

# Evidenced-Based Adequacy Model for School Funding: Success Rates in

# **Illinois Schools**

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Abstract: Discussions about changes in how to fund education continue. The increasing demand to add additional charter schools and consider tuition vouchers to the field is shifting the focus on how to finance the local public school. The shifts in school finance policies nationally have had an effect on the policies in place in Illinois (Fritts, 2010). The tax structure varies from state to state. The percentage of property tax varies from school district to neighboring school district. The evolution of the concept of fair is one that is important to understand if the goal is to improve the current funding system and move to a system that can better address the needs of the students of Illinois. As policymakers and educators alike look toward future reforms, it is important to understand the pressures that have brought us to the current system. This review begins by analyzing the efforts in the early and mid-1900s that move the educational funding system from one that was available only to the privileged children to one that would be available to all students (Cubberley, 2005). The review continues to tract the changes in the concept of fair as it evolves to one of equity of resources, a shift that is guided by research and litigation (Hickrod, 1985; Odden & Picus, 2000). The evolving concept of fairness addresses the systems where strict adherence to an equity model may be met, yet funding for students continues to be related to relative property value within a district (Fritts, 2010).

Key words: fair funding, equity, adequacy

### 1. Historical Perspective of School Funding — The Evolution of Fair Funding

One of the pivotal events that moved the focus of education funding to equity of resources was Brown v. Board of education (1954). The decision in this case provided that African American students were entitled to the same educational opportunities as their white counterparts (Brimley & Garfield, 2005). Additionally the work by Coleman (1966) brought attention to the inequalities in opportunities among different races of students. The 1950s and 1960s were a time of policy reform that resulted in a policy change giving equal protections for the economic disadvantaged as well as children of different races (Odden & Picus, 2000). It was in this environment of change that the concept of fairness rapidly evolved and became focused on equal spending of all students (Baker & Green, 2008).

During the 1960s, constitutional challenges were mounted to test the fairness of state education funding

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systems. Building upon a successful argument in Brown v. Board of Education (1954), where the plaintiff was able to show that race could be considered a suspect class, similar cases sought to define another suspect class in schools (Brimley et al., 2012). The first cases included McInnis v. Shapiro (1968), in Illinois, and Burris v. Wilkerson (1969), in Virginia. These cases formed arguments similar to those in Brown. Where as in Brown race was shown to be the suspect class, in these education focused case, economic status was argued as a suspect class. That being the case, individuals classified by their economic status should be afforded the equal protection under the United States Constitution (Brimley et al., 2012). The basis of the argument stemmed from the disproportionate distribution of funding as compared to the student's educational needs. The disproportionate distribution of fundis was a direct result of the reliance on property taxes being used to fund educational systems.

Serrano v. Priest (1971) represents the early case that declared the California educational funding system unconstitutional by successfully arguing wealth as a suspect class. The argument of suspect class is modeled after that for race in Brown v. Board of Education (1954). The Serrano case builds on the unsuccessful efforts in McInnis v. Shapiro (1968) in Illinois. In Illinois, the plaintiffs failed to successfully argue that wealth was a suspect class and thus afford protection by the Equal Protections Clause of the constitution. The shortfall in McInnis was the plaintiff's reliance on educational need as the metric. The court ultimately ruled that there was no measure of educational need and thus no means to test if the actions of the state were meeting the educational needs of all students. In Serrano the metric moved to wealth neutrality and required that the relative property wealth of a district not be correlated to educational spending in a particular district (Brimley, Verstegen & Garfield, 2012).

The early cases focused on equalizing spending as was seen in Serrano v. Priest (1971). The court decisions promoted systems that ensured horizontal equity. The Serrano case represented one of the first decisions to define a fair educational system as one that equalized spending among students and becomes a trigger in Illinois to reform the educational funding system (Hickrod, 1985). The Serrano case also represented the basis of arguments to achieve horizontal equity. The decision in Serrano clearly supports the equal treatment of equals (Baker & Green, 2008).

San Antonio Independent School District v. Rodriguez (1973) became the case that stopped all future filings of federal challenges to the constitutionality of school funding systems (Underwood, 1995; Odden & Picus, 2000: Brimley et al., 2012; Koski & Hahnel, 2008). As with other cases, the plaintiffs sought to argue "poor" persons as a suspect class. In its decision, the court defined a suspect class as "saddled with disabilities, or subjected to a history of purposeful unequal treatment, or relegated to such a position of political powerlessness command extraordinary protection from the major Italian political process" (San Antonio Independent School District v. Rodriguez, 1973, p. 2).

