

What is *Leandro v The State of North Carolina*?

Leandro v The State of North Carolina (the *Leandro* case) is the title of a lawsuit filed in **1994** by parents, students and school districts in five low-wealth, rural NC counties (Cumberland, Halifax, Hoke, Robeson, and Vance) alleging that students in these counties were denied their right to a sound basic education under the NC constitution. NC's constitution clearly states that it is the state's responsibility to provide a sound, basic education for all children. Commonly known as the *Leandro* case, ***Leandro v State*** affirmed that inequitable and inadequate school funding bars access to a sound, basic public education, and that this right was denied particularly for students of color and those from families with low incomes.

Why is the *Leandro* case so important?

The *Leandro* case remains one of the biggest educational policy issues in NC. Spanning more than two decades, it serves as a stark reminder that the State of North Carolina and the Department of Education have not yet fulfilled their basic constitutional responsibility for providing all students a sound, basic education. The *Leandro* case also highlights the legislature's resistance to supporting NC's neediest students.

The defendants in the *Leandro* case have often framed their resistance as an issue of insufficient resources while the plaintiffs point out that funding *Leandro* is a constitutional obligation and resources could be made available. However, even with large budget surpluses, the legislature still did not fund the *Leandro* plan with the 2021-23 budget. Going into 2021, the state had a **surplus of \$4 billion**. By fall, that number had grown to more than **\$9 billion** in unreserved funds. Although both the State of North Carolina (executive branch) and the State Board of Education agreed to the plan's provisions, of the \$1.7 billion requested for the first two years, the legislature allocated approximately 53% of the first year's request and 43% of the second year's request. The failure of the legislature to act to increase funding when it had the ability to do so signaled clearly that insufficient funds was not the key issue.

The *Leandro* case entered new territory in November 2021 when legislative leaders appealed to block the NC Superior Court's order to allocate funds to address *Leandro* provisions. At question is the constitutional authority of the legislative and judicial branches of the NC government. In other words, do the courts have the constitutional authority to compel the legislature to allocate funds? The NC Supreme Court may resolve this question in 2022.

What is the history of the *Leandro* case?

1994: *Leandro v The State of North Carolina* was filed.

1997: After the initial lawsuit was filed, the State of North Carolina appealed all the way to the NC Supreme Court. In 1997, the NC Supreme Court allowed the *Leandro* case to go to trial.

2002: In its ruling in 2002, the NC Supreme Court found that there was a violation of the students' rights to a sound, basic education and ordered the State to remedy this violation by providing:

- A "competent, certified, well-trained teacher who is teaching the standard course of study" in every classroom;
- A "well-trained, competent principal with the leadership skills and ability to hire and retain competent, certified and well-trained teachers" in every school; and
- The "resources necessary to support the effective instructional program" in every school "so that the educational needs of all children, including at-risk children, to have an equal opportunity to obtain a sound basic education, can be met."

2004: Although the 2002 ruling was appealed, the NC Supreme Court affirmed the 2002 ruling that the State is in violation of the NC constitutional requirements. Oversight for the case was turned over to Judge Howard Manning.

Over the course of the next 12 years, Judge Manning held numerous hearings on the case. However, while some efforts were made by state lawmakers to comply with the 2002 ruling, plaintiffs maintain that over the last two decades, NC has still not met its constitutional requirements for a sound, basic education for all.

2017: Judge Manning retired and a new judge, Hon. David Lee, was assigned to take over the oversight of *Leandro* compliance. Judge Lee refused the State's request to dismiss the case. Following this ruling, the plaintiffs and the State jointly asked for an independent agency to provide recommendations for how to meet the provisions of the *Leandro* case.

2018 - 19: Judge Lee appointed the nonpartisan, nonprofit research agency, WestEd, to conduct a review and submit recommendations. The WestEd report, titled [Sound Basic Education for All: An Action Plan for North Carolina](#) was submitted to the court in **June 2019** and released to the public in **December 2019**. It included eight key recommendations and associated action plans for how NC could comply with the directive to provide a sound, basic education to all NC children. WestEd estimated that the General Assembly needed to appropriate an additional \$4.3 billion dollars to public schools over the next 8 years and another \$1.2 billion for early childhood investments.

