</b>
<b>Endnotes .....</b>	<b>18</b>
<b>Appendix A: Federal Resources .....</b>	<b>20</b>

# Introduction

Research confirms that money spent well is a significant contributing factor in school success.<sup>1</sup> Additionally, many students of color, students living in poverty, and students living in some rural and urban areas are systematically less-well funded than students in schools serving primarily White students in more affluent neighborhoods.<sup>2</sup> This report is paper two in a two-part series that examines school funding and its impacts.

Paper one asks:

- Why does school funding matter?
- What are the school funding opportunity gaps along lines of socioeconomic status, race, and geography that occur because of inadequate or inequitable school funding?
- What litigation strategies have been used to attempt to address inadequate and inequitable school funding?

This paper asks:

- What are potential state and federal reforms to better promote fair school funding?
- What federal resources exist to help districts and states address school funding opportunity gaps today?
- What law and policy reforms would help to prevent, reduce, or close school funding opportunity gaps moving forward?

In the first report, *School Funding: Opportunity Gaps and How They Harm Our Students*, we explained why funding matters in schools, current opportunity gaps that exist along lines of class, race, and geography, as well as a brief history of school funding litigation.<sup>3</sup> Stories from the 2023 case *William Penn School District v. Pennsylvania Department of Education*<sup>4</sup> are included throughout that report to illustrate the national trends at a local level.

Many stakeholders in education use different terms when discussing school funding.<sup>5</sup> To help clarify the terms used in this report, we supply a **glossary** for reference. Definitions of the words in bold can be found in the **glossary** at the end of the report.

In order to address the gaps discussed in *School Funding: Opportunity Gaps and How They Harm Our Students*, state and federal law and policymakers must commit to **fair funding** that is consistent with research and provides schools and districts the money they need to provide a high-quality education for each and every student. Policymakers at the district level, too, must commit to a **funding distribution** that systematically addresses the harms the system has perpetuated through inadequate and inequitable funding throughout our nation's history.

In this report, we present promising state reforms that address funding gaps. We share federal resources that can assist schools and districts and highlight potential federal policy solutions that could further close funding gaps. Finally, we discuss changes in accountability that systems of education must embrace to equitably fund schools. These changes are essential for a high-quality education that prepares students to be college and career ready and engaged civic participants.<sup>6</sup>

# Profiles of State Funding Reforms

States can adopt various approaches to achieve fair school funding for a high-quality education. Below we identify some resources that states can employ as they analyze their funding systems and consider which reforms to adopt. We also include brief profiles of three states that have shown some success in the reform of their school funding systems.

When policymakers and school leaders want to explore funding in their state or district to determine how funding is distributed, they can use several resources. Georgetown University's Edunomics Lab has worked to make funding data more transparent through the National Education Resource Database on Schools (NERD\$), which allows districts and schools to explore their school funding and student outcomes easily.<sup>7</sup> State data and information is also available via the Albert Shanker Institute's School Finance Indicators Database (SFID) and FundEd, both which include easy-to-read brief state summaries.<sup>8</sup> Lastly, comparative state analysis can be viewed in the Education Law Center's *Making the Grade* report<sup>9</sup> and the Albert Shanker Institute's report on *The Adequacy and Fairness of State School Finance Systems*, which are typically published annually.<sup>10</sup>

In many states, school funding gets placed on the ballot, leaving some decisions in the hands of voters. For example, in California, Colorado, Massachusetts, and New Mexico, ballot measures passed for increased funds for education in the 2022 elections.<sup>11</sup> Usually, however, legislatures hold the power to pass school funding increases, which recent evidence shows can happen even with split political parties in power.<sup>12</sup>

While a variety of new and innovative reforms exist, we highlight funding policy reforms that have had, at a minimum, evidence that shows ten years of positive impacts on students and schools. We acknowledge that these reforms also have their drawbacks and note some of the shortcomings. We also recognize that it matters how districts use their increased funding.

The policy reforms highlighted below may differ from other scholars who often tie **adequate funding** claims to increased test scores. While we agree that student learning and achievement lie at the center of schooling and should remain critical in assessing the effectiveness of school funding, we also advance the idea that using test scores as the sole indicator of achievement limits our pursuit of other educational aims, such as preparing students to be college and career ready and engaged civic participants. We explain the purpose of expanding our aims for education in our institute's first report, *A Primer on Opportunity Gaps, Achievement Gaps, and the Pursuit of a High-Quality Education*.<sup>13</sup> Unfortunately, at this point, standardized tests serve as the only national standard for benchmarking adequacy. As discussed in the primer, while we recommend defining a high-quality education with broader aims, education researchers and policymakers typically define adequacy with test scores. We acknowledge data on test scores while we focus on promising practices aligned with **fair funding**, where schools and districts with greater need receive more dollars. We also highlight the importance of state **funding effort** – the percentage of a state's economy that it is willing to invest in education. California, Massachusetts, and Wyoming provide examples of long-term promising reforms and are discussed below.

# State Profile: California

## How does it work?

California enacted the Local Control Funding Formula (LCFF) in 2013.<sup>14</sup> Rather than determining funding for schools by the money available, LCFF uses student need to determine district funding.<sup>15</sup> Since LCFF's implementation, California allocates school funding at the state level based on three grants: the base, supplemental, and concentration grants.<sup>16</sup> The state determines districts' capacity to raise funds and then supplements with state funds to equal the amount required to cover the grants.<sup>17</sup> Base grants are determined for each school with slight variations based on grade levels served. Supplemental grants give an additional amount for students who are multilingual learners, eligible for free or reduced lunch, or in foster care.<sup>18</sup> If students fall into more than one category, they do *not* get duplicate funds. However, districts receive an additional concentration grant if 55% of the students in a district are designated under one of the categories for the supplemental grant to give much greater financial support to districts with high concentrations of students who need greater resources to access equal educational opportunities. LCFF began partial implementation in 2013 and moved to full implementation in the 2018-2019 year. Table 1 indicates the dollar amounts allocated.

**Table 1. Grant Allocations**

Grant Type	Percentage in 2018-2019	Dollar Amount for 2018-2019
Base Grant	Depends on school, based on class sizes and grade levels served	Average of approximately \$8,000 per pupil
Supplemental Grant	20% of the base grant multiplied by number of students who are multilingual learners, eligible for free or reduced lunch, or in foster care	\$1,600 per unduplicated qualified pupil
Concentration Grant	For districts where 55% of the population requires a supplemental grant, 50% of the base grant multiplied by each qualified student	\$5,300 per unduplicated qualified pupil

As is indicated by the name, LCFF allows for much local discretion over how money can be spent. Localities are required to create accountability plans that show that the funds are allocated to help the intended students but without prescriptive categories. The only exception to receiving funds through the LCFF is if a district has enough wealth that locally they surpass what would be supplemented by LCFF. If this is the case, localities do not receive state funds through LCFF, but they do keep all of their local funds as well as receive minimum state aid and additional state funding.<sup>19</sup> Roughly 13% of districts were funded in this alternative way in 2021-2022 due to their wealth.<sup>20</sup>

## Why Highlight California?

The Education Law Center's 2023 *Making the Grade* and the Albert Shanker Institute's 2024 *Adequacy and Fairness of State School Finance* systems both noted that in 2020-2021, California scored at the highest level in their **funding distribution**.<sup>21</sup> Additionally, multiple researchers examined data from the ten years since the roll-out of LCFF and found reduced grade retention and suspension rates, increased high school graduation rates and college readiness, and increased test scores on state standardized tests across grades and subjects.<sup>22</sup> The largest gains surfaced in the districts receiving the concentration grants.<sup>23</sup> School districts that focused on increasing teacher salaries and teacher retention while reducing class sizes saw the largest positive change in outcomes.<sup>24</sup> Spending money on guidance counselors and focusing on educator professional development also had positive associations with more effective school



spending. Though older data, the Edunomics Lab released a series of reports in 2017 that investigated how districts used and distributed the money and the connection with outcomes.<sup>25</sup> They found that while not all money was concentrated in the highest poverty schools to meet the highest needs,<sup>26</sup> there were positive associations between increased spending and student test scores.<sup>27</sup> In 2022, updated analyses of systems like LCFF found that the longer that they are enacted, the more **progressive funding** tends to be.<sup>28</sup>

## Challenges

Notably, this funding formula still may be systematically disadvantaging some groups.<sup>29</sup> For instance, California is allowing wealthy students to be advantaged under this model because the 13% of districts that raise all of their school funds permits their funding to surpass the funding of less affluent districts.<sup>30</sup> As similar reforms are considered, deeper analysis along lines of race, class, and neighborhood should be performed and monitored. Additionally, students who fall into multiple LCFF qualifying indicators may require support that calls for more funds than the model allocates. Lastly, local control requires local buy-in and improved accountability metrics so that districts, school administrators, and teachers use resources in ways that effectively serve all students. Indeed, with so much district autonomy, early analysis found that not all districts were allocating the money to the highest-need students or in helpful ways.<sup>31</sup> Increases in school administrator salaries, for example, did not correlate with higher student outcomes despite the flexibility to use the funds for this purpose. Changes that support deeper learning - defined as the development of critical thinking, collaboration, communication, and problem-solving skills - will require proper allocation of funds and staff buy-in toward a new way of teaching, which will require shifts in mindset and practice.<sup>32</sup>

The Education Law Center’s 2023 *Making the Grade* and the Albert Shanker Institute’s 2024 *Adequacy and Fairness of State School Finance* systems both noted that in 2020-2021, while California had **progressive funding**, it did not have high **funding effort**, or use much of its total state budget, toward education in comparison with other states.<sup>33</sup> So, while their equity initiatives are commendable, increasing funding for all schools would make for an even more robust system of public schools. Additionally, the variance in how localities invest their funds likely impacts the results in Education Week’s *Quality Counts* Chance-for-Success Index, which considers “the role that education plays in promoting positive outcomes across an individual’s lifetime.”<sup>34</sup> In 2021, California ranked 37th.