When considering the argument of the presence of a suspect class, the U.S. Supreme Court ruled that the plaintiffs had not adequately identified a suspect class of poor students as the disadvantaged unit was in fact the school district and not the student. In the Rodriguez (1973) case, the arguments were such that the deprived class was actually property poor school districts where, it was conceivable that wealthy individuals could reside. Without a suspect class defined in the case, it was not possible to argue the Equal Protection Clause of the U.S. constitution. Equal protection is offered to protected classes of individuals against discriminatory acts.

The decision of the Supreme Court continued to indicate that in addition to poor students not being a protected class of individuals, neither was education a fundamental right guaranteed by the U. S. Constitution. In their opinions, the justices were careful to indicate that education is an important function for society, just that it is

not protected by the U.S. Constitution (San Antonio Independent School District v. Rodriguez, 1973).

In an dissenting opinion, Justice Marshall indicated that the "Court today decides, in effect, that a State may constitutionally vary the quality of education which it offers its children in accordance with the amount of taxable wealth located in the school districts within which they reside" (San Antonio Independent School District v. Rodriguez, 1973, p. 51). Marshall saw this decision as a shift in the stance of the court, ruling against a commitment to the equity of educational opportunities. He went on to state that the actions of the court in Rodriguez could have the effect of limiting children's ability to reach their highest potential.

Even with the McInnis decision not favoring funding reform in Illinois, the general assembly was aware and effected by legal challenges in other states (Hickrod, 1985). It was this environment that presented the Illinois legislature a sufficient initiator and triggering mechanism to alter the funding of public school in Illinois. The initiator came in the form of an added revenue stream with the passage of a new income tax in Illinois (PA 76-261, 1969). The triggering mechanisms included the work of the Governor's Commission of Schools (Hickrod, 1972) and the work of the State Legislature (PA 78-215, 1973). The commission informed legislators and those legislators then crafted an act that addressed many of the shortcomings of the previous Strayer-Haig system. The commission proposed a three tiered system that would alter the funding structure across the state. No longer would local effort the deciding factor that was used to establish funding levels of schools. Instead a new formula considered property wealth, as well as level of poverty and needs of students. Much of the momentum that brought about this proposal was the potential for litigation in Illinois similar to that in California, New York and New Jersey where their funding systems were found to be a violation of the respective state constitutions (Levitton v. Nyquest, 1970; Robinson v. Cahil, 1973; Serrano v. Priest, 1967). Also, with the enactment of a new personal income tax in 1969, the mechanism to fund a reform was presented to legislators (Johnson, 1989).

Debate of the language occurred in the Senate as well with supporters emphasizing that this was the first significant change to school funding in many years and noting the benefits of the resource equalizer in the formula. Senator Glass went on during the debate to explain the inequity of the current Strayer-Haig funding model as a system that penalized property poor districts. These sentiments had been echoed in testimony given during the drafting of the bill as well (Hickrod, 1985). Glass also noted the work that the Governor's Commission had put into the drafting of the legislation. Opponents in the Senate saw the language as penalizing Chicago and the surrounding counties. Ultimately the bill passed the Senate and with the governor's signature became Public Act 78-215 (Senate Debate HB1448).

As a reaction to the rapid increases in property taxes, property tax continued to gain the attention of policymakers leading to the Property Tax Extension Limitation Law (PTELL) passage in 1990 (Hickrod, 2004). Initially designed to control the growth of property tax, PTELL limits the increase in the extension of tax dollars to a district by the Consumer Price Index (Fritts, 2010). The effect is limiting the growth in local revenues which in Illinois account for the majority of school funding. This legislation can be enacted by individual counties through a referendum and currently is in place in thirty-nine counties.

Efforts in the legislature were in motion to address questions of equity, poverty and property taxes (Fritts, 2010). As the question of education as a fundamental right was deemed a state constitutional question (San Antonio Independent School District v. Rodriguez, 1973), efforts were in place to amend the Illinois Constitution to include language detailing an adequate education as a fundamental right protected and prescribed by the constitution (Hickrod, 2004). This amendment narrowly failed in 1992 (Center for Tax and Budget Accountability, 2006a).

