



Printable Edition

Note: This resource includes all articles from the April 2011 Rural Policy Matters newsletter.

Facts and Figures About States With the Lowest Average Salary Expenditures for Instructional Staff in Rural Schools

Question: Which five states have the lowest average salary expenditures for instructional staff in rural schools?

Answer: Alabama has the lowest average rural instructional staff expenditures at \$37,932 (expressed as full time equivalent/FTE for all instructional staff). Alabama is followed by North Dakota at \$38,895 per instructional staff member; South Dakota at \$39,713; Oklahoma at \$39,713; and Missouri at \$40,683. The national rural average is \$51,111.

Urban Consolidations Raise Issues Similar to Rural Consolidations

Editor's note: Links are free and current at time of posting, but may require registration or expire over time.

The drive to turn around so-called failing schools is one factor fueling a spate of urban school consolidations across the country. Also in the urban consolidation mix are declining enrollment, poor facilities, and budget crises — all factors familiar to rural communities who have long been in the trenches trying to maintain local rural schools.

A March 31, 2011, [story](#) in [Education Week](#) quotes urban community advocates in Chicago, Los Angeles, Newark, Philadelphia, and New York who describe consolidation decisions made by districts without informing or involving community residents; public hearings that serve no purpose; and concern of local residents about the impact of losing a school on students and on quality of life in the neighborhood.

The article, "Urban Activists: School Closures Hurt Our Communities," describes participant involvement in an event at the Ford Foundation that brought together people involved in urban education in several cities.

Most of the participants were from cities in which schools are being closed, often as part of school turnaround initiatives that focus on privatization of schools, replacing regular public schools with charters - many times run by private or for-profit interests, and closing so-called "failing" schools. Many urban closings around the country are also driven by economic choices and the idea that closing schools will save money.

The themes and concerns about school closure voiced by community activists parallel those that have been expressed by rural communities for decades. Participants described situations where schools were closed and students forced to attend schools much farther away from where they live, schools that were no more successful than the schools they left. Participants questioned the educational validity and rationale for the closures.

Participants also described learning of a school closure only after the decision was made. Others described realizing that the public meetings around school closures had no impact on the policy decisions being implemented.

As in rural communities, these activists voiced concern that consolidation decisions were made with little regard for their real impact on students. They also expressed serious concerns about the effect that losing a school has on the quality of life in the affected neighborhoods. These residents, like their rural counterparts have so often done, suggested that schools are essential community institutions necessary to the survival of the community itself.

Many expressed concern that school closings served larger political agendas- namely privatization of education, real estate development, and marginalization of low-income children.

It is clear that there are many ways for rural and urban community and education activists to learn from each other.

Read more:

- www.edweek.org/ew/articles/2011/03/31/27pnbk_schoolclosures.h30.html?gs=Urban+Activists:+School+Closures+Hurt+Our+Communities

Case Has Far-Reaching Implications for Religious Freedom and Education

The U.S. Supreme Court has refused to hear a challenge to an Arizona law that grants a tax credit to taxpayers who designate a portion of their state tax bill to privately-run organizations that provide scholarships to religious and private schools. In turning down the case, the Court ruled that the taxpayer plaintiffs lacked "standing," that is the right to bring a lawsuit. The Court's decision allows the Arizona tax credit to continue, and it narrows previous interpretations of a 1968 Supreme Court ruling that generally grants standing to taxpayers in cases involving the Establishment Clause of the First Amendment to the U.S. Constitution. The Establishment Clause bans the government from establishing religion or using public funding to support religious activity.

The Arizona tax credit program requires the tuition organizations to spend 90% of their available funds on "qualified" schools, which are defined as schools that do not discriminate on the basis of race, color, handicap, familial status, or national origin. Although the law prohibits tuition organization from providing funds to only one school, it allows tuition organizations to grant scholarships only to families who agree to send their child to a religious school.

Plaintiffs in *Arizona Christian School Tuition Organization v. Winn* claimed that using the tax system in this way amounted to government financial support of religious schools.

Unlike charitable deductions, which reduce a taxpayer's tax liability, tax credits transfer a portion of the taxes owed to the designated entity. Last year more than \$43.2 million in Arizona tax revenue was provided to the tuition scholarship organizations through the tax credit provision.