## Learning More

The California Department of Education reports that in 2023, California updated the LCFF model. Concentration grants now provide 65% of the adjusted base grant rather than 50% for each pupil once a district hits the 55% of all enrolled students mark.<sup>35</sup> To learn more about California’s approach and potential improvements, explore suggestions by the American Civil Liberties Union and Public Advocates, as well as the study results by Rucker Johnson linked in Table 2 below.

**Table 2. Learning More about California’s LCFF**

State Department of Education	Additional Possibilities	Empirical Evidence
<a href="#">California Department of Education Resources on LCFF</a> <sup>36</sup>	<a href="#">Recommendations from the ACLU and Public Advocates, Realizing the Promises of LCFF</a> <sup>37</sup>	<a href="#">Learning Policy Institute Study of LCFF by Rucker Johnson</a> <sup>38</sup>

## State Profile: Massachusetts

### How does it work?

In 1993, to meet the adequacy requirement of the Massachusetts state constitution, Massachusetts legislators created a “foundation budget” that aims to consider the cost of an adequate education for each district, a minimum floor of funding that considers both the needs of district student populations and the varied costs of living across the state.<sup>39</sup> This foundation budget includes considerations for enrollment as well as students who are from low-income families, are identified into special education, or are multilingual learners, and multiplies that across pre-determined input categories, like teacher salaries, facilities upkeep, school mental health staffing, etc.<sup>40</sup>

Next, the state determines what it thinks each locality can provide by determining a set percentage of the districts’ property values and income of residents.<sup>41</sup> Then, they determine the gap between the foundation budget and the amount the locality can pay before the state awards an amount to schools through *Chapter 70 Education Aid*. Localities that are able can also contribute more than the states’ estimated amounts to their school systems.<sup>42</sup>

### Why Highlight Massachusetts?

Many often praise Massachusetts as an exemplary state when it comes to educational practices, including school funding. The Albert Shanker Institute and Education Law Center rank Massachusetts at the highest ranking in overall **funding adequacy** and **level**.<sup>43</sup> Indeed, a 2020 analysis from researchers at Brown University found that while the rest of the nation increased education spending by only an average of 38% between 1993 and 2016, Massachusetts increased its spending by 66%.<sup>44</sup> Largely, these investments paid off, as the study showed that educational attainment has increased across diverse groups of students throughout the state since the reforms occurred, and these higher high-school graduation rates are linked to earning a living wage within the state.<sup>45</sup> Further, in the Education Week’s *Quality Counts* Chance-for-Success Index, Massachusetts scored first in the nation each year the analysis was completed.<sup>46</sup>

### Challenges

Unfortunately, an empirical study regarding Massachusetts’ schools found that “. . . the public education system in the Commonwealth has made substantial progress over the past two decades but has a long way to go in equalizing opportunities” for all students.<sup>47</sup> Some suggest that the ability for localities to continue to raise their own funds above Chapter 70 funds means that some wealthier districts can raise significantly more money than other low-income districts that may benefit from or may still be in need of additional funds.<sup>48</sup> An analysis by the legislatively mandated Foundation Budget Review Commission recommended adding increased weights for students in concentrated poverty in 2015 but the system was not amended to do so at that time.<sup>49</sup>

Despite their high **funding effort**, Massachusetts ranks poorly when compared to other states in terms of providing needed funding to low-income districts across multiple national rankings.<sup>50</sup> So, while adequacy is ranked highly statewide, large gaps in opportunity still persist across the state, measured by the difference in available resources in the wealthiest and poorest districts.<sup>51</sup>



## Learning More

Some recent reforms have attempted to address these disparities. In 2019, the Massachusetts legislature passed the Student Opportunity Act, which aims to improve fairness in spending over the next seven years.<sup>52</sup> This legislation considered the recommendations of the 2015 Foundation Budget Review Commission.<sup>53</sup> Additionally, in November 2022, the state passed the Fair Share Amendment through a ballot measure, which aims to increase funding toward education and transportation by \$1 billion through a tax increase for the wealthiest citizens of the state.<sup>54</sup> These reforms are still too new to know their impact on educational opportunities in Massachusetts. To learn more about these policies, their benefits and potential challenges, visit the Massachusetts Department of Education and the Massachusetts Budget and Policy Center website, linked in Table 3. Learn more about the long-term effects of the funding system from the study also linked below.

**Table 3. Learning more about Massachusetts' School Funding System**

State Department of Education	Additional Possibilities	Empirical Evidence
<a href="#">Massachusetts Department of Education resources on school funding</a> <sup>55</sup>	<a href="#">Ideas for strengthening the system by the Massachusetts Budget &amp; Policy Center</a> <sup>56</sup>	<a href="#">Brown University study of Massachusetts' system by John P. Papay, Richard J. Murnane, Lily An, Kate Donohue, and Aubrey McDonough</a> <sup>57</sup>

## State Profile: Wyoming

### How does it work?

Wyoming's legislators reformed the school funding system following litigation in the 1990s through the early 2000s<sup>58</sup> and bases their system on a foundation guarantee.<sup>59</sup> The foundation guarantee is determined by the amount of school and district resources (e.g., cost for the number of teachers, administrators, and utilities based on school sizes) multiplied by cost adjustments (based on the area within the state) plus reimbursements for certain categories (e.g., special education, teacher raises, facilities maintenance, and transportation). The state then determines the amount the local government can raise, through mandated tax rates and other levies,<sup>60</sup> and subtracts that from the foundation guarantee.<sup>61</sup> If, from this formula, the state determines that the district cannot cover this base amount, the state awards funds through a district entitlement to make up the difference. If the district's income exceeds this amount, the state recaptures the excess and uses it to help other districts across the state.<sup>62</sup>

### Why Highlight Wyoming?

Wyoming was the only state that scored all As in the Education Law Center's 2023 *Making the Grade* report, which ranks the distribution, effort, and level of school funding in comparison with other states.<sup>63</sup> In their 2022 report, they noted that Wyoming's progressivity increased substantially between 2008 and 2020, even as many states' funding regressed during the recession.<sup>64</sup> Wyoming also ranked first overall in the Albert Shanker Institute's report.<sup>65</sup>

Since the first major reform in the late 1990s, the state of Wyoming has hired an external evaluator to collect empirical data on its funding system every five years and make suggestions for reforms.<sup>66</sup> These reviews occurred in 2005, 2010, 2015, and 2020, and policymakers made small tweaks to the system based on these recommendations, but they have not overhauled the system.<sup>67</sup>

### Challenges

Since much of Wyoming's state funding comes from its natural resources, the state income is not stable across years, which could lead to dramatic changes in education **funding levels**.<sup>68</sup> Other weaknesses with this system include the lack of funds supporting early education; in 2019, Wyoming had no state-funded early childhood education centers.<sup>69</sup> Recently, teachers brought a new adequacy funding lawsuit in Wyoming.<sup>70</sup> Despite the five-year evaluations built into the funding model, the complaint alleges that salaries for teachers in the current model have not been adjusted adequately for inflation for over a decade, salary estimates are \$7,000 below baseline costs, and certainly below what is needed to attract and retain high-quality teachers.<sup>71</sup> While evaluating the exportability of Wyoming's model, policymakers should consider the state's racial composition, as Wyoming is a primarily White state whose model may face judicial or legislative obstacles in more diverse states.<sup>72</sup>

Despite their high level of funding, the state outcome on Education Week's *Quality Counts* Chance-for-Success Index is average, ranking 22nd in the nation in 2021.<sup>73</sup> While the funding reform in Wyoming has led to improvements over the last two decades, they have only sustained the current level of funding for a short period. Long-term Chance-for-Success rankings could climb if Wyoming maintains its levels of funding over a longer period.

## Learning More

In response to the lack of early childhood education, Wyoming distributed grant funds to work on this opportunity gap from 2021 to 2023,<sup>74</sup> but the reform is too new to understand how this will impact long-term outcomes. As mentioned earlier, the outcomes of the new adequacy case set to begin June 2024 could provide new insights into Wyoming’s approach.<sup>75</sup> To learn more about Wyoming’s funding system and the Wyoming Education Association’s lawsuit, visit the links in Table 4.

**Table 4. Learning More about Wyoming’s School Funding System**

State Legislature	Additional Possibilities	Empirical Evidence
<a href="#">Wyoming’s State Legislature Resources on School Funding</a> <sup>76</sup>	<a href="#">Lawsuit Tracker by the Wyoming Education Association</a> <sup>77</sup>	<a href="#">Odden &amp; Picus 2020 external evaluator report</a> <sup>78</sup>

# The Federal Role in School Funding

The federal government serves as a key strategic partner for states and districts for school funding. It provides states and districts a wide array of assistance that includes not only financial assistance but also research and technical assistance. When states and districts strive to provide school funding in ways that ensure all students receive a high-quality education, federal assistance can expand the capacity of states and districts to reform their funding approach to support closing opportunity gaps and advancing equal educational opportunities.<sup>79</sup>

## Federal Resources to Address Funding Challenges

Below we highlight some of the financial, research, and technical assistance that can help states and districts identify and close school funding gaps.

### Financial Assistance

All states receive federal funding through federal laws and programs, including the Every Student Succeeds Act (ESSA), which amounted to \$101 billion in assistance for K–12 schools in the 2020–21 academic year. The Education Stabilization Fund, which delivered federal funding post-COVID, provided \$18.6 billion, and this substantial increase in funding increased federal contributions by 43%. Although the federal-only funding provides 11% of total school funding while states and localities provide the lion’s share, 46% and 44% respectively, that funding still yields significant influence because funds determined by state policy are used to address the substantial fixed costs, such as administration, pensions, and facilities, that all districts must pay.<sup>80</sup>

As a requirement of federal funding under ESSA, states must publish per-pupil spending of federal, state, and local funds by source of funds for each school and district in state report cards, including actual spending on personnel.<sup>81</sup> Districts also must disclose per-pupil spending by school.<sup>82</sup> This and other state and local data offers state law and policymakers, district leaders, and the public a clear portrait of funding allocations and the strengths and shortcomings of those allocations for schools and students along lines of class, race, and geography.

