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Since California was founded, our constitution has recognized public education as the State's highest and most necessary duty. The right to a public education is the only public benefit the California Constitution explicitly grants to every citizen. Our founders recognized that education serves as a "cornerstone" of the Republic—securing our citizens' ability to vote, to speak freely, to engage in civic affairs, and to secure property and economic security. As they said at the time: "We should risk everything we have to promote the fullest educational advancement on the part of every child born in this State, and every child that comes here to be educated, so far as he can be."

When this State last suffered a cataclysmic economic downturn during the Great Depression, California's citizens protected education above all else, amending the Constitution to require that public education be funded first among other state priorities.

In *Serrano v. Priest*, another case on which Public Advocates served as a lead counsel, the California Supreme Court declared that education is a fundamental right of every Californian and one that must be provided to all on equal terms.

Yet today, California's support for education has reached historic lows, and the pernicious consequences of that neglect are spreading to every classroom and every community. Once the envy of the nation with one of its best-funded and highest-performing school systems, today California is racing to the bottom of the country in terms of per pupil spending levels. It has already fallen there in terms of its ratio of staff to students and its academic achievement. NAEP test scores released by the federal government this Spring show California among the lowest-achieving states in the nation, alongside Mississippi and Alabama.

Even the California children of white, affluent, and college-educated parents lag significantly behind their peers from other states.

After decades of funding constriction, we're seeing tragically low returns from our State's underinvestment. Even before the current budget crisis, California had the highest staff to student ratio in the nation, that is, taking all the teachers, administrators, and support personnel like counselors, librarians and nurses, there simply haven't been enough adults in the system to deliver a high quality education to all students.

The horrific budget cuts of the last two years, some \$17 billion from K-14, have now brought the school system to its knees. Instead of expanding learning time as President Obama has called for, numerous California districts are being forced to cut the school year by five days. Rather than adopting new, up-to-date textbooks, our State has delayed all adoptions ensuring, for example, that our

social studies books fail to reflect the fact of Barack Obama's election and will continue to do so for years to come. This year class sizes in districts across the state, including even kindergarten and early elementary grades, will rise to thirty or more. Art, Music, and elective courses are being eliminated; teachers, librarians, nurses, and counselors by the thousands are being laid off; and libraries and computer labs shuttered because there is no staff. These are not the conditions we should ask our children to thrive in, or even to survive in.

We file this suit to force the State to live up to its founding promise to invest in our most valuable asset—the human potential of Californians. Just as we cringe at the sight of millions of gallons of oil gushing from a well at the bottom of the sea, we should recoil at the sight of millions of lives being constrained to substandard learning conditions and the steady drain of lost opportunities. We're bleeding away tremendous reserves of student potential and with it the future prosperity and welfare of our State. With this suit, the grassroots communities of California demand the State fulfill its promise to them of a meaningful, high quality education, open to all on equal terms.

Marty Glick
Partner, Howard Rice

The Plaintiffs do not seek, and do not expect, that the court will mandate either a new way to fund schools or a specific appropriation, at least to start with. What we do ask the court to do is declare the present system unconstitutional and enjoin it from continuing as it has with severe underfunding and inequitable allocation that leaves generations of California school children without even the minimum education. That would then require the legislature and the governor to comply by committing the necessary funds to provide education first as required, and to remedy the many flaws in the present system. We anticipate that the process would be participatory and ultimately require court approval.