The decision in Committee v. Edgar (1994) was delivered following a failed attempt to amend the Illinois Constitution to include language declaring education as a fundamental right (Center for Tax and Budget Accountability, 2006). This case argued that the current school funding system in Illinois violated the Education Article and the Equal Protection Clause of the Illinois Constitution. The plaintiff argued that the funding system was such that "educational resources were unavailable in poorer school districts, or inferior to those in wealthier districts" (Committee v. Edgar, 1994). Following the success in Serrano v. Priest (1971) the plaintiff argued that the system was not fiscally neutral and thus benefitted students who lived in property wealthy districts.

In its decision, the court acknowledged the disparities among school districts within the state, but noted that it was but only a goal to eliminate these differences. The court went on to point out that the plaintiffs had not shown that the current system was inadequate, but was only differentiated. The court disagreed with the plaintiff's assertion that equal educational opportunities were protected by the state constitution. Instead the system must be based upon a rational mechanism to distribute funds among the schools in the state. The Court found that such rationale did exist and did meet the mandate of the constitution. Here the Illinois Supreme Court stated that education was not a fundamental right and that the court saw this question as a legislative issue more than a judicial issue (Center for Tax and Budget Accountability, 2006a; Hickrod, 2004).

Since the reform of 1973, the system that sought to produce equitable and adequate school funding in Illinois, has instead come under attack and been labeled as failing to achieve wealth neutrality (Hightower, 2010). The inadequate foundation level and continued reliance upon property tax as a major funding source for education has resulted in a system that continues to benefit property wealthy districts (Fritts, 2010). Alterations to the GSA formula have also not improved the equity of funding across the state. Recent modifications to the formula include the inclusion of a poverty grant as well as a property tax extension limitation law adjustment which now consume 36% of the total GSA funds (Fritts, 2010). These funds are therefore not available to all schools throughout the state but instead direct additional funds only to high poverty or districts subject to property tax limitation laws, while ignoring others that do not meet these criteria.

In an effort to inform legislators in the area of school funding, Public Act 90-548 created the Illinois Education Funding Advisory Board (EFAB). After its creation in 1997, the board issued reports to the legislature informing budget creation for fiscal years 2002, 2003, 2004 and 2005 (EFAB, 2011; Fritts, 2010). The board was not then called to convene until 2009 after Governor Quinn took office. In the most recent report (2011) the EFAB offers a critique of the current funding system and analysis of a system that could provide an adequate education for Illinois students (EFAB, 2011). A key limitation that was noted was the setting of the foundation level significantly below the median cost to educate a student in Illinois. In doing so the effect of the insufficient foundation level is to create a system that can meet narrow measures of equity but not provide for an adequate program (Clune, 1994; Fritts, 2010).

In the EFAB criticisms of the current funding system in Illinois, much of the early belief that increased local support would provide a more equitable system came into question. As states considered the early benefit of encouraging increased educational demand, it was found that the end result was greater inequity among districts (Hickrod, 1967). State funding systems for education relied upon local demand coupled with state legislatures funding commitments. These funding levels set by the state, however, were less often based on defendable targets and more likely arbitrarily set as a function of the state economic climate (Odden & Clune, 1998). In the end the educational demand of a district was correlated to the percent of the district population that was college educated and actually decreased equity among students (Hickrod, 1967). This realization became the trigger that would

begin to move states from an equity model to an adequacy model.

As attention is again drawn to the school funding system in Illinois by the current EFAB report, legislators and others are faced with information that advocates for adequacy above equity (EFAB, 2010). The report questions the ability of the current system to provide adequately for students and coupled with the judicial tenor outside of Illinois, the EFAB is exploring benefits of two adequacy models for funding education.