Unfortunately, although this and other data have long shown funding inequities and inadequacies, state efforts to correct these problems are far too rarely implemented.<sup>83</sup> Therefore, across our nation, we need greater attention on and accountability for state and local leaders to reform school funding systems in ways that close opportunity gaps and deliver a high-quality education to each and every student. Federal financial, research, and technical assistance can serve as tools that can help to achieve this aim when states invest this assistance on reforms supported by research. States also must make sure that the federal funds supplement, but not supplant, state and local funding, as required by federal law.<sup>84</sup>

In Appendix A, we include a table with links and a QR code to many available resources that could help assist educational agencies that are working to close opportunity gaps in school funding.

The highlighted resources in Appendix A include financial support for:

- Schools serving low-income students.
- Districts seeking to improve school climate.
- Districts serving Indigenous students.
- Districts located on federal tax-exempt properties.
- Rural districts.
- Innovative programs seeking to raise school achievement.

## Research and Technical Assistance

The federal government also assists states, districts, and schools by funding research and technical assistance that promotes the use of educational research findings in practice. One group that provides such services is the Comprehensive Center Network that aims to “improve educational outcomes for all students, close achievement gaps, and improve the quality of instruction.”<sup>85</sup> These centers are funded through five-year plans, currently spanning 2019 to 2024, and include one national center and nineteen regional centers.<sup>86</sup> The centers provide tools about a wide range of topics, including school funding and financial transparency.<sup>87</sup>

For example, the National Comprehensive Center (NCC) published a guide that benefits district leaders who want to ensure that they collect spending data that is useful in informing equal educational opportunities.<sup>88</sup> In the guide and online, NCC supplies information about the data visualizations that are most helpful in discussing financial decisions with educational stakeholders.<sup>89</sup> For school leaders and policymakers wanting to learn more about available national datasets that can assist with school funding reform, we recommend NCC’s brief, *School Spending Data*.<sup>90</sup>

As ESSER funding ends, the Comprehensive Center Network also provides a template for states and districts to help financially plan for sustained student growth despite the lack of ESSER funds.<sup>91</sup> Additionally, they assemble Communities of Practice, in which individuals from state educational agencies can work together through their strategic financial planning.<sup>92</sup> We encourage interested school leaders, educational policymakers and advocates to also engage with the detailed information about the relevant regional comprehensive centers, including their projects, resources, and impact stories, which can be found on the Comprehensive Center Network website.<sup>93</sup>

Technical and research assistance are also available regionally through four regional equity assistance centers, authorized under Title VI of the Civil Rights Act of 1964.<sup>94</sup> Research and resources related to school funding applicable to various regions across our nation can also be found through these technical assistance centers. Additionally, the Institute for Education Sciences (IES) supports ten regional educational laboratories that offer research and technical assistance that “is change-oriented, supporting meaningful local, regional, or state decisions about education policies, programs, and practices designed to improve learner outcomes.”<sup>95</sup> A variety of products, including research, tools, fact sheets, events, and training materials can be found related to an array of school topics in states and regions across the country, including school funding.<sup>96</sup> The Title IV, Part A Center (T4PA) also helps states by “developing and disseminating high-quality resources, information, and trainings, as well as providing access to a national cadre of subject matter experts who can offer targeted technical assistance.”<sup>97</sup> For state coordinators charged with responsibly using

funds, T4PA provides resources and assistance to responsibly connect federal resources to local schools. At the Education Rights Institute, we encourage school, district, and state leaders to utilize these resources and connect with the staff at the assistance centers to further support a high-quality education for each and every student. These federal resources can help to expand the capacity of policymakers and education leaders to deliver equal educational opportunity.

## Potential Federal Reforms to Help Close School Funding Gaps

The federal government could adopt reforms that would guide states and districts in closing school funding gaps that harm our national interests in a strong democracy, economy, and society. These reforms include federal incentives and conditions, such as those within reauthorizations of the Elementary and Secondary Education Act or stand-alone programs,<sup>98</sup> and federal mandates, such as the one in Title VI of the Civil Rights Act of 1964.<sup>99</sup> Both have been employed by the federal government throughout our nation's history to advance equal educational opportunity.<sup>100</sup> The data revealing widespread opportunity gaps along lines of class, race, and geography throughout our nation indicate that new federal action is needed to ensure that all students can attend a high-quality school that enables them to be college and career ready and engaged civic participants. Below are some potential federal incentives, conditions, and mandates that would guide states and districts in closing school funding gaps.<sup>101</sup>

Before turning to these proposals, we acknowledge at the outset that these proposals would increase the federal role in education in ways that would make the federal government a more generous investor in and partner for education while it also exerts greater leadership to guide the nation in achieving our national goal of equal educational opportunities. Our current and historical approach to federal involvement in education has demanded state and local control of education with only limited federal accountability for ensuring that the needs of traditionally disadvantaged students, such as low-income students, students of color, and most rural and many urban students, are met. The federal government establishes conditions for federal funding through its authority under the Spending Clause of the Constitution.<sup>102</sup> Both ESSA and ESSER include conditions for federal funding while also offering great flexibility to states and districts in how this funding is used.<sup>103</sup>

State and local control of schools and broad flexibility for federal financial assistance has enabled state and district leaders to regularly accept large amounts of federal funding without sufficient accountability for effectively and equitably serving all students.<sup>104</sup> Restructuring federal involvement in education would reform the longstanding approach in which the federal government stands on the sidelines writing large checks while the states and localities primarily set the goals and call a great majority of the key shots in education.

In its place, restructuring the federal-state education relationship would make the state and federal governments true partners in education that work collaboratively to strengthen our nation's education system. This partnership would *expand* state and local capacity to increase the quality of educational opportunities while insisting that states and localities also deliver both a high-quality education and ensure that our most vulnerable students do not continue to be left behind. A deeper and more effective collaborative partnership between the state and federal government would



benefit not only disadvantaged students, but all students because improving the educational opportunities and outcomes of so many marginalized students would strengthen our economy, democracy, and society.<sup>105</sup>

## **New Federal Support That Leads to States and Districts Closing School Funding Gaps**

Federal incentives that drive the closure of harmful funding gaps would lead to greater state attention to how they structure school funding systems and reforms that increase the adequacy and equity of school funding. New federal incentives could offer grants that financially reward states that are implementing reforms to deliver school funding in ways that drive additional resources to the students who need them the most while maintaining a high-quality education for all students.<sup>106</sup> The grants also should note that states should avoid reducing **funding levels** in an effort to follow a cheap road to equity. Additional incentives could reward states for establishing accountability systems that link the state's **funding levels** and **distribution** to the state's goals for education, including to funding that supports teaching the content in state standards and such outcomes as preparing students that are college and career ready and engaged civic participants. For example, New Jersey implemented reforms that tied school funding to the goals of the education system in ways that drove improvements in educational opportunities and outcomes.<sup>107</sup> Federal funding incentives should include sufficient funding for states to secure the expertise of school funding experts of their choice who can offer research and insights on how states can address the specific school funding challenges facing their state.

Among the tools that are available, Congress also could adopt innovative and tailored federal funding conditions that lead states to close school funding opportunity gaps and build better school funding systems.<sup>108</sup> The federal government enjoys more than six decades of influential funding incentives for elementary and secondary, including the 1965 Elementary and Secondary Education Act.<sup>109</sup> Regular congressional reauthorization of ESEA provides a fresh opportunity to include funding conditions for Title I or other programs that would lead states to both analyze the per-pupil spending data that they published under ESSA and to adopt reforms that close funding gaps while maintaining a focus on delivering a high-quality education. Alternatively, Congress could pass a separate law that conditions new federal funds on states adopting a comprehensive plan to close harmful school funding gaps while delivering a high-quality education focused on each state's education standards and goals.

Any new federal funding conditions should be paired with a substantial increase in federal school funding that would serve as a sufficiently large incentive to encourage reduction of harmful school funding gaps and to increase low **funding levels** that undermine states' abilities to deliver the high-quality education that each and every student needs. This additional federal funding expands state capacity to improve school systems.<sup>110</sup>

The legislative process for adopting any federal reforms should emphasize that states remain in the driver's seat for education while the federal government would be placing guardrails along the road that reduce the casualties of the current school funding approaches. In addition, the legislative process should include hearings and a public information campaign that explains to the American public the shortcomings and costs of tolerating harmful and unjust school funding opportunity

gaps.<sup>111</sup> This information-sharing campaign also should emphasize that our nation is an outlier among other developed in allowing states to give less funding to low-income students and districts.<sup>112</sup>

## A Federal Right to Education

As a pathway to closing gaps in funding, Congress could adopt a law that guarantees each student a right to a high-quality education.<sup>113</sup> Such a law could be framed as a negative or positive right. A wide range of formulations exist for such a right. For example, a negative right, which is a right prohibiting particular action(s), could state that “No state shall deny any student access to a high-quality education that provides the opportunity for them to be college- and career-ready and engaged civic participants.” In contrast, a positive right, which is a right that grants individuals access to something, could state that “Each state shall provide each student access to a high-quality education that provides the opportunity for them to be college- and career-ready and engaged civic participants.” Any formulation of the right would need to include a definition of a high-quality education that notes that essential elements of an adequate and equitable school funding system and any accountability requirements.<sup>114</sup> Congress could draw upon its authority under the Fourteenth Amendment’s Equal Protection, Due Process, or both to pass such a law, among other constitutional provisions.<sup>115</sup>

Imagine how different our education system would be if a high-quality education was not just available to those who are born into a particular socioeconomic class, race, national origin, or neighborhood, but instead was provided to each and every student across our land. Such a right would signal that a high-quality education for each student deserves a place among our core values.<sup>116</sup> Additionally, it could contribute positively to our national economy, as discussed in our report *School Funding: Opportunity Gaps and How They Harm Our Students*.<sup>117</sup>

A federal right to a high-quality education would guarantee a much-needed floor of educational opportunity rather than displace state and local authority over education. How states deliver a high-quality education and adequate and fair funding would still be determined by the states. States and localities would still provide the largest proportions of school funding, set many or most goals for education, and decide how that education is delivered. States also could choose to provide an education that exceeds the requirements of a federal right to education, but they could not offer less than the right guarantees.

