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Education Connection:
Broken Promises on Education and Illinois' Formula for Rectifying the Issue

By: *Diana Arroyo*

I. INTRODUCTION

The “American Dream” is the idea that if a person works hard, regardless of birthplace or socioeconomic status, upward mobility is possible. Public education has often been seen as the “equalizer”—the most influential factor in determining a person’s economic wellbeing. Roughly fifty-one million children attend public schools in the United States; however, this “equalizing” factor is not equally addressing students’ needs nor equally contributing to their success. Too often, children of color and lower socioeconomic status are attending schools that lack significant resources. One of the most common factors affecting resource disparities is school funding.

School funding is a vital determinant. It controls teachers’ salaries, the hours a student spends in the classroom, the number of students per class, the availability of extracurricular activities, the condition of school buildings, and the presence (or lack thereof) social services, all of which impact a student’s success. A 2018 study of school districts across the United States found that there were significant state and local funding gaps between low poverty districts and high poverty districts. Among the states with the largest gaps were Alabama, Illinois, Missouri, and New York. Illinois had the worst gap; the low poverty districts received 22 percent more in funding than the high poverty districts.

To address this large disparity, the Illinois legislature has enacted the Evidence-Based Funding formula, which seeks to provide adequate funding to all school districts. While its implementation is relatively new, other states with significant funding gaps between low poverty districts and high poverty districts should consider following in Illinois’ footsteps in measuring and addressing disparities in funding.

II. THEORETICAL FRAMEWORKS IN SEARCH FOR A SOLUTION

Since the seminal case of *Brown v. Board of Education*, which held that separate educational facilities based on race violated the Fourteenth Amendment of the U.S. Constitution, advocates for equal public education have not stopped fighting. *Brown* declared that “education is perhaps the most important function of state and local governments . . . it is the very foundation of good citizenship . . . it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.” *Brown* was litigated over sixty years ago for the purpose of equal education; however, its purpose has still not been achieved.

The struggle for the solution to equal education can be broken down into four “waves” to distinguish the different legal arguments used to accomplish the same idea: equal education for all children. Although there is disagreement about which case started the first wave, it began in the 1960s and relied primarily on the Equal Protection Clause of the Fourteenth Amendment. These early cases argued children were denied the equal protection of the law when educational opportunity was not equal. This wave ended in 1973 after the Supreme Court’s decision in *San Antonio Independent School District v. Rodriguez*, which held that education is not a fundamental right under the Constitution.

The second wave started in 1973 with New Jersey’s Supreme Court decision in *Robinson v. Cahill*. The court held that the state’s constitutional provisions could be the basis for school finance reform, which encouraged equal education proponents to focus on equal protection clauses in state constitutions. Proponents of the second wave argued that these clauses guaranteed equal funding to school districts across the state. They prevailed when the plaintiffs could show that education was a fundamental right and wealth was a suspect classification or that the school finance scheme was not rationally related to the state’s interest in maintaining control over education expenses. This hinted at the idea that a child’s education should not be based on the child’s zip code. Proponents were successful when the courts ordered state legislatures to revise their school finances and to provide more spending on low-wealth districts.

The third wave began around 1989 and shifted from a focus on equity to ensuring adequate education. Proponents of equal education focused on the inputs in education, while this wave focused on the outcomes. “Equal spending” focused on equal financial inputs to ensure equal resources and funds across school districts. In contrast, “adequate spending” focused on educational outputs and was concerned with allocating funding to all schools to provide a reasonable chance at meeting state standards and quality education to all students. For example, adequate funding will consider additional funding required for students with disabilities and bilingual students.

Scholars have argued that a fourth wave in funding litigation is emerging. These arguments include that litigants should use the state-level success of the third wave and pursue adequacy-based litigation at the federal level, that litigants should use federal legislation mandating education standards to hold states accountable, and that litigants should tackle the deep roots of unequal opportunities intersecting with students of different races, ethnicities, and languages.

Although scholars recognize three and possibly now four waves, the waves often overlap, and equal education proponents use arguments from all waves. The key point is recognizing the shift from arguing that education is a fundamental right and should be equal to arguing that education should be adequate.