Although legal precedent has long held that taxpayers generally do not have standing to challenge the uses of tax revenues, the Supreme Court made an important exception for the Establishment Clause in its 1968 *Flast* ruling. Writing for the majority in *Flast*, then-Chief Justice Earl Warren asserted that the Establishment clause is so essential in guarding against abuses of government power that taxpayers, in most cases, do have standing to bring lawsuits where government support of religious activity is at issue. Referencing James Madison, the architect of many of the religious clauses of the First Amendment, Warren wrote: "The concern of Madison and his supporters was quite clearly that religious liberty ultimately would be the victim if government could employ its taxing and spending powers to aid one religion over another or to aid religion in general. The Establishment Clause was designed as a specific bulwark against such potential abuses of governmental power..."

By denying standing to the plaintiffs, the Supreme Court sidestepped the question of whether the Arizona tuition program is constitutional on the grounds of separation of church and state.

However, in re-interpreting *Flast*, it significantly reduces the avenues through which taxpaying citizens can legally challenge government support of religion. In addition, the Court effectively redefined "harm" as it applies to the Establishment Clause. In the past the "harm" was simply that government was channeling money to a religious entity. This court defined harm as some kind of personal financial loss to the taxpayer challenger, thus raising an additional barrier to church and state challenges.

The Court also used its opinion to reach into another important area of established American law. Specifically, Justice Anthony Kennedy, writing for the majority, framed the tax credit as belonging to the individual rather than the government.

With this distinction in place governments are much freer to create tax credit mechanisms to divert assessed taxes into projects for which government spending would be unconstitutional.

Writing for the dissent, Justice Elena Kagan asserted that no court since the *Flast* case had differentiated between sources of funding in deciding whether plaintiffs had standing in Establishment Clause cases. "Cash grants and targeted tax breaks are means of accomplishing the same government objective — to provide financial support to select individuals or organizations. Taxpayers who oppose state aid of religion have equal reason to protest

whether that aid flows from one form of subsidy or the other. Either way, the government has financed the religious activity. And so either way, taxpayers should be able to challenge the subsidy.”

Continuing, Kagan wrote, “Still worse, the Court’s arbitrary distinction threatens to eliminate *all* occasions for a taxpayer to contest the government’s monetary support of religion. Precisely because appropriations and tax breaks can achieve identical objectives, the government can easily substitute one for the other. Today’s opinion thus enables the government to end-run *Fast’s* guarantee of access to the Judiciary. From now on, the government need follow just one simple rule — subsidize through the tax system — to preclude taxpayer challenges to state funding of religion.”

The decision in the Arizona case opens the door for the creation of tuition tax credit programs in other states. Although the programs will vary depending on the state, many tax credit programs will likely provide public funding to cover costs in private schools that selectively admit students based on income (including high income), race, or religious affiliation or belief. For example, the many private schools, often bearing religious names and sometimes sponsorships, that sprang up in the South in the 1960s and ’70s in response to the court-ordered desegregation of public schools could be eligible to receive tax-sponsored scholarships.

Tuition tax credits have the potential to alter dramatically the ways schools are funded by shifting public funding away from public school systems obligated to provide education to all-comers and toward discriminatory schools that offer education to a select few.

The decision in *Winn* is likely to have far-reaching implications in and out of the classroom.

For more information and links, see [Arizona Taxpayers Barred from Challenging Tuition Tax Credit Program](#) in Rural School Funding News.

YouthBuild USA Co-Sponsors Formula Fairness Campaign

Editor’s note: Links are free and current at time of posting, but may require registration or expire over time.

[YouthBuild USA](#) has joined as a co-sponsor of the Formula Fairness Campaign. The national non-profit organization offers meaningful learning opportunities and real-world work skills to low-income young people.

The Formula Fairness Campaign seeks to end discrimination against rural and small school districts, including small urban districts, in the formula for distributing federal funds for the education of disadvantaged children.

YouthBuild USA serves young people ages 1–24 who build affordable housing and work to earn their GED, learn job skills, and transform their own lives and communities.

There are now 273 YouthBuild USA programs in 45 states, Washington, DC, and the Virgin Islands. More than 100,000 YouthBuild USA students have built 20,000 affordable housing units since 1994. Many of these units are designed to incorporate “green” features and processes.

You can learn more about YouthBuild USA its website at www.youthbuild.org.

