

## 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 counties (Cumberland, Halifax, Hoke, Robeson, and Vance) alleging that students in these counties were denied their right to a sound basic education under the North Carolina Constitution. North Carolina'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 low-income families with.

***On November 4, 2022, the North Carolina Supreme Court issued a ruling that the Legislature must fund years two and three of the Comprehensive Remedial Plan (Leandro Plan).*** Days later, elections shifted the composition of the North Carolina Supreme Court from a 4-3 Democratic majority to a 5-2 Republican majority. In February 2023, legislative leadership (Senate President Phil Berger & House Speaker Tim Moore) filed a suit to block the order. The state controller also filed a separate suit asking the North Carolina Supreme Court to issue a writ of prohibition, which would pause the order to transfer funds until he gets clarification on whether it is legal to transfer funds without the express direction of the legislature. ***On February 22, 2024, the North Carolina Supreme Court heard oral arguments in the case. Their ruling has not yet been issued.***

## Why is the *Leandro* case so important?

The *Leandro* case remains one of the biggest educational policy issues in N.C. 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 N.C.'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 were not the key issue, a point highlighted in the 2022 short session when the General Assembly updated the budget.

Budget adjustments made in July 2022 through HB103 ([Current Operations Appropriations Act of 2022](#)) fell **\$443 million short** of fully funding the [Leandro Plan for 2022-23](#) and \$785 million short of the funds needed for the next two years. At the same time, the General Assembly **chose to add \$1 billion to an extra inflation reserve fund and add \$1.6 billion to a savings reserve fund**. At a time when the N.C. General Assembly had a funding surplus, they chose to put the money in extra savings rather than spend it to address the well-documented, immediate needs of North Carolina's children and public school system.

The *Leandro* case entered new territory in November 2021 when legislative leaders appealed to block the N.C. 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 N.C. government. In other words, do

the courts have the constitutional authority to compel the legislature to allocate funds? The N.C. Supreme Court heard oral arguments in the case on August 31, 2022 ([View the proceedings here.](#)). **On November 4, 2022, the court ruled that the Legislature must fund years two and three of the Comprehensive Remedial Plan (Leandro Plan).**

## 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 N.C. Supreme Court. In 1997, the N.C. Supreme Court allowed the *Leandro* case to go to trial.

**2002:** In its ruling in 2002, the N.C. 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 N.C. Supreme Court affirmed the 2002 ruling that the State is in violation of the N.C. constitutional requirements and orders a statewide remedy. 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, N.C. 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 N.C. could comply with the directive to provide a sound, basic education to all N.C. 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 N.C. 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 N.C. 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 N.C. 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 N.C. Supreme Court to review the decision to block the \$1.7 billion funds transfer.

**2022:** [The North Carolina Justice Center filed a motion to submit an amicus brief in support of the plaintiffs](#) on July 19. On July 26, [a group of leading education rights scholars and advocates filed an amicus brief](#) outlining extensive judicial precedent from states across the county supporting the state courts' right to direct funding to remedy a constitutional violation.

**August 31:** The N.C. Supreme Court heard oral arguments.

**November 4:** The [N.C. Supreme Court issued a ruling](#) in favor of the plaintiffs and ordered the Legislature to fund years two and three of the Comprehensive Remedial Plan.

**November 8:** State elections shift the makeup of the Supreme Court from 4-3 Democratic majority to 5-2 Republican majority.

**2023:** Multiple suits are filed to prevent or delay transfer of funds to school districts based on the November 4, 2022, ruling.

**February 8:** N.C. Senate President Phil Berger and House Speaker Tim Moore, in their role as legislative intervenor defendants, [filed suit](#) to halt the transfer of funds until issues are resolved regarding separation of powers and the requirement for the state to provide a sound basic education to its students. State Controller Nels Roseland also asked the Supreme Court to [pause the order](#) to transfer funds until it hears arguments over whether funds can be transferred without legislative direction.

**March 3:** The N.C. Supreme Court agreed to the state Controller's request to [halt transfer of funds](#) until issues related to the case are resolved.

**April 17:** Superior Court Judge Ammons, Jr. ruled that the State must pay \$677.8 million still owed for years two and three of the Comprehensive Remedial Plan.