III. AN ANALYSIS OF ILLINOIS PUBLIC FUNDING ISSUES

Although it is important to recognize that many state constitutions have clauses that promise quality public education, this article will focus on the state that has been consistently ranked as having the largest disparities between low poverty and high poverty districts: Illinois. Despite its dismal ranking, the language of Illinois' constitution confirms that, to some extent, the state has taken responsibility for providing public education:

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law. The State has the primary responsibility for financing the system of public education.

Illinois promises that the state will have the “primary responsibility” and goes as far as stating that the education should be consisting of an “efficient system of high-quality” education. However, this educational promise has been unequally achieved across its school districts.

The core reason for this education disparity in Illinois is *how* schools are funded. For example, in 2019-2020, Illinois school districts were funded by 66.4 percent local funds, 26.6 percent state funds, and 7 percent federal funds. The most significant part of school funding came from local funds, primarily raised through property taxes. For example, in the Rondout School District 72 in Lake Forest, Illinois, the median home value in 2020 is \$756,324. In comparison, in the Germantown School District 60 in Germantown, Illinois, the median home value is \$150,471. Because homeowners in areas with higher home values pay larger amounts in property taxes, schools in these areas receive more funding. This results in disparities that can easily be seen when considering raw numbers of per pupil spending. In these same schools, in 2019–2020, Rondout School District 72 spent \$35,409 per pupil while Germantown School District 60 spent only \$7,086 per pupil.

IV. LEGISLATING A SOLUTION: THE EVIDENCE-BASED FUNDING FORMULA

The Illinois legislature took notice of funding disparities in its public schools and, in 2017, passed Public Act 100-0465, better known as the Evidence-Based Funding (“EBF”) formula. The EBF formula statute has four goals it seeks to reach by 2027: (1) provide all students with a “high quality education”; (2) ensure all students graduate high school and with the skills to pursue secondary education or a career; (3) reduce the achievement gap between at-risk and non-at-risk students; and (4) ensure the state satisfies its obligation to fund public education and reduce the burden placed on local taxes.

The statute attempts to provide adequate funding for all school districts. The EBF formula statute defines the “adequacy target” as the cost of providing high-quality education by determining the districts’ cost of providing “essential elements.” Essential elements are the resources and educational programs that research declares as necessary for student success, improving academic performance, and the maintenance and operation of the school district.

According to the Illinois State Board of Education, EBF formula calculations are done in three stages. First, it must determine the cost of educating students and create an adequacy target for each district. Second, it will consider the district’s local resources in comparison to their adequacy target. Third, it will distribute additional state funds to meet the adequacy target. Further, the new law ensures progress by calculating the adequacy target annually through the creation of a Professional Review Panel to review the effects of the EBF formula and its goals within five years. With these steps, Illinois hopes to strive to better fund their schools.

Taking the aforementioned Illinois school districts as examples, in 2019-2020, Rondout School District’s adequacy target was set at \$1,634,239; however, their final resources were \$4,402,977, or 269 percent of its adequacy target. This means that the district had funding that was 169 percent above what it needed to provide adequate education for its students. Conversely, Germantown School District’s adequacy target was set at \$2,577,372; however, its final resources were \$1,748,906, or only 68 percent of its adequacy target. Thus, the district was 32 percent short of providing adequate education for its students, according to the EBF formula. This example shows how adequate targets provide clear records of which school districts are falling below or are way above their target of funding to provide quality and adequate education. Adequate targets therefore serve as triggers for the state to consider these disparities and provide funding accordingly.

Other state legislatures should recognize the difference between funding through an adequacy lens versus an equality lens because not only is the education curriculum changing but the demographics and needs of students differ widely. Other states can adopt the EBF formula or a similar formula to calculate the needs of students and the amount of appropriate funding they require to provide an adequate education for all students.

V. CONCLUSION

While the Constitution of Illinois suggests that the state takes responsibility for the success of its public schools and promises that the state will have “primary responsibility” for providing an “efficient system of high-quality” education, Illinois is consistently ranked as having the largest disparities between low poverty and high poverty districts. The EBF formula is not going to fix Illinois’ school funding problem immediately. However, it is a step in the right direction, ensuring that the state provides adequate funding to schools by using adequacy targets and moving away from its reliance on local property taxes. If the EBF formula is applied properly, over time, Illinois will successfully meet its goal of

providing free and quality education for all students. Other states can benefit from the EBF formula and push their legislatures to enact a more adequate funding scheme for public education to ensure that all children no matter their zip code, their demographics, or their ability have adequate resources for their academic success.

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