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Defending Equity: Newsom Defunds Students So Students Sue

BY LANCE IZUMI

As if they didn't have enough shocks in their lives already, Californians recently woke up to find that Governor Newsom and the Legislature had defunded schoolchildren in the state budget.

But the children are now fighting back and suing the state to demand their fair share of funding for exercising their rights to learn in alternatives to the traditional public school monopoly.

The lawsuit centers around a recently-enacted budget trailer bill, or legislation that is necessary to implement policy changes included in the state budget act. Often, trailer bills include priorities pushed by special interests. Last year, California Public Radio described some of the provisions in the trailer bills implementing Governor Newsom's 2019-20 budget as "doozies."

This year's education trailer bill, SB 98, includes a particularly egregious "doozy." The bill contains a provision that prevents funding from following children to the regular public or public charter school they plan to attend in the fall.

Based on court decisions and recent state education-funding overhauls, the rule in California has been that if a student moves from one school to another or enters the public school system, funding for that student follows the student to the new school and cannot be claimed by the student's former school.

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Such a rule makes logical sense, but logic is often the first victim in Sacramento.

SB 98 requires that all public schools in California be funded in 2020-21 at their 2019-20 level, without regard to whether some schools, especially successful ones, have experienced student growth and thus need more funding.

In response to SB 98, a group of students and charter schools have sued Newsom and other state officials.

The lawsuit makes a basic factual point: “If funding did not adjust each year to reflect the number of students actually enrolled in each public school, then public schools with declining enrollment would have more financial resources to serve fewer students the following year, and public schools with increasing enrollment would have fewer resources to serve more students.”

The lawsuit charges the state with violating the state charter school law, which guarantees “full and fair funding” to charter schools, the California Constitution’s equal protection clause, plus other statutory and constitutional provisions.

The state’s alleged legal violations have resulted in very real harms to students and schools.

Brock, who is one of the student plaintiffs, is an 11-year-old part-Native American sixth-grader enrolled at high-performing John Adams Academy charter school in the Sacramento suburb of Lincoln. Brock’s parents enrolled him at John Adams because his two siblings faced serious problems at regular public schools and John Adams offered them structure, guidance, and safety.

Yet, Brock will be seriously impacted by the state’s defunding law, which may force the closure of John Adams’ Lincoln campus. As the lawsuit points out, Brock suffers from anxiety and the effect of his school closing would devastate him.

Closure of Brock’s school is a very real possibility. In 2019, John Adams, which is also a plaintiff in the case, issued \$35 million in bonds to build 62 new classrooms on its Lincoln campus to accommodate new students in the 2020-21 school year. The yearly bond debt-service payment is \$2 million, and the school has budgeted \$5.4 million for added student expenses including more teachers, books, and supplies. Yet, while the school has committed to enrolling 815 students in the fall, it will be funded for 231 students—only 30 percent of the funding it should receive.

While some growing regular public schools are also hurt by SB 98, successful charter schools are especially hard hit because of their popularity with parents and their children. This hit comes on top of teacher-union-backed anti-charter laws enacted last year, including one law that limits charter school expansion, which hurts minority children in poor areas.

It is now up to the courts to tell the state that arbitrary funding decisions cannot destroy the ability of students to exercise their right to choose a public school that is different than the one they attended the year previously. Children and their education, not the failing status quo, must be protected.

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