Fortunately, the legal foundation for a federal right to education as an alternative way to secure increased school funding is growing stronger through the increasing presence of federal civil rights laws for education and through state court litigation on rights to education.<sup>118</sup> As education legal scholar Joshua Weishart noted at the launch of the Education Rights Institute:

It is in state courts where we made the most progress, but this is another reason why we are closer to a federal right to education than we might think because much of the conceptual groundwork for a federal right to education has already been tried and tested in a half-century of school funding litigation in state courts.<sup>119</sup>

In one of the wealthiest nations in the world, we possess the capacity to enact a federal right to a high-quality education if—and only if—we can build the political will to demand it.

## Accountability for School Finance

Starting in the late 1990s, education policymakers began championing accountability in terms of standards and learning outcomes. However, policymakers have been less focused on creating clear ties between school funding and student outcomes. In fact, in states across our nation, numerous courts have uncovered evidence of this lack of connection, with findings like the one from a North Dakota judge in school funding litigation:

[the distribution of funding primarily on the basis of property wealth] is not necessarily related to any aspect of educational needs, or educational cost per pupil, and, as a whole, fails to bear a close correspondence . . . to the constitutional mandate to provide an equal educational opportunity, or to the legislative goal of “support[ing] elementary and secondary education in this state from state funds based on the educational cost per pupil.”<sup>120</sup>

As other courts have found, school funding policy does not always sufficiently link school funding systems to the goals and outcomes that policymakers and educators want students to achieve.<sup>121</sup> However, it is also clear from the analysis of funding gaps presented in the first paper in this series,<sup>122</sup> that many schools do not have the necessary resources to operate a high-quality education system. Therefore, in this section, we discuss two needed measures of accountability: one for student outcomes and one for funding systems and their funders.

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**School funding policy does not always sufficiently link school funding systems to the goals and outcomes that policymakers and educators want students to achieve.**

## Connecting School Funding to Student Outcomes

Our large financial investment in our public schools should be tied to what we are asking our schools to accomplish. In other words, with investment there should be return on investment. In the 2000s and 2010s, researchers raised concerns regarding the lack of linkage between school funding and school outcomes.<sup>123</sup> Scholars debate which school outcomes should serve as the measurement of success. From this era of increased accountability until today, many researchers and school leaders have thought about accountability as the connection between funding and student test scores.<sup>124</sup> However, while student achievement is certainly important, recent studies have also investigated connections between funding and increases in high school graduation rates, postsecondary enrollment, and future income.<sup>125</sup> Due to the Education Rights Institute’s focus on college and career readiness and civic engagement as critical outcomes for a high-quality education,<sup>126</sup> we believe these outcomes also should serve as important indicators of success for school funding systems.

In order to prioritize such additional outcomes, researchers recommend that policymakers redesign

accountability systems to continue to assess the effectiveness of school funding on student achievement via test scores while also including more diverse student measures, including performance tasks, surveys, and academic growth, as well as measurable school factors like school climate and student course access.<sup>127</sup> In this system of accountability, schools are responsible for promoting student learning, shown through a variety of measures, and creating an environment where students have equitable access to learning.

## Holding Funders Accountable

In addition to holding schools accountable for using resources wisely, those who are responsible for funding schools, including local, state, and federal officials, should be held accountable for providing schools with the necessary funds to promote a high-quality education. Linda Darling-Hammond, Gene Wilhoit, and Linda Pittenger refer to this as resource accountability.<sup>128</sup> They explain, “federal, state, and local education agencies must themselves meet certain standards of delivery while school-based educators and students are expected to meet certain standards of practice and learning.”<sup>129</sup> They advocate for creating “resource standards” in which state and district officials are measured against the provision of **adequate funding**, materials, and high-quality teachers.<sup>130</sup> Scott Marion, executive director of the National Center for the Improvement of Educational Assessment, advocates for a similar idea which he coins “shared responsibility.”<sup>131</sup> In such a system, state officials, many of whom are elected, would report how they are measuring up to resource standards just as schools are required to share their accountability data.

This type of accountability, where stakeholders across the system are expected to meet standards, would allow policymakers to link school funding systems to the broad array of student outcomes tied to a high-quality education. With shared responsibility, teachers, administrators, district leaders, and state and federal policymakers can shift toward using data to inform continuous collaborative improvement across the system. This would empower schools to meet their outcome measures, assuming they are adequately funded, rather than penalizing them for a state or district’s failure to provide schools with the resources that they need. Through such a model, we could build an ever-improving educational system in which students in America can thrive.

## Conclusion

As state lawmakers review and amend school funding systems, they should seize this opportunity to examine how school funding can be delivered in ways that ensure that all students receive the **fair funding** they need to attend a high-quality school that prepares them to be college and career ready and engaged civic participants.

The federal government serves as a key partner to states as they fund education. The U.S. Department of Education offers research, technical, and financial support to states and districts that can expand their capacity to deliver a high-quality education when these funds are strategically invested. Congress also can and should adopt additional incentives for states and districts to provide **progressive** and **adequate** school funding as well as federal funding conditions that achieve this aim. Alternatively, Congress can and should enact a federal right to a high-quality education that identifies the minimum educational opportunities that each and every student should receive.

We encourage policymakers, school leaders, and educators to advocate for **fair funding** for students to ensure that all students, and particularly those who need the most support, can receive the high-quality education they need in order to thrive. Only then will our schools begin to deliver the equal educational opportunities that our democracy, economy, and society needs.

# Glossary

**Adequate funding:** funding that centers around the question: do schools have the financial resources necessary to get all students to a particular benchmark? <sup>132</sup> This benchmark varies, depending on who defines what adequate means, but often considers both school inputs and outputs, with outputs often defined by standardized test scores.<sup>133</sup>

**Equitable funding:** also known as equal funding, generally defined as **flat funding** for all districts, with more focus on inputs and no consideration of school outcomes.<sup>134</sup>

**Fair funding:** funding that ensures each student has an opportunity, through the provision of needed resources (e.g., qualified teachers), to meet defined benchmarks, which includes additional funds provided to districts with a greater concentration of high-need students.<sup>135</sup>

**Flat Funding:** a **funding distribution** model where states or districts provide approximately equal state and local funds are distributed to each district regardless of student need. <sup>136</sup>

**Funding Distribution:** how funding is distributed in relationship to the concentration of poverty in a district. See **progressive funding**, **regressive funding**, and **flat funding**.

**Funding Effort:** how much of the state's available budget is allocated to education.

**Funding Level:** the amount of money available for schools, generally across a state.

**Per Pupil Funding:** calculation found by dividing the total amount of funding provided by the number of students served. This is often used to discuss the relative amount of money schools receive since it helps account for different school sizes. Many analyses also add adjustments by cost of living when comparing per pupil funding.

**Progressive Funding:** a funding distribution model where states or districts provide more state and local money to districts with higher concentrations of student need due to poverty.<sup>137</sup>

**Regressive Funding:** a funding distribution model where states or districts provide less state and local funding to school districts with greater student need.<sup>138</sup>



# Endnotes

<sup>1</sup> C. Kirabo Jackson, Rucker C. Johnson & Claudia Persico, *The Effects of School Spending on Educational and Economic Outcomes: Evidence from School Finance Reforms*, 131 Q.J. OF ECON. 157, 157 (2016); C. Kirabo Jackson, *Does School Spending Matter? The New Literature on an Old Question*, in CONFRONTING INEQUALITY: HOW POLICIES AND PRACTICES SHAPE CHILDREN'S OPPORTUNITIES 165, 168 (Laura Tach, Rachel Dunifon, & Douglas L. Miller eds., 2020); EDUC. L. CTR., MONEY MATTERS: EVIDENCE SUPPORTING GREATER INVESTMENT IN PK-12 PUBLIC EDUCATION 1 (2023),

<https://edlawcenter.org/assets/files/pdfs/School%20Funding/Money%20Matters%20Talking%20Points.pdf>.

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<sup>2</sup> KIMBERLY JENKINS ROBINSON & SARAH BEACH, EDUCATION RIGHTS INSTITUTE, SCHOOL FUNDING: OPPORTUNITY GAPS AND HOW THEY HARM OUR STUDENTS 1-11 (2024).

<sup>3</sup> *Id.*

<sup>4</sup> 294 A.3d 537 (Pa. Commw. Ct. 2023).

<sup>5</sup> Helen F. Ladd, *Reflections on Equity, Adequacy, and Weighted Student Funding*, 3 EDUC. FIN. & POL'Y 402, 404 (2008).

<sup>6</sup> For more information about the Education Rights Institute's goals for a high-quality education, see KIMBERLY JENKINS ROBINSON, SARAH BEACH & HELEN MIN, EDUC. RTS. INST., A PRIMER ON OPPORTUNITY GAPS, ACHIEVEMENT GAPS, AND THE PURSUIT OF A HIGH-QUALITY EDUCATION 11-14 (2024).

<sup>7</sup> Explore Georgetown University's Edunomics Lab dataset at: <https://edunomicslab.org/nerds/>.

<sup>8</sup> Explore the Albert Shanker Institute database at: <https://www.schoolfinancedata.org> and the FundEd database at <http://funded.edbuild.org/state>.

<sup>9</sup> DANIELLE FARRIE & ROBERT KIM, EDUC. L. CTR., MAKING THE GRADE 2023: HOW FAIR IS SCHOOL FUNDING IN YOUR STATE? 7-26 (2023).

<sup>10</sup> BRUCE D. BAKER, MATTHEW DI CARLO & MARK WEBER, ALBERT SHANKER INST., THE ADEQUACY AND FAIRNESS OF STATE SCHOOL FINANCE SYSTEMS: SCHOOL YEAR 2020-21 9-20 (6<sup>th</sup> ed. 2024), [https://www.schoolfinancedata.org/wp-content/uploads/2024/02/SFID2024\\_annualreport.pdf](https://www.schoolfinancedata.org/wp-content/uploads/2024/02/SFID2024_annualreport.pdf).