Learn more about the Formula Fairness Campaign at www.formulafairness.com.

Save the Date for the 2011 Southeast Regional Rural Summit

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The Southeast Regional Rural Summit, set for July 19–20, 2011 in Nashville, Tennessee, will bring together rural educators, administrators, policymakers, and other stakeholders for two days of engaging sessions to highlight best practices and influence regional and national policy.

The speaker lineup includes Former Sen. Majority Leader Bill Frist; U.S. Department of Education Deputy Assistant Secretary for Rural Outreach John White; Rural School and Community Trust Executive Director Doris Williams; Assistant Director, Policy Analysis & Advocacy for the American Association of School Administrators Noelle Ellerson, and more.

Tentative session topics include using technology to improve student achievement, strategies for improving high school graduation and college completion rates, implications of federal policy for rural school districts, bolstering principal success, increasing teacher retention, and improving early childhood education.

Co-hosted by the State Collaborative on Reforming Education, Ayers Foundation, Niswonger Foundation, the Rural

School and Community Trust, and the Tennessee School Boards Association.

If you are interested in attending, please email rural@tennesseescore.org.

Register Now for the Rural School Innovations Webinar: The New England Network for Personalization and Performance, May 11, 2011

The New England Network for Personalization and Performance (NETWORK), created by the Plymouth, Massachusetts School District and the Center for Secondary School Redesign, Inc. (CSSR), will be the focus of the third Rural School and Community Trust webinar in the 2010–2011 Rural School Innovations Webinar Series.

Hosted by Doris Terry Williams, Executive Director, Rural School and Community Trust, this webinar is set for Wednesday, May 11, 2011.

Go to www.ruraledu.org/articles.php?id=2682 for more information about the webinar and information about how to register. Or contact Robert Mahaffey at robert.mahaffey@ruraledu.org, phone: 703-243-1487 x114, for more information.

School Discipline Policy

School Discipline Update: April 2011

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Several States Move to Ban Corporal Punishment in Schools

Across the country community groups and others concerned about young people have begun to push back against the growing trend for schools to use severe and punitive discipline in response to non-violent student misbehavior. Addressing school discipline, especially harsh punishments that push students out of school, has been identified as a major concern of many rural community residents. This occasional series highlights some of the most basic issues in the national conversation about school discipline.

Texas

The state of New Mexico has just banned corporal punishment in its public schools, reducing the number of states where paddling is still legal to 19. State Senator Cynthia Nava of Las Cruces, who is also superintendent of the Gadsden School District, co-sponsored the legislation. Voting on the bill was largely divided along party lines in both houses, although Republican Governor Susana Martinez disagreed with most members of her party in her support of the bill.

Read more:

Coverage of the New Mexico ban:

- www.daily-times.com/farmington-news/ci_17790728
- www.reuters.com/article/2011/04/07/us-spanking-newmexico-idUSTRE73648X20110407

Texas

Texas lawmakers are considering a bill that would ban corporal punishment in schools. The bipartisan legislation was proposed by a veteran educator now serving in the Texas State House of Representative and a freshman Representative who has served on her local school board. The legislators are seeking a complete ban but have also proposed an alternate bill that would only allow schools to paddle students after receiving written permission from parents.

Coverage of the Texas proposals:

- www.mcclatchydc.com/2011/03/16/110513/ban-on-corporal-punishment-in.html

- www.chron.com/disp/story.mpl/ap/tx/7473695.html

Other coverage:

- www.nytimes.com/2011/03/28/education/30paddle.html
- www.ruraledu.org/articles.php?id=2413

Zero Tolerance and the School-to-Prison Pipeline

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Texas

Texas lawmakers are considering a bill that would ban the practice of law enforcement-issued citations in public schools for “disturbing class,” which is the largest category of ticketed offenses in schools. S.B. 1116 would also require schools to consider a student’s disciplinary history before imposing exclusionary punishments including suspensions or expulsions. Two recent reports by advocacy organizations in the state have highlighted both the number of students ticketed for nonviolent offenses and the number of children under 11 who have been charged by law enforcement for various school violations.