**September 20:** Intervenor defendants Berger and Moore filed a petition for the court to review whether the N.C. Superior Court (trial court) had "subject matter jurisdiction" in the April 17 order for the State to pay the \$677.8 million still owed for years two and three.

**October 20:** The N.C. Supreme Court [agreed to hear arguments](#) related to Leandro. One issue is whether it is appropriate to consider a statewide remedy or just pertain to the counties that were part of the original lawsuit. Critics claim that previous decisions in the decades-long case established the need for a statewide remedy. The date for oral arguments will likely be set in 2024.

**2024:** On February 22, the N.C. Supreme Court [heard oral arguments](#). Lawyers for the state and school districts argued that the 2022 ruling should stand because no new issues are before the Court. The lawyer for legislative leaders argued that the Court lacks authority to override the General Assembly's spending decisions. He also questioned whether rights of specific districts were being curtailed by a statewide decision on education policy and funding and that the previous ruling should have applied only to Hoke County. In response, lawyers for the state and districts pointed out that the case became statewide in the Court's 2004 decision and that the question is settled law. A ruling has not yet been issued.

After nearly three decades of litigation, North Carolina legislative leaders still refuse to fully fund The Comprehensive Remedial Plan—Leandro—leaving schools, students, families, and communities without essential resources. The Appropriations Act of 2023 funds fewer Leandro provisions than the previous budget. For example, there is no new funding for early childhood education despite documented need across the state, especially in poor, rural counties.

*Revised February 2024*

### 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>

*Hoke County Board of Education, et al. v State of North Carolina and the State Board of Education*. Brief of amicus curiae of North Carolina Justice Center. 19 July 2022.

[https://www.ncappellatecourts.org/show-file.php?document\\_id=309519&eType=EmailBlastContent&eld=fe126503-1329-4258-a31f-a1ea6ce34247](https://www.ncappellatecourts.org/show-file.php?document_id=309519&eType=EmailBlastContent&eld=fe126503-1329-4258-a31f-a1ea6ce34247)

*Hoke County Board of Education, et al. v State of North Carolina and the State Board of Education*. Brief of Duke Children’s Law Clinic, Education Law Center, Center for Educational Equity, Southern Poverty Law Center, Constitutional and Educational Law Scholars as amici curiae. 26 July 2022  
<https://edlawcenter.org/assets/files/pdfs/amicus%20briefs/Amicus%20Brief%207.20.22.pdf>

*Hoke County Board of Education, et al. v State of North Carolina and the State Board of Education et al.* 2022-NCSC-108 No. 425A21-2. 4 Nov 2022

<https://appellate.nccourts.org/opinions/?c=1&pdf=41895>

News and Observer. (September 2022). *NC schools face a double crisis as teachers quit and lawmakers resist order to boost funding*. <https://www.newsobserver.com/opinion/article265230566.html>

Summary of the Leandro Comprehensive Remedial Plan. (2021, June).

[https://files.nc.gov/governor/Comprehensive\\_Remedial\\_Plan\\_Summary\\_Commission\\_06292021\\_0.pdf](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. (November 2021). *State budget falls well short of Leandro order*. [https://www.wral.com/state-budget-falls-short-of-leandro-order/19996781/?ac\\_cid=DM568029&ac\\_bid=-1871033942](https://www.wral.com/state-budget-falls-short-of-leandro-order/19996781/?ac_cid=DM568029&ac_bid=-1871033942)

WRAL: (November 2021). *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. (December 2021). *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/>

WRAL. (August 2022). *In Leandro education case, a question lingers: Who has final say on funds and fixes?* <https://www.wral.com/in-leandro-education-case-a-question-lingers-who-has-final-say-on-funds-and-fixes/20433884/>

WRAL. (October 2023). *NC Supreme Court agrees to take up another issue in the Leandro education lawsuit*. <https://www.wral.com/story/nc-supreme-court-agrees-to-take-up-another-issue-in-the-leandro-education-lawsuit/21113910/>

WUNC. (February 2024). *Five tries and 30 years: NC Supreme Court takes up Leandro school funding case again*. <https://www.wunc.org/2024-02-22/five-tries-and-30-years-nc-supreme-court-takes-up-leandro-school-funding-case-again>