<sup>11</sup> DANIELLE FARRIE & DAVID G. SCIARRA, EDUC. L. CTR., MAKING THE GRADE 2022: HOW FAIR IS SCHOOL FUNDING IN YOUR STATE? 26 (2022).

<sup>12</sup> In our own state of Virginia, the legislature passed a school funding reform which the Governor at first vetoed see Brad Kutner, *Youngkin Slashes Democrats' Education Budget, Vetoes Bipartisan School Funding Bill*, RADIO IQ (Apr. 9, 2024, 4:58 PM), <https://www.wvtf.org/news/2024-04-09/youngkin-slashes-democrats-education-budget-vetoes-bipartisan-school-funding-bill> (reporting on the veto of a bill that allowed localities to raise more funds for schools). The legislature and governor ended up compromising on a school budget increase, see Gregory S. Schneider & Laura Vozzella, *Va. Lawmakers Avert Budget Crisis, Approve Bipartisan Spending Plan*, WASH. POST (May 13, 2024, 5:27 PM), <https://www.washingtonpost.com/dc-md-va/2024/05/13/virginia-budget-youngkin-assembly-taxes/> ("The budget includes 3 percent raises in each of the next two years for teachers and state employees, as well as big increases in funding for K-12 schools, higher education and mental health services.").

<sup>13</sup> For a thorough discussion of the Education Rights Institute's position regarding this, see ROBINSON ET AL., *supra* note 6, at 7-8.

<sup>14</sup> RUCKER C. JOHNSON, LEARNING POL'Y INST., SCHOOL FUNDING EFFECTIVENESS: EVIDENCE FROM CALIFORNIA'S LOCAL CONTROL FUNDING FORMULA iv (2023), [https://learningpolicyinstitute.org/media/4108/download?inline&file=CA\\_LCFF\\_School\\_Funding\\_Effectiveness\\_REPORT.pdf](https://learningpolicyinstitute.org/media/4108/download?inline&file=CA_LCFF_School_Funding_Effectiveness_REPORT.pdf); Local Control Funding Formula (LCFF) Revenue, CAL. CODE REGS. tit. 5, § 15444 (2013).

- <sup>15</sup> JOHNSON, *supra* note 14, at 2; GABRIEL PETEK, LEGIS. ANALYST'S OFFICE, THE LOCAL CONTROL FUNDING FORMULA FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS 3-5 (2023), <https://lao.ca.gov/reports/2023/4661/LCFF-010923.pdf>.
- <sup>16</sup> JOHNSON, *supra* note 14, at 3.
- <sup>17</sup> PETEK, *supra* note 15, at 7.
- <sup>18</sup> *Id.* at 1.
- <sup>19</sup> *Id.* at 7.
- <sup>20</sup> *Id.*
- <sup>21</sup> FARRIE & KIM, *supra* note 9, at 26; BAKER ET AL., *supra* note 10, at 20.
- <sup>22</sup> JOHNSON *supra* note 14, at 31–33; JULIEN LAFORTUNE, JOSEPH HERRERA & NIU GAO, PUB. POL'Y INST. OF CAL., EXAMINING THE REACH OF TARGETED SCHOOL FUNDING 9-14 (2023), <https://www.ppic.org/?show-pdf=true&docraptor=true&url=https%3A%2F%2Fwww.ppic.org%2Fpublication%2Fexamining-the-reach-of-targeted-school-funding%2F>; NATALIE WHEATFALL-LUM, THE EDUCATION TRUST – WEST, MORE TO BE DONE: CALIFORNIA'S LOCAL CONTROL FUNDING FORMULA AFTER A DECADE 3-5 (2023).
- <sup>23</sup> JOHNSON, *supra* note 14, at iv–vi, 10.
- <sup>24</sup> *Id.* at vi, 29.
- <sup>25</sup> See MARGUERITE ROZA, TIM COUGHLIN & LAURA ANDERSON, EDUNOMICS LAB AT GEO. UNIV., TAKING STOCK OF CALIFORNIA'S WEIGHTED STUDENT FUNDING OVERHAUL: WHAT HAVE DISTRICTS DONE WITH THEIR SPENDING FLEXIBILITY? (2017); MARGUERITE ROZA, TIM COUGHLIN & LAURA ANDERSON, EDUNOMICS LAB AT GEO. UNIV., DID DISTRICTS CONCENTRATE NEW STATE MONEY ON HIGHEST- NEEDS SCHOOLS? ANSWER: DEPENDS ON THE DISTRICT (2017); ELENA DERBY & MARGUERITE ROZA, EDUNOMICS LAB AT GEO. UNIV., CALIFORNIA'S WEIGHTED STUDENT FORMULA: DOES IT HELP MONEY MATTER MORE? (2017).
- <sup>26</sup> MARGUERITE ROZA ET AL, DID DISTRICTS CONCENTRATE NEW STATE MONEY ON HIGHEST- NEEDS SCHOOLS? ANSWER: DEPENDS ON THE DISTRICT, *supra* note 25, at 4-6.
- <sup>27</sup> DERBY & ROZA, *supra* note 25, at 5.
- <sup>28</sup> Hannah Jarmolowski, Chad Aldeman & Marguerite Roza, *Do Districts Using Weighted Student Funding Formulas Deliver More Dollars to Low-income Students?*, 97 PEABODY J. OF EDUC. 427, 433-435 (2022).
- <sup>29</sup> One case study found that due to the Local Control component of LCFF, district leaders' conceptions of equity impacted the distribution of funds. If this model were to be scaled, this limitation would need to be heavily considered. See Taylor N. Allbright et al., *Conceptualizing Equity in the Implementation of California Education Finance Reform*, AM. J. OF EDUC. 173, 184–191 (2019); Rodney Beaulieu, *Is California Equitably Serving California Indian Students? A Comparison of Per-Pupil Funding and Family Wealth*, 45 J. OF EDUC. FIN. 42, 50-53 (2019), <https://www.istor.org/stable/pdf/48671053.pdf>; NATALIE WHEATFALL-LUM, *supra* note 22, at 6.
- <sup>30</sup> PAUL BRUNO, GETTING DOWN TO FACTS II, DISTRICT DOLLARS 2: CALIFORNIA SCHOOL DISTRICT FINANCES, 2004-5 THROUGH 2016-17 13, 27–28 (2018), [https://www.gettingdowntofacts.com/sites/default/files/2018-09/GDTFII\\_Report\\_Bruno.pdf](https://www.gettingdowntofacts.com/sites/default/files/2018-09/GDTFII_Report_Bruno.pdf); CARRIE HAHNEL & DANIEL C. HUMPHREY, POL'Y ANALYSIS FOR CAL. EDUC., WHAT'S NEXT FOR THE LOCAL CONTROL FUNDING FORMULA? 4 (2021) <https://files.eric.ed.gov/fulltext/ED615719.pdf>.
- <sup>31</sup> MARGUERITE ROZA ET AL, DID DISTRICTS CONCENTRATE NEW STATE MONEY ON HIGHEST- NEEDS SCHOOLS? ANSWER: DEPENDS ON THE DISTRICT, *supra* note 25, at 4-5; ALICE LI ET AL., PUB. ADVOC. & ACLU S. CAL., REALIZING THE PROMISE OF LCFF: RECOMMENDATIONS FROM THE FIRST TEN YEARS 4-10 (2023).
- <sup>32</sup> DION BURNS, LINDA DARLING-HAMMOND & CAITLIN SCOTT ET AL., LEARNING POL'Y INST., CLOSING THE OPPORTUNITY GAP: HOW POSITIVE OUTLIER DISTRICTS IN CALIFORNIA ARE PURSUING EQUITABLE ACCESS TO DEEPER LEARNING 1, 46-52 (2019), [https://learningpolicyinstitute.org/media/355/download?inline&file=Positive\\_Outliers\\_Qualitative\\_REPORT.pdf](https://learningpolicyinstitute.org/media/355/download?inline&file=Positive_Outliers_Qualitative_REPORT.pdf).
- <sup>33</sup> FARRIE & KIM, *supra* note 9, at 26; BAKER ET AL., *supra* note 10, at 20.
- <sup>34</sup> EDUCATIONWEEK, Quality Counts 2021: Educational Opportunities and Performance in California (Sept. 1, 2021), <https://www.edweek.org/technology/quality-counts-2021-educational-opportunities-and-performance-in-california/2021/01>.
- <sup>35</sup> *Funding Rates and Information, Fiscal Year 2023-24*, CALIFORNIA DEPT. OF EDUC., (July 25, 2024), <https://www.cde.ca.gov/fg/aa/pa/pa2324rates.asp>.
- <sup>36</sup> Explore the website at: <https://www.cde.ca.gov/fg/aa/lc/>.
- <sup>37</sup> Explore the website at: <https://publicadvocates.org/wp-content/uploads/2023/03/realizing-the-promise-of-lcff.pdf>.
- <sup>38</sup> Explore the report at: <https://learningpolicyinstitute.org/product/school-funding-effectiveness-ca-lcff>.

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<sup>39</sup>See Massachusetts Education Reform Act of 1993, ch. 71, 1993 Mass. Acts 159, 183-98 (codified as amended at MASS. GEN. LAWS chs. 70-71(2023)); DAVID HINOJOSA, LEARNING POL'Y INST., ESSENTIAL BUILDING BLOCKS FOR STATE SCHOOL FINANCE SYSTEMS AND PROMISING STATE PRACTICES 21-22 (2018); Jeffrey C. Riley, Mass. Dep't Elementary & Secondary Educ., *School Finance: Chapter 70 Program 1* (July 2021), <https://www.doe.mass.edu/finance/chapter70/fy2022/chapter-2022-whitepaper.docx>.

<sup>40</sup> See Massachusetts Education Reform Act of 1993, *supra* note 39, at 183-189; HINOJOSA, *supra* note 39, at 21-22; Riley, *supra* note 39, at 6.

<sup>41</sup> See Massachusetts Education Reform Act of 1993, *supra* note 39, at 183; HINOJOSA, *supra* note 39, at 21-22; Riley, *supra* note 39, at 1.