Read more:

- www.texastribune.org/texas-legislature/82nd-legislative-session/lawmakers-want-fewer-tickets-for-students/
- http://blogs.dallasobserver.com/unfairpark/2011/03/kicking_the_class_c_ticket_out.php
- www.valleymorningstar.com/news/hinojosa-90625-mcallen-authored.html
- www.texasappleseed.net/index.php?option=com_content&view=category&layout=blog&id=27&Itemid=265

Text of the legislation:

- www.legis.state.tx.us/tlodocs/82R/billtext/pdf/SB01116I.pdf#navpanes=0

NAACP Report: *Misplaced Priorities*

An NAACP report released earlier this month highlights the trend of increased spending on incarceration, prison construction, and related programming and calls for a commitment on the part of states to reduce prison rates and invest the resulting savings in education. Among the recommendations found in *Misplaced Priorities* are calls for alternative and diversionary programs for at-risk youth to reduce the likelihood of contact with the criminal justice system.

Read more:

- www.csmonitor.com/USA/Education/2011/0407/Educate-or-incarcerate-NAACP-pushes-states-to-shift-priorities

Read the report here:

- http://naacp.3cdn.net/01d6f368edbe135234_bq0m68x5h.pdf

Education Week's *Editorial on Zero Tolerance Policies*

Earlier this month *Education Week* featured an editorial calling for an end to zero tolerance policies written by the president of The Atlantic Philanthropies foundation, which is funding grassroots efforts to improve school discipline practices in a number of states through its Just and Fair Schools fund.

Read more:

- www.edweek.org/ew/articles/2011/04/06/27lamarche.h30.html?tkn=UWPFIMaV2nxIwjsFnwNoc8HTq2duw17M2mcd&cmp=clp-edweek

Seclusion and Restraint

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Florida

One of Florida's largest school districts is proposing strict limits on how often the "prone" restraint hold can be used on special education students after a number of reports showed that the practice was causing injuries within the state and deaths across the country. The proposed policy change also explicitly bans mechanical restraints and the use of seclusion when dealing with students.

Read more:

- www.palmbeachpost.com/news/schools/palm-beach-county-special-needs-students-get-more-1362436.html

Oregon

The Oregon House of Representatives has passed a bill limiting the use of seclusion and restraints in the state's schools and requiring schools to meet with parents following incidents where these techniques were used on their child. A disability rights group has estimated that as many as 10,000 incidents of seclusion and restraint are occurring in Oregon schools every year.

Read more:

- www.oregonlive.com/politics/index.ssf/2011/04/oregon_house_passes_bill_limit_1.html

Earlier this month U.S. Representative George Miller (D-CA) reintroduced the "Keeping All Students Safe Act," which would place federal limits on the use of seclusion and restraints in schools. The bill passed the House last year but was never voted on in the Senate.

Read more:

- www.napas.org/en/media/releases/459-press-release-houshe-reintroduces-keeping-all-students-safe-act.html

International Report on Restraint and Seclusion in Schools

The international disability advocacy organization TASH has issued a report, *The Cost of Waiting*, which highlights continuing abuses of restraint and seclusion in schools.

Read more:

- <http://tash.org/the-cost-of-waiting/>

Rural School Funding News

Rural School Funding News Special Series: Financing Rural Schools: Characteristics of Strong Rural School Finance Systems

Editor's note: Links are free and current at time of posting, but may require registration or expire over time.

In this series, Rural School Funding News is reviewing general principles of school finance and sharing information about school funding systems that support rural schools and their unique characteristics and needs. While there are no easy answers to questions about how to fund schools, especially in this economic climate, we hope that these articles will provide you promising practices, ideas for advocacy, and guidelines that are easily transferable in your analysis and work on your own school finance systems.

If you are new to the series, you can review a brief introduction to the subject and discussion of Characteristic 1: A Strong Foundation Formula, [here](#); Characteristic 2: Effective Use of the Judicial System, [here](#); Characteristic 3: Fair Accounting for Cost of Living and Geographic Differences, [here](#); Characteristic 4: Recognition of the Benefits of Small Schools, [here](#); Characteristic 5: A Balance of Revenue Sources for Schools, [here](#); Characteristic 6: Efficiency in the State Revenue System, [here](#); Characteristic 7: Equity and Adequacy, [here](#); Characteristic Eight: An Accurate Match of Resources to Needs, [here](#); and, Characteristic Nine: Sufficient Pay to Ensure Teacher Quality, [here](#).

