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Court upholds school-financing system

Says extra cash isn't required for kids in poverty

By Howard Fischer

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PHOENIX — The state isn't required to provide extra funds to schools that have a high percentage of disadvantaged students who fall behind academically, the Arizona Court of Appeals ruled Wednesday.

In a divided ruling, the majority said the state constitution requires only that the Legislature "structure an efficient system that provides a meaningful opportunity for all students to receive a basic education. Judge Philip Hall, writing that decision, said the current financing scheme meets that requirement.

But the decision brought a stinging dissent from Judge Donn Kessler. He chided his colleagues for concluding that an "overall adequate education" is sufficient.

"Our constitutional framers required the state to provide an adequate education for 'all' Arizona's children, not just certain types of children," Kessler wrote. He said the majority ruling amounts to the view that "if the state provides students on an average with an adequate education, it need not worry about those students who fall below that average."

An appeal to the state Supreme Court is likely.

The state constitution requires the Legislature to provide for a "general and uniform school system."

Attorney Tim Hogan, who filed the suit in 2001, acknowledged the current financing scheme generally provides equal funding to schools for each student. But he argued that doesn't mean the state provides a "general and uniform" system.

Hogan said students in poverty are "at substantial risk of failing in public school" if they don't get additional services.

He said that at the Crane Elementary School District in Yuma County, only 45 percent of third-graders who qualify for the lunch program meet or exceed the standards established in AIMS. By contrast, 88 percent of those ineligible for the lunch program pass that test.

The eighth-grade pass rate is 23 percent for those in poverty versus 50 percent of those from families with higher income.

Hogan, suing on behalf of Crane and other districts, said that disparity can be traced to the lack of extra funds for these "at risk" students.

Hall acknowledged that uniform funding among schools — essentially the current system — does not ensure constitutional adequacy. But he said mechanisms that provide "sufficient funds" to educate children satisfy that constitutional requirement for the "general and uniform" school system.

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