<sup>42</sup> See Massachusetts Education Reform Act of 1993, *supra* note 39, at 183-98; HINOJOSA, *supra* note 39, at 21-22; Riley, *supra* note 39, at 1.

<sup>43</sup> BAKER ET AL., *supra* note 10, at 20; FARRIE & KIM, *supra* note 9, at 26.

<sup>44</sup> JOHN P. PAPAY, ANN MANTIL, RICHARD J. MURNANE, LILY AN, KATE DONOHUE & AUBREY McDONOUGH, BROWN UNIV., EDUC. OPPORTUNITY IN MASS., LIFTING ALL BOATS?: ACCOMPLISHMENTS AND CHALLENGES FROM 20 YEARS OF EDUCATION REFORM IN MASSACHUSETTS iii (2020).

<sup>45</sup> *Id.* at 25.

<sup>46</sup> As mentioned in a previous profile, this indicator considers “the role that education plays in promoting positive outcomes across an individual’s lifetime.” *Quality Counts 2021: Educational Opportunities and Performance in Massachusetts*, Educ. Wk. (Sept. 1, 2021), <https://www.edweek.org/policy-politics/quality-counts-2021-educational-opportunities-and-performance-in-massachusetts/2021/01>; *Educational Opportunities and Performance in Massachusetts*, Educ. WK. (Sept. 2, 2020), <https://www.edweek.org/policy-politics/educational-opportunities-and-performance-in-massachusetts/2020/01>; EDUCATIONWEEK, *Educational Opportunities and Performance in Massachusetts*, (Sept. 4, 2019), <https://www.edweek.org/policy-politics/educational-opportunities-and-performance-in-massachusetts/2019/01>.

<sup>47</sup> PAPAY ET AL., *supra* note 44, at ii.

<sup>48</sup> FOUND. BUDGET REV. COMM'N, FOUNDATION BUDGET REVIEW COMMISSION: FINAL REPORT 18 (2015) (describing public hearing concerns around equity within the final report of commission created by Massachusetts legislature to examine the programs, services, and possible changes to the state’s school funding system needed to meet the state’s educational goals).

<sup>49</sup> *Id.* at 11.

<sup>50</sup> FARRIE & KIM, *supra* note 9, at 26; BAKER ET AL., *supra* note 10, at 20.

<sup>51</sup> BAKER ET AL., *supra* note 10, at 15.

<sup>52</sup> 2019 Mass. Acts 687.

<sup>53</sup> FOUND. BUDGET REV. COMM'N, *supra* note 48.

<sup>54</sup> See FAIR SHARE, <https://www.fairsharema.com/> (last visited Aug. 19, 2024).

<sup>55</sup> Explore the website at: <https://www.doe.mass.edu/finance>.

<sup>56</sup> Explore the website at: <https://massbudget.org/research/education/>.

<sup>57</sup> Explore the report at: <https://annenberg.brown.edu/edopportunity/liftingallboats>.

<sup>58</sup> FARRIE & KIM, *supra* note 9, at 29.

<sup>59</sup> BUDGET AND FISCAL SECTION, WYO. LEGIS. SERV. OFF., STATE OF WYOMING: SCHOOL FOUNDATION PROGRAM FLOW CHART 1 (2022), [https://wyoleg.gov/docs/SchoolFinance/20220311\\_SchoolFoundationProgramFlowChart\\_FINAL.pdf](https://wyoleg.gov/docs/SchoolFinance/20220311_SchoolFoundationProgramFlowChart_FINAL.pdf).

<sup>60</sup> *FundEd: State Policy Analysis, Wyoming*, EdBUILD, <http://funded.edbuild.org/state/WY> (last visited Aug. 28, 2024).

<sup>61</sup> BUDGET AND FISCAL SECTION, *supra* note 59, at 2.

<sup>62</sup> *Id.* at 11.

<sup>63</sup> FARRIE & KIM, *supra* note 9, at 26.

<sup>64</sup> FARRIE & SCIARRA, *supra* note 11, at 16.

<sup>65</sup> BAKER ET AL., *supra* note 10, at 20.

<sup>66</sup> See ALLAN ODDEN & LAWRENCE O. PICUS, THE 2020 RECALIBRATION OF WYOMING’S EDUCATION RESOURCE BLOCK GRANT MODEL (2020).

<sup>67</sup> See *Id.* at 1-3, 17-54.

<sup>68</sup> BAKER ET AL., *supra* note 10, at 21.

<sup>69</sup> U.S. GOV'T ACCOUNTABILITY OFF., GAO-19-375, CHILD CARE AND EARLY EDUCATION: MOST STATES OFFER PRESCHOOL PROGRAMS AND RELY ON MULTIPLE FUNDING SOURCES 7 (2019), <https://www.gao.gov/assets/gao-19-375.pdf>.

<sup>70</sup> Jasmine Hall, *Wyoming State Education Funding Trial Set for June of 2024*, WYO. TRIB. EAGLE, (May 23, 2023), [https://www.wyomingnews.com/news/local\\_news/wyoming-state-education-funding-trial-set-for-june-of-2024/article\\_2a2b7856-f9ca-11ed-a63f-47e745f0dafa.html](https://www.wyomingnews.com/news/local_news/wyoming-state-education-funding-trial-set-for-june-of-2024/article_2a2b7856-f9ca-11ed-a63f-47e745f0dafa.html).

<sup>71</sup> Complaint at 18, *Wyo. Educ. Ass'n v. Wyo.*, No. 2022-CV-200-788 (Wyo. Dist. Ct. Aug. 18, 2022), [https://edlawcenter.org/assets/uploads/Wyoming\\_SCHOOL\\_FINANCE\\_WEA\\_v\\_State\\_complaint\\_file\\_stamped\\_1.pdf](https://edlawcenter.org/assets/uploads/Wyoming_SCHOOL_FINANCE_WEA_v_State_complaint_file_stamped_1.pdf).

<sup>72</sup> James E. Ryan, *The Influence of Race in School Finance Reform*, 98 MICH. L. REV. 432, 452-457 (1999). (“There may indeed be alternative explanations as to why urban minority districts almost never win school finance cases, while rural and suburban white districts win such cases more often than not. But race cannot be dismissed out of hand as a possible explanation of disparate court results, given the low rate of success among minority districts as compared to that among white districts. As described presently, neither can race be dismissed as inconsequential with regard to legislative responses to court decisions.”).

<sup>73</sup> As mentioned in a previous profile, this indicator considers “the role that education plays in promoting positive outcomes across an individual’s lifetime.” *Quality Counts 2021: Educational Opportunities and Performance in Wyoming*, Educ. Wk., (January 19, 2021), <https://www.edweek.org/policy-politics/quality-counts-2021-educational-opportunities-and-performance-in-wyoming/2021/01>.

<sup>74</sup> Press Release, Mark Gordon, Governor, Wyoming, Governor’s Early Childhood State Advisory Council Awarded \$2 Million Grant (Jan. 7, 2020), <https://governor.wyo.gov/news-releases/governor-s-early-childhood-state-advisory-council-awarded-2-million-grant>.

<sup>75</sup> Hall, *supra* note 70.

<sup>76</sup> Explore the website at: <https://wyoleg.gov/StateFinances/SchoolFinance>.

<sup>77</sup> Explore the website at: <https://wyoea.org/seeking-justice-for-students-and-educators-latest-developments-in-weas-school-finance-lawsuit/>.

<sup>78</sup> Explore the report at: <https://picusodden.com/wp-content/uploads/2021/03/Wyoming-EB-Adequacy-Study-2020.pdf>.

<sup>79</sup> Kimberly Jenkins Robinson, *Disrupting Education Federalism*, 92 WASH. UNIV. L. REV. 959, 994-1000 (2015).

<sup>80</sup> NAT’L CTR. FOR EDUC. STAT., THE CONDITION OF EDUCATION 2024 21 (2024),

<https://nces.ed.gov/pubs2024/2024144.pdf>; KEVIN CAREY & MARGUERITE ROZA, EDUC. SECTOR & CTR. ON REINVENTING PUB. EDUC., SCHOOL FUNDING’S TRAGIC FLAW 12 (2008),

[https://www.air.org/sites/default/files/publications/Tragic\\_Flaw\\_may14\\_combo.pdf](https://www.air.org/sites/default/files/publications/Tragic_Flaw_may14_combo.pdf) (“The large fixed costs inherent to any school system—administration, transportation, maintenance, utilities, facilities, pensions, health insurance, etc.—are mostly paid from funds controlled by state policy. Federal and local decisions affect funding at the margins, disproportionately impacting the ability of schools to provide the additional resources, like specialists, tutoring, and extended learning time, that at-risk students need.”). We acknowledge that this federal NCES data does not total to 100%.

<sup>81</sup> 20 U.S.C. § 6311(h)(1)(C)(x).

<sup>82</sup> 20 U.S.C. § 6311(h)(2)(C).

<sup>83</sup> Cynthia G. Brown, *From ESEA to ESSA: Progress or Regress?*, in *THE EVERY STUDENT SUCCEEDS ACT: WHAT IT MEANS FOR SCHOOLS, SYSTEMS, AND STATES* 153, 165 (Frederick M. Hess & Max Eden eds. 2017) (“Technology advances, along with federal data collection requirements, provide state agencies and legislators with more knowledge about the makeup of their states’ student bodies, teaching forces, and education finances. But despite this ready access to information that can and does reveal inequities, state efforts to correct even glaring problems are rare.”).

<sup>84</sup> 20 U.S.C. § 6321(b).

<sup>85</sup> *Comprehensive Centers Program*, OFF. OF ELEMENTARY AND SECONDARY EDUC. (June 29, 2022), <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/comprehensive-centers-program/>.

<sup>86</sup> *Regional Comprehensive Centers*, COMPREHENSIVE CTR. NETWORK, <https://compcenternetwork.org/regional-comprehensive-centers> (last visited Aug. 19, 2024).

<sup>87</sup> *Financial Decisionmaking*, COMPREHENSIVE CTR. NETWORK, <https://compcenternetwork.org/ccnetwork-highlights/topic/7121/financial-decisionmaking> (last visited Aug. 19, 2024).