Characteristic Ten: Research-Based Calculations of Needed Funding

Throughout this series we have cited elements of state school finance systems that should be in place to support the unique characteristics and needs of rural schools. Many state legislatures have debated some of these measures, for example whether to create a new transportation fund due to rising gas prices or provide extra funding for students with particular needs, or cut funding for certain programs such as after school initiatives.

Many of these conversations, however, are not informed by critical facts, such as how many students in each district need to be bused to school and over what distances, or how many students in a given school or state would benefit from after-school programs and what the staffing needs of a strong after school program would be in different school circumstances. In other words, the discussions are not informed by how much such programs would cost to implement successfully. Instead the conversation often relates to an amount that was previously allocated to particular programs after other budget items were covered. Rarely do these conversations address “unfunded mandates” such as school accountability measures that are imposed without taking into account the costs to schools of meeting performance goals.

When research is conducted to determine the costs of particular aspects of an educational system, those efforts are generally described as “costing out” studies. Costing out studies are sometimes referred to as adequacy studies because they strive to find accurate measures of the funding it would take to provide every student an opportunity to receive an adequate education. (For a more detailed discussion on adequacy in education, refer to installment seven of this series [here](#).) Most states have undertaken some kind of costing-out study at some point.

In a costing out study, researchers take into account state laws and regulations describing what is required of schools as well as characteristics of the students and schools in a state. The studies then typically make recommendations not only about spending levels but also, often, efficiency measures that can make a difference for schools’ success.

Costing out studies may be commissioned by state legislatures, education leadership groups, advocacy groups, or even courts in an effort to determine how well the state is meeting its legal duty to provide an education for students in the state. The effectiveness of these studies is sometimes dependent on who commissioned and conducted the study. Commissioning organizations, the research firms that conduct the studies, and the audience receiving the study all have biases and preconceived notions about school funding and its role in student achievement. In determining the quality of the costing out study it is important to weigh the influences of the likely biases in that study.

Here is a very brief description of each of the four general research methods used in adequacy studies along with their strengths and weaknesses:

- In a *professional judgment* approach, researchers conduct focus groups of educators to guide their calculations of costs of the needed inputs for schools to succeed. A benefit of this approach is that the study reflects what professionals in the field believe are the resources that schools need, but these studies are sometimes criticized as not being objective. Wyoming used this approach in its costing out study.
- A newer approach that considers what inputs are needed is the *evidence-based* costing-out study, which looks to research about school reform methods with some measure of success. Consultants provide the data on strategies that have been used in other schools and study authors calculate the cost of implementing those strategies in the state being studied. A benefit of this approach is that states have the opportunity to consider how much it would cost to put research-based practices into place, but the prototypes for schools used in the study may not match the reality in schools in that state and strategies studied might not be good matches for all schools.
- A *successful school* study looks to places in the state where students are achieving at high levels and reports how much money would be needed to implement similar practices statewide. These studies may also examine groups of schools in the state, such as those with high numbers of low-income students. *Successful school* studies allow readers to easily understand how costs were calculated, but their recommendations may be rooted too much in past practices. They may not account for ‘outlier’ situations that contribute to the school’s success, for example and extraordinary school leader. Further, the successful school may face less serious challenges to meeting student needs than other schools. This type of study has been conducted in Ohio.
- The *cost function* approach is a mathematical method that statistically links the cost of educational

outcomes with the characteristics of every district in the state to make a conclusion about how every school can achieve set goals. *Cost function* studies have the benefit of providing very specific information about needed funding for each district and for specific groups of student. But often the specific data needed to make these projections is not available. This is also one of the more difficult methods to understand. Texas has used this approach.

Rural school advocates should consider which method is most appropriate and should also closely monitor the process to be used by researchers to gather information for the costing out study. Although some of the methods rely on participant contributions from educators, *every* costing out study should include input from the public, including opportunities for interested parents, students, and stakeholders to contribute their thoughts and expertise on what is needed in their schools. If possible, rural school representatives should serve on panels that will inform the researchers' work. All parties should have access to information about the methodology used in the report. There should also be an opportunity to review and comment on the study before it is released in final form.