2020: In January, the NC Superior Court/Judge Lee issued a [consent order](#) directing the State of North Carolina and State Board of Education along with the plaintiffs to develop a plan designed to satisfy the State's and State Board of Education's obligations to provide a sound, basic education to all students.

September: Following the submission (in **June**) of initial actions steps the State would take for SY2020-21, and *in the absence of legislative action*, Judge Lee signed a consent order for \$426.9 million more to be allocated as part of the first step to address *Leandro*. He further ordered a Comprehensive Remedial Plan be developed to include action steps informed by the West Ed report to be implemented on or before 2028.

2021: In **March** the [Comprehensive Remedial Plan](#), was submitted to the court, with a [summary](#) released in **June**. The plan includes programs and action steps aligned to the seven essential components (based on West Ed's recommendations) for how NC can comply with the directive to provide a sound, basic education to all children.

These components are:

- A system of teacher development and recruitment that ensures each classroom is staffed with a high-quality teacher who is supported with early and ongoing professional learning and provided competitive pay;
- A system of principal development and recruitment that ensures each school is led by a high quality principal who is supported with early and ongoing professional learning and provided competitive pay;
- A finance system that provides adequate, equitable, and predictable funding to school districts and, importantly, adequate resources to address the needs of all North Carolina schools and students, especially at-risk students as defined by the *Leandro* decisions;
- An assessment and accountability system that reliably assesses multiple measures of student performance against the *Leandro* standard and provides accountability consistent with the *Leandro* standard;
- An assistance and turnaround function that provides necessary support to low-performing

schools and districts;

- A system of early education that provides access to high-quality prekindergarten and other early childhood learning opportunities to ensure that all students at-risk of educational failure, regardless of where they live in the State, enter kindergarten on track for school success; and
- An alignment of high school to postsecondary and career expectations, as well as the provision of early postsecondary and workforce learning opportunities, to ensure student readiness to all students in the State.

Over the course of **summer and fall 2021**, Judge Lee issued orders requiring the legislature to report on its progress in funding education as required under the plan. In **October**, Judge Lee found that the legislature had not finalized an appropriations bill that would fully fund education and issued an order requesting a response from the legislature by November 1.

November 10: After receiving no response from the legislature, Judge Lee issued a decision to move more than \$1.7 billion in appropriated state funds into education budgets to fund the initial provisions of the Comprehensive Remedial Plan. Although the 2021-23 budget did increase educational spending, it fell far short of the funds needed for full *Leandro* remediation.

November 30: The NC Court of Appeals, on a 2-1 vote, blocked Judge Lee's decision stating that he did not have the authority to order the budget transfer.

December: Several low-wealth school districts and families that attend the schools asked the NC Supreme Court to review the decision to block the \$1.7 billion funds transfer.

2022: The NC Supreme Court will rule on the case.

Selected Resources:

Consent Order Regarding Need for Remedial, Systemic Actions for the Achievement of Leandro Compliance (2020, January). <https://www.publicschoolsfirstnc.org/wp-content/uploads/2020/01/File-stamped-Order-dated-1-21-2019.pdf>

Comprehensive Remedial Plan (2021, March) Leandro. <https://www.publicschoolsfirstnc.org/wp-content/uploads/2021/03/Leandro-Comprehensive-Remedial-Plan-2021.pdf>

Summary of the Leandro Comprehensive Remedial Plan. (2021, June). https://files.nc.gov/governor/Comprehensive_Remedial_Plan_Summary_Commission_06292021_0.pdf

WestEd, Sound Basic Education for All: An Action Plan for North Carolina, 2019, <https://www.publicschoolsfirstnc.org/wp-content/uploads/2019/12/Sound-Basic-Education-for-All.pdf>

WRAL. *State budget falls well short of Leandro order*. 2021, November. https://www.wral.com/state-budget-falls-short-of-leandro-order/19996781/?ac_cid=DM568029&ac_bid=-1871033942

WRAL: *NC Court of Appeals: Judge can't force state to spend \$1.7B on education without lawmaker approval*. <https://www.wral.com/nc-court-of-appeals-judge-can-t-force-state-to-spend-1-7b-on-education-without-lawmaker-approval/20009877/>

WRAL. *Families, school boards appeal block of \$1.7B-plus Leandro plan to NC Supreme Court*. <https://www.wral.com/families-school-boards-appeal-block-of-1-7b-plus-leandro-plan-to-nc-supreme-court/20035329/>

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