<sup>88</sup> LAURA ANDERSON, HANNAH JARMOLOWSKI, MARGUERITE ROZA, & JESSICA SWANSON, LEADING THOUGHTFUL CONVERSATIONS ON RESOURCE EQUITY USING SCHOOL-BY-SCHOOL SPENDING DATA, COMPREHENSIVE CTR. NETWORK (2022), <https://compcenternetwork.org/sites/default/files/NationalCenter-2022-LeadingSchoolSpendingConv.pdf>.

<sup>89</sup> *Id.*; *School Spending & Outcomes Snapshot: Supporting Conversations on Equity and School Improvement*, COMPREHENSIVE CTR. NETWORK, <https://compcenternetwork.org/ssos> (last visited Aug. 19, 2024).

<sup>90</sup> MARGUERITE ROZA, LUCY HADLEY, & HANNAH JARMOLOWSKI, SCHOOL SPENDING DATA: A NEW NATIONAL DATA ARCHIVE, COMPREHENSIVE CTR. NETWORK (2020), <https://compcenternetwork.org/sites/default/files/SchoolSpendingData.pdf>.

<sup>91</sup> *Strategic Planning for Continued Recovery*, COMPREHENSIVE CTR. NETWORK, <https://compcenternetwork.org/ccnetwork-highlights/topic/8274/strategic-planning-continued-recovery> (last visited Aug. 19, 2024).

<sup>92</sup> *Id.*

<sup>93</sup> *Regional Comprehensive Centers*, *supra* note 86.

<sup>94</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. In 2024, the four equity centers are the Mid-Atlantic Equity Consortium (MAEC) for Region I (<https://maec.org>), The Equity Assistance Center-South at SEF for Region II (<https://eacsouth.org>), the Midwest and Plains Great Lakes Equity Assistance Center for Region III (<https://greatlakesequity.org/map-eac>), and WestEd’s Western Equity Educational Assistance Center for Region IV (<https://www.wested.org/project/western-educational-equity-assistance-center-weeac/>). For more information regarding Equity Assistance Centers in general, see *Training and Advisory Services – Equity Assistance Centers*, OFF. OF ELEMENTARY AND SECONDARY EDUC. (Mar. 13, 2024), <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/> (all websites last visited Aug. 19, 2024).

<sup>95</sup> *The Regional Educational Laboratory (REL) Program*, INST. OF EDUC. SCI., <https://ies.ed.gov/ncee/rel/> (last visited Aug. 19, 2024).

<sup>96</sup> To easily search for products, visit <https://ies.ed.gov/ncee/rel/products>.

<sup>97</sup> *About Us*, T4PA CTR., [https://t4pacenter.ed.gov/AboutUs/T4PA\\_Center.aspx](https://t4pacenter.ed.gov/AboutUs/T4PA_Center.aspx) (Last visited Aug. 19, 2024).

<sup>98</sup> The current authorization of the Elementary and Secondary Education Act of 1965 is the Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015).

<sup>99</sup> Title VI of the Civil Rights Act, § 601, 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”). For an explanation of school districts’ obligations under Title VI, please read KIMBERLY JENKINS ROBINSON & GEDÁ JONES HERBERT, EDUC. RTS. INST., PREVENTING AND REMEDYING RACE, COLOR, AND NATIONAL ORIGIN DISCRIMINATION IN SCHOOLS: A PRIMER ON TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 and watch our videos on Title VI that explain what [obligations](#) it includes for school districts and the [difference](#) between intentional discrimination and actions that have the effect of discriminating.

<sup>100</sup> Kimberly Jenkins Robinson, *No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism*, 27 STAN. L. & POL’Y REV. 201, 221-237 (2016).

<sup>101</sup> For a detailed account of Robinson’s recommendations for federal incentives, conditions and mandates that would guide closing school funding gaps, please read *id.* at 220-250. Other recommendations include Derek W. Black, *Leveraging Federal Funding for Equity and Integration*, in THE ENDURING LEGACY OF RODRIGUEZ, *supra* note 1, at 227. In addition, Bruce Baker and colleagues suggest that federal aid be provided only to schools that meet at least a defined benchmark of adequate funding. They further recommend that the benchmark be defined by educational outcomes, such as test scores, but other metrics could also be utilized, such as the necessary funds to attract and retain teachers and upkeep a safe and effective learning facility. In this new model, the federal aid given could then help close the remaining gap between definitional adequate funding and fair funding that results in truly equitable educational opportunities for students. BRUCE D. BAKER, MATTHEW DI CARLO, & MARK WEBER, ALBERT SHANKER INST., ENSURING ADEQUATE EDUCATION FUNDING FOR ALL: A NEW FEDERAL FOUNDATION AID FORMULA (2022), <https://www.shankerinstitute.org/sites/default/files/2022-08/FEDfinalreport.pdf>.

(proposing an opt-in system for federal aid that could be used to supplement and encourage adequate funding for schools).

<sup>102</sup> U.S. CONST. art. I, § 8, cl. 1 (“The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .”).



<sup>103</sup> American Rescue Plan Act of 2021, Pub. L. No. 117-2, § 2001(a-b), 135 Stat. 4, 19; Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015); Kimberly Jenkins Robinson, *Strengthening the Federal Approach to Educational Equity during the Pandemic*, 59 HARV. J. ON LEGIS. 35, 90 (2022); Derek W. Black, *Abandoning the Federal Role in Education: The Every Student Succeeds Act*, 105 CALIF. L. REV. 1309, 1340-61 (2017).

<sup>104</sup> See Brown, *supra* note 83, at 164-65 (critiquing the Every Student Succeeds Act because “it virtually enshrines states’ rights, a governance structure with negative history in guaranteeing equal educational opportunities” and under it “the federal government looks the other way” while states “fail[] to address the inequitable school funding found throughout the country”); NAT’L CTR. FOR EDUC. STATISTICS, THE CONDITION OF EDUCATION 2023 21 (2024), <https://nces.ed.gov/pubs2024/2024144.pdf> (noting that the federal government contributed \$101 billion to elementary and secondary education for the 2020-21 academic year).

<sup>105</sup> For those interested in learning more about a reimagined federal-state partnership for education, please read Kimberly Jenkins Robinson, *How Reconstructing Education Federalism Could Fulfill the Aims of Rodriguez*, in THE ENDURING LEGACY OF RODRIGUEZ, *supra* note 1, at 203.

<sup>106</sup> Robinson, *supra* note 100, at 221-222.

<sup>107</sup> David Sciarra & Danielle Farrie, *From Rodriguez to Abbott: New Jersey’s Standards-Linked School Funding Reform*, in THE ENDURING LEGACY OF RODRIGUEZ, *supra* note 1, at 119, 132.

<sup>108</sup> Robinson, *supra* note 100, at 225-232.

<sup>109</sup> Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, 79 Stat. 27 (codified as amended in scattered sections of 20 U.S.C.). An example of federal funding in education prior to ESEA includes the National School Lunch Act. See National School Lunch Act, Pub. L. No. 79-396, 60 Stat. 230 (1946) (codified as amended at 42 U.S.C. § 1751 (2012)). See also Act of June 28, 1941, ch. 260, 55 Stat. 361 (amending the 1940 National Defense Housing Act, or “Lanham Act,” to facilitate direct funding of schools and other public works in geographic areas impacted by wartime mobilization);

Smith-Hughes Vocational Education Act of 1917, ch. 114, 39 Stat. 929 (earliest federal statute directly subsidizing local vocational education, initially through permanent appropriations that supported the salaries of vocational instructors at schools in participating states). For a discussion of federal funding in education prior to ESEA, please see PATRICK MCGUINN, NO CHILD LEFT BEHIND AND THE TRANSFORMATION OF FEDERAL EDUCATION POLICY 1965-2005 at 25-28 (2006).

<sup>110</sup> See JACK JENNINGS, PRESIDENTS, CONGRESS, AND THE PUBLIC SCHOOLS: THE POLITICS OF EDUCATION REFORM 150 (2015) (“It would seem wise for the federal government to increase its funding of education if it wants to bring about broad improvement, especially if it wants to influence the shape and direction of that improvement.”).

<sup>111</sup> Robinson, *supra* note 100, at 222-225.

<sup>112</sup> COUNCIL ON FOREIGN RELATIONS, REMEDIAL EDUCATION: FEDERAL EDUCATION POLICY 8 (2016).

<sup>113</sup> For a detailed discussion of a federal right to education, please see A FEDERAL RIGHT TO EDUCATION: FUNDAMENTAL QUESTIONS FOR OUR DEMOCRACY (Kimberly Jenkins Robinson, ed. 2019) (hereinafter A FEDERAL RIGHT TO EDUCATION).

<sup>114</sup> See Linda Darling-Hammond, *Assuring Essential Educational Resources through a Federal Right to Education*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 113, at 241, 251-256; Carmel Martin, Ulrich Boser, Meg Benner, & Perpetual Baffour, *Lessons from State School Finance Inform a New Federal Right to Equal Access to a High-Quality Education*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 113, at 283, 290-295.

<sup>115</sup> U.S. CONST. amend. XIV, § 1 (“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”); U.S. CONST. amend. XIV, § 5 (“The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”); Derek W. Black, *Implying a Federal Constitutional Right to Education*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 113, at 135, 136-158 (describing the constitutional provisions and interpretation approaches that would support a federal right to education; Robinson, *A Congressional Right to Education: Promises, Pitfalls, and Politics*, *supra* note 113, at 186, 188-198 (analyzing how a federal statute that guarantees a right to a high-quality education provides critical advantages over a judicial opinion that guaranteed a similar right); Weishart, A FEDERAL RIGHT TO EDUCATION, *supra* note 113, at 303, 314 (contending that a federal right to education could combine the constitutional equal protection and substantive due process protections to recognize “that children are owed ‘an equally adequate and adequately equal education’ by framing the right to education as guaranteeing equal liberty”); Goodwin Liu, *Education, Equality,*



and *National Citizenship*, 116 YALE L.J. 330 (2006) (analyzing the history of the Fourteenth Amendment and contending that it supports 14<sup>th</sup> Amendment protection of a minimal floor of educational opportunity that guarantees “educational adequacy for equal citizenship”).