The elements of a finance system that supports rural schools must be addressed in any costing out study as well. Many of the factors we have discussed in this series have a place in adequacy studies, including recognition of the needs of small schools, recognition of socioeconomic and academic challenge of groups of students, and cost of living measures that take into account hidden costs of living in high poverty and/or rural areas. More specifically, the study should answer questions such as:

- How much more does it cost to educate a student who lives in a remote rural area than one in a more populated area of our state?
- How much money does it take to operate a very small rural school that is adequately resourced and staffed?
- What is the cost to ensure that a student learning English for the first time will be able to succeed in our state's schools?
- How much does it cost to hire and retain a highly qualified, strong teacher to work in a small rural school with high numbers of students living in poverty?

A comprehensive study conducted by school finance experts can provide data that rural schools can use in advocacy for a more rural-sensitive school funding system. And, information gleaned from those studies can help answer the question, "does money matter?" Find out whether your state has ever undergone an adequacy study, and, if so, who commissioned the study, and what conclusions it makes. Determine whether the study is too outdated to provide relevant information to policymakers and those writing state budgets each year. If it is, it may be timely to advocate for the legislature or other group to commission a new study. If a study is commissioned, try to participate in the process of selecting a research firm and advocate for opportunities for rural people to participate in the study process.

The Rural Trust has worked with adequacy studies in a number of capacities by contributing expertise on rural school funding issues to report writers, by working with community groups to foster participation in studies, and by providing support for advocacy work around study recommendations. If you are interested in learning more about working on school finance policy using costing out studies, contact the Rural Education Finance Center at Rural Trust. We are happy to help.

Read more:

Information about adequacy studies that have been done in a variety of states:

- www.schoolfunding.info/policy/CostingOut/factsheetslist.php3#adequacy

Arkansas Increases School Funding and Addresses Transportation

Editor's note: Links are free and current at time of posting, but may require registration or expire over time.

Arkansas' recently enacted \$1.9 billion budget includes a 2% increase for public schools in the state. In addition, Governor Mike Beebe agreed to set aside a special school transportation fund that will help rural districts.

State Senator Jimmy Jeffress, who leads the Arkansas Senate Education committee, had introduced a funding bill that would have allocated additional transportation funding for districts where those costs are highest. The House version of the biennial funding bill included the 2% increase but no additional transportation funds.

Beebe had expressed concern that that the Senate version would not meet adequacy and equity standards established by the *Lake View* school funding suit because not every district would benefit from the transportation funding increase. But Jeffress defended the plan saying he had the backing of the Legislature's Joint Adequacy Committee members who had been studying the transportation cost issue. Jeffress, however, dropped support for

his bill after a compromise was met with Beebe who agreed to transfer \$500,000 from the governor's office budget to the Arkansas Department of Transportation for a fund to which districts with high transportation costs can apply for extra funding.

In other Arkansas news, a bill that would have allowed the financial health and academic quality of a school district to be considered in consolidation decisions failed by one vote to advance from the Arkansas House to the Senate. Representative Jon Hubbard's legislation would have permitted districts that fall below the mandated 350-student enrollment to avoid consolidation if they were fiscally sound and demonstrated academic success. Beebe had expressed concern that such a measure could violate the *Lake View* ruling on the basis that adequate funding was tied to the enrollment threshold.

Read more:

School funding:

- <http://arkansasnews.com/2011/03/28/school-funding-bill-clears-house-on-second-try/>
- <http://arkansasnews.com/2011/03/29/school-funding-stalemate-resolved/>
- www.helena-arkansas.com/state_news/x1608503515/Arkansas-lawmaker-drops-competing-school-fund-plan

Consolidation:

- <http://arkansasnews.com/2011/03/29/small-district-survival-bill-advances-in-committee/>
- <http://arkansasnews.com/2011/03/30/anti-consolidation-bill-fails-by-one-vote/>
- <http://irjci.blogspot.com/2011/04/bill-to-end-enrollment-only-criterion.html>

Arizona Taxpayers Barred from Challenging Tuition Tax Credit Program

Editor's note: Links are free and current at time of posting, but may require registration or expire over time.

