

## Information on 2019 Council for Fair School Finance Lawsuit

Lawyers brought together by the [Council for Fair School Finance](#) filed a [school funding lawsuit](#) with the Supreme Judicial Court on June 13 based on two provisions of the Massachusetts Constitution, the Education Clause and the Equal Rights Amendment. The suit names state education officials as defendants and asserts that:

1. **The current school funding system is inadequate, particularly in districts with high concentrations of poor students.** The Commonwealth has failed to live up to its constitutional obligation to adequately fund public education for all students.
  2. **The current school financing system is discriminatory.** Students of color are disproportionately harmed by the inadequate funding, violating the Commonwealth's obligation to not discriminate based on race, ethnicity and other factors.
- The lawsuit details how **student plaintiffs are not receiving the education to which they are entitled.** The issues include overcrowded classes, outdated curricular materials, crumbling buildings, inadequate counseling services and a lack of programs to meet the students' academic needs.
  - The lawsuit asks the SJC to declare that the Commonwealth has violated the Massachusetts Constitution by failing to adequately fund education and has deprived the plaintiffs of equal treatment under two separate constitutional provisions. **The lawsuit asks the court to order the defendants to fulfill their constitutional obligations.**

### BACKGROUND

- **The CFSF is a coalition of education and civil rights organizations**, many of which were part of a similar coalition that filed several school funding lawsuits starting in the 1970s. In 1993, the SJC ruled in the *McDuffy* case that **the Commonwealth has a constitutional obligation to "cherish" its public schools** by providing "adequate" funding to educate all students, rich and poor alike.
- That case led to the creation of the current "[foundation budget](#)" under the *Massachusetts Education Reform Act* of 1993. For several years, that led to progress toward improving the adequacy and equity of the school funding system — **but the promise of *McDuffy* has never been achieved.**
- Over time, **the foundation budget formula proved to be woefully inadequate**, forcing school districts to make cuts in vital services, programs and staffing levels. While wealthy districts could generally avoid deep cuts by spending more than required by the formula, many low-income districts could not. This has contributed to significant achievement gaps among students.
- **In 2015, the nonpartisan [Foundation Budget Review Commission](#) confirmed that the formula was out of date and recommended increased funding in four areas:** educating low-income students, students with disabilities and English learners, and keeping up with the rising cost of health insurance for staff and retirees. However, **the Legislature has not passed a comprehensive foundation budget bill.**
- The council's legal team identified seven school districts that, like many similarly situated districts, have suffered significant resource deprivation. The legal team also identified families in these districts who are the named plaintiffs, along with two institutional plaintiffs, **the NAACP/New England Area Conference and the Chelsea Collaborative.**