<sup>116</sup> ANNE NEWMAN, REALIZING EDUCATIONAL RIGHTS: ADVANCING SCHOOL REFORM THROUGH COURTS AND COMMUNITIES 95 (2013); Kimberly Jenkins Robinson, *The Essential Questions Regarding a Federal Right to Education*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 113, at 19-20; Michael A. Rebell, *The Right to Comprehensive Educational Opportunity*, 47 HARV. C.R.-C.L. L. REV. 47, 52 (2012).

<sup>117</sup> ROBINSON & BEACH, *supra* note 2, at 10-11.

<sup>118</sup> Kimberly Jenkins Robinson, *Rodriguez at Fifty: Lessons Learned on the Road to a Right to a High-Quality Education for All Students*, LOY. L.J. 343, 346-348, 354-360 (2023).

<sup>119</sup> See University of Virginia School of Law, *Law and Policy Reforms for Educational Opportunity Gaps*, YouTube (Oct. 18, 2023) (statement of Joshua Weishart), [https://www.youtube.com/watch?v=2V4Lcd0GP\\_o](https://www.youtube.com/watch?v=2V4Lcd0GP_o).

<sup>120</sup> Bismarck Pub. Sch. Dist. No. 1 v. State By & Through N.D. Legis. Assembly, 511 N.W.2d 247, 259 (N.D. 1994) (quoting North Dakota Century Code § 15-40.1-06(1)).

<sup>121</sup> See also Campaign for Fiscal Equity, Inc. v. State, 100 N.Y.2d 893, 921 (N.Y. 2003) (“The premise is that some expenditure level, if high enough relative to figures nationwide, simply must be “enough,” without reference to student need, local costs, and the actual quality of inputs and outputs.... We reject it for much the same reason we rejected exclusive reliance on nationally-normed tests—the record discloses no information on whether those students are receiving a sound basic education.”); Columbia Falls Elem. Sch. Dist. No. 6 v. State, 109 P.3d 257, 262 (Mont. 2005). (“[U]nless funding relates to needs such as academic standards, teacher pay, fixed costs, costs of special education, and performance standards, then the funding is not related to the cornerstones of a quality education.”); McClearly v. State, 269 P.3d 227, 254 (Wash. 2012) (en banc) (“[T]here’s no relationship between what we say we want a K-12 system to deliver and the mechanism that we use to determine the resources that we fund the system with.”). See also S. RES. 61, GEN. ASSEMB. (Al. 2024) (“[T]he Foundation Program provides funding to school districts based on the anticipated costs of resources and inputs, such as salaries, basic financial support for classroom, and operations money, but provides minimal additional state funding for students with disabilities or to address other individual needs of students”).

<sup>122</sup> ROBINSON & BEACH, *supra* note 2, at 2-13.

<sup>123</sup> U.S. DEP’T OF EDUC., EQUITY AND EXCELLENCE COMM’N, FOR EACH AND EVERY CHILD: A STRATEGY FOR EDUCATION EQUITY AND EXCELLENCE 17 (2013) (“With few exceptions, states continue to finance public education through methods that have no demonstrable link to the cost of delivering rigorous academic standards and that can produce high achievement in all students, including but not limited to low-income students, English-language learners, students with disabilities, students in high poverty and students who live in remote schools and districts.”). See also BETTY COX, SPENCER WEILER, & LUKE M. CORNELIUS, THE COSTS OF EDUCATION: REVENUE AND SPENDING IN PUBLIC, PRIVATE AND CHARTER SCHOOLS 158 (2012); Paul T. Hill, *Spending Money When It Is Not Clear What Works*, 83 PEABODY J. OF EDUC. 238, 239 (2008).

<sup>124</sup> For example, Dan Goldhaber & Grace Falken, *ESSER and Student Achievement: Assessing the Impacts of the Largest One-Time Federal Investments in K12 Schools* 31 (Nat’l Ctr. For Analysis of Longitudinal Data in Educ. Rsch, AIR, Working Paper No. 301-0624, 2024); DAN DEWEY, ERIN FAHLE, THOMAS J. KANE, SEAN F. REARDON, & DOUGLAS O. STAIGER, CTR. FOR EDUC. POL’Y RSCH. AT HARV. & EDUC. OPPORTUNITY PROJECT AT STAN., EDUCATION RECOVERY SCORECARD: FEDERAL PANDEMIC RELIEF AND ACADEMIC RECOVERY 28 (2024); David Sciarra & Danielle Farrie, *From Rodriguez to Abbott: New Jersey’s Standards-Linked School Funding Reform*, in THE ENDURING LEGACY OF RODRIGUEZ, *supra* note 1, at 119, 128; Matthew R. Della Sala & Robert C. Knoepfel, *Measuring the Alignment between States’ Finance and Accountability Policies: The Opportunity Gap*, 23 EDUC. POL’Y ANALYSIS ARCHIVES, June 29, 2015, at 9-15.

<sup>125</sup> DAVID LOEB, KATIE PULLOM & A. BROOKS BOWDEN, CTR. FOR BENEFIT-COST STUD. OF EDUC., UNIVERSITY OF PENNSYLVANIA GRADUATE SCH. OF EDUC., THE BENEFITS OF ADEQUACY: ESTIMATING THE ECONOMIC IMPACTS OF PENNSYLVANIA’S BASIC EDUCATION FUNDING COMMISSION PROPOSAL 3 (2024); Jackson et al., *supra* note 1, at 157.

<sup>126</sup> See ROBINSON ET AL., *supra* note 6, at 11-12.

<sup>127</sup> Soung Bae, *Redesigning Systems of School Accountability: A Multiple Measures Approach to Accountability and Support*, 26 EDUC. POL’Y ANALYSIS ARCHIVES, Jan. 29, 2018, at 4, 6-16; Linda Darling-Hammond, Gene Wilhoit, & Linda Pittenger, *Accountability for College and Career Readiness: Developing a*

*New Paradigm*, 22 EDUC. POL'Y ANALYSIS ARCHIVES, Aug. 18, 2014, at 6-8, 13-17, 24-25. See generally CHANNA M. COOK-HARVEY & ELIZABETH LEISY STOSICH, LEARNING POL'Y INST. & STAN. CTR. FOR OPPORTUNITY POL'Y IN EDUC., REDESIGNING SCHOOL ACCOUNTABILITY AND SUPPORT: PROGRESS IN PIONEERING STATES (2016) (providing state profiles of example accountability systems incorporating college and career readiness indicators that could be used as accountability for school funding.)

<sup>128</sup> Darling-Hammond et al., *supra* note 127, at 8-9.

<sup>129</sup> *Id.* at 8.

<sup>130</sup> *Id.* at 8-9.

<sup>131</sup> Scott Marion, *Moving Education From Accountability to Shared Responsibility*, CTR. FOR ASSESSMENT (May 29, 2024), <https://www.nciea.org/blog/moving-education-from-accountability-to-shared-responsibility/>.

<sup>132</sup> BRUCE D. BAKER, MATTHEW DI CARLO & MARK WEBER, ALBERT SHANKER INST., THE ADEQUACY AND FAIRNESS OF STATE SCHOOL FINANCE SYSTEMS: SCHOOL YEAR 2019-20 18 (5th ed. 2022), [https://www.schoolfinancedata.org/wp-content/uploads/2022/12/SFID2023\\_annualreport.pdf](https://www.schoolfinancedata.org/wp-content/uploads/2022/12/SFID2023_annualreport.pdf).

<sup>133</sup> An important caveat to adequacy measures is put forth by Baker and colleagues, “[Adequacy estimates] are not designed to be interpreted as purecausal [sic] estimates in the sense that we can say ‘if you spend X number of dollars you will achieve Y level of test scores.’ Even if we had a way to calculate perfect estimates of education costs, we would not imply that these spending levels . . . would quickly and certainly raise scores to the national average. This is not only because that implication assumes efficient use of additional funds, but also because real improvement is gradual and requires sustained investment.” BAKER ET AL., *supra* note 10, at 7.

<sup>134</sup> William H. Clune, *The Shift from Equity to Adequacy in School Finance*, 8 EDUC. POL'Y 376, 377 (1994).

<sup>135</sup> FARRIE & KIM, *supra* note 9, at 5.

<sup>136</sup> E.g., BRUCE D. BAKER, DAVID G. SCIARRA & DANIELLE FARRIE, EDUC. L. CTR., IS SCHOOL FUNDING FAIR? A NATIONAL REPORT CARD 5 (2014).

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

## Appendix A: Federal Resources

Resource	Description	Audience
<a href="#"><u>Education Innovation and Research (EIR) Program</u></a>	Funds innovative programs in early, mid, and expansion phases working to improve academic outcomes for high-need students, often in partnership with research institutes and/or universities	Districts or states wanting to fund and research innovative programs supporting high-need students
<a href="#"><u>Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)</u></a>	Funds for middle and high school students to help students from low-income families to be college-ready	State and partnership grants are distributed and targeted at schools serving low-income students
<a href="#"><u>Impact Aid Program</u></a>	Funds to help fill gaps by districts that include reservations, military bases, and federally subsidized housing.	Districts that have lost revenue due to the presence of tax-exempt Federal lands
<a href="#"><u>Office of Indian Education Formula Grants to Local Educational Agencies</u></a>	Funds available to help ensure that Indigenous students are meeting academic standards	Districts serving indigenous students
<a href="#"><u>Rural Education Achievement Program</u></a>	Help supplement costs for resources and personnel in rural schools	Rural districts
<a href="#"><u>Rural and Low-Income School Program</u></a>	Aims to improve academic achievement, including targeting parental involvement	States or qualified rural school districts (serving at least 20% of students from families with incomes below the poverty line)
<a href="#"><u>School Climate Transformation Grant - Local Educational Agency (LEA) Grants Program</u></a>	Funds available for improving school climate through a school-wide system of behavioral intervention and support	Districts looking to improve school climate
<a href="#"><u>Small, Rural School Achievement Program</u></a>	Funds for improving academic achievement in rural schools	Rural districts




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