A tuition tax credit program in Arizona has survived a challenge that progressed to the U.S. Supreme Court. In a closely watched case, *Arizona Christian School Tuition Organization v. Winn*, taxpayers challenged the ability for Arizonans to receive a dollar-for-dollar tax credit for contributions to a school tuition organization. Last tax year, Arizonans diverted more than \$43.2 million to the scholarship organizations. In a 5–4 decision, the justices held that the taxpayers did not have standing to challenge the law because they had suffered no injury. Generally taxpayers cannot challenge government spending decision except for those that may violate the Establishment Clause. In their ruling, the Justices narrowed that route to the courthouse further by holding that the credited tax funds were not governmental funds but belonged instead to the individual who is therefore free to spend them as they prefer. There was no ruling on the constitutionality of the program, which many people think will now be replicated in other states. The tuition organizations in Arizona place limits on who can receive the scholarships, in many cases stipulating that the student attend a religious school.

Read more:

- http://azstarnet.com/news/local/govt-and-politics/article_14cb4804-69c2-53ae-b2f7-c1b303ba4829.html
- www.nytimes.com/2011/04/10/opinion/10sun2.html

Other states considering tuition tax credit-type legislation, including Indiana, have been following the Arizona case very closely:

- www.iconline.com/article/20110406/NEWS04/104060320/Court-ruling-school-money-stirs-voucher-bill-debate

Rhode Island Lawsuit Will Be Resumed

Editor's note: Links are free and current at time of posting, but may require registration or expire over time.

The school funding lawsuit in Rhode Island will continue despite the passage of the new school finance formula. (See previous coverage from RSFN [here](#) and [here](#).) Attorneys for plaintiff districts Woonsocket and Pawtucket had agreed to delay the suit until after the formula was finalized and implemented. But earlier this month, they filed an amended complaint moving the suit forward.

In 2007, an adequacy study estimated the amount needed to cover base student cost to be \$10,700 before weighting for unique student factors. Funding levels under the new formula will be approximately 25% lower than

that amount.

Another issue for the plaintiff districts is that the formula does not take into account needed funding for the districts' English Language Learners (ELL) and special education students. Consultants who helped develop the formula have said that data on special education and ELL students is unreliable. Instead, they opted to include only a poverty weight to address "overlapping" needs.

Read more:

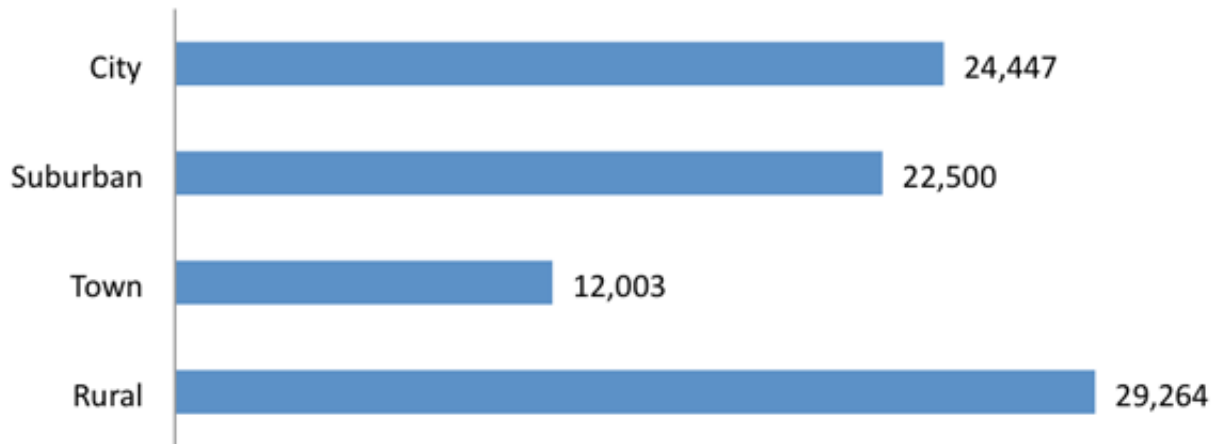
- www.woonsocketcall.com/node/2276
- <http://woonsocket.patch.com/articles/woonsocket-challenges-states-education-funding-formula>
- www.browndailyherald.com/mobile/state-sued-over-school-funding-formula-1.2549164

Graph

Total Number of Regular Public Schools, 2009–10 School Year

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Total number of regular public schools, 2009-10 school year



Source: Chen, C. (2011). *Numbers and Types of Public Elementary and Secondary Schools From the Common Core of Data: School Year 2009–10 (NCES 2011-345)*. U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved from <http://nces.ed.gov/pubsearch>.

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