#### 2. The New Fair: A Shift from Equity to Adequacy

#### 2.1 A rationale for the Shift to Adequacy

With a pattern of reform equated to the swing of a pendulum, reform initiatives were shown to be guided by the current court decisions. This is the case as there is a shift from equity to adequacy of educational opportunities. The transition, however, has been gradual. An intermediate step from horizontal equity to adequacy was one of vertical equity. A system representing vertical equity changes the focus from equal treatment of equals to unequal treatment of unequals (Berne & Stiefel, 1984; Downes & Stiefel, 2008; Toutkoushian, 2007). A system of vertical equity acknowledges that students with certain disadvantages can require more resources to achieve the same educational outcomes (Garms, 1970). Questions of vertical equity were not supported by the Equal Protections Clause and thus seek other basis for the arguments (Downes & Stiefel, 2008). Constitutional and statutory language can be found in the Individuals with disabilities Education Act (IDEA), Equal Education Opportunity Act (EEOA) and Education Clauses in the respective state's constitution. An important limitation of both the IDEA and EEOA language is the need for the argument to center on a protect class, such as race, religion, sex, or national origin. Decisions in these cases therefore apply specifically to the students within a state rest upon arguments using that state's education clause. Without such an education clause in the state constitution, Illinois schools have largely been isolated from these shifts to increased vertical equity.

Vertical equity required a system where students with similar disabilities or challenges would have equal opportunity to succeed without regard for the location of his or her school (Toutkoushian, 2007). Measurement of vertical equity provides a challenge for policy makers where one solution was to institute similar academic performance standards for all students (Downes & Stiefel, 2008). The challenge for the policy maker was to then fund an educational funding system that would allow each of the students to attain the defined goals. As Underwood (1995) considered such a system, she was unable to distinguish between a system that achieved vertical equity and one that achieved adequacy. Illinois is situated in a position where the current concept of fairness directs additional resources to the neediest students as a means to provide an adequate educational experience for all students (Downes & Stiefel, 2008). The shift to a model of adequacy is one that increases the complexity of the funding model. Adequacy models seek to find the link between inputs and outputs, that is, a link between funding level and student performance (Clune, 1994; Conley & Picus, 2003).

As policymakers are placed in a position to continue the status quo or enact a policy change, they consider the success of the current policy. In Illinois, policymakers find a system that through is heavy reliance on property tax has been unable to create a fiscally neutral funding environment (Hightower, 2010). Property wealth continues to be the leading indicator of per pupil expenditures within a district (Fritts, 2010) and continues to benefit disproportionately that reside in property wealthy districts. Equity efforts have been largely ineffective in creating a fair environment for all students in Illinois. This lack of equity has caused the EFAB to evaluate alternative funding systems and that board has shifted focus to a system of adequacy (EFAB, 2010).

To consider a shift from an equity model to an adequacy mode, the triggers that lead to this shift included the continued reliance of equity systems on property taxes as a funding source (Odden, 2003) as well as the increased focus on student performance brought on by the No Child Left Behind legislation (Odden, Picus & Goetz, 2010). As the states set academic targets to show adequate yearly progress, teachers, legislators and families began to focus more on the educational outputs of schools. This in essence was a driven by a need to see a positive return on an educational investment.

## 3. An Initial Look at the Evidence Based Adequacy Model of School Funding in Illinois: School Size and Class Size Alone Are Not sufficient to Raise Student Achievement

The Evidence Based Adequacy Model of school funding is a comprehensive school reform model used to sets funding levels based upon local educational needs. This adequacy model has been developed extensively by Allan Odden of the Wisconsin Center for Education Research at the University of Wisconsin (Odden, 2007). In this model, research based practices necessary to educate students and the resources necessary to fund these practices are identified for a prototypical school. Costs are then assigned to these practices and resources. The costs in the prototypical school can then be extrapolated to a district's individual demographic makeup to determine the adequate funding level necessary for that specific school. The 2011 Education Funding Advisory Board (EFAB) report first cast light on Evidence Based Adequacy Model as a potential replacement of the current Successful Schools model. An appendix of the report included an analysis by Mangan and Puriton (2011) to estimate the cost of implementation in Illinois. Their study found that to implement in Illinois would be \$25 billion or a 16% increase. Some of the tenants of the EBAM of school finding can be found in Table 1.

Characteristic	Requirement
School Size	432–450 students
Class Size Targets K-3	15 students
Class Size Targets 4-8	25 students
Specialist Teachers (PE, Art, Music, etc.)	2 times the total classroom teacher count
Special Education Teachers	1 per 150 students
Special Education Aides	1 per 300 students
Principal	1 per school
Assistant Principal	1 per school
Librarian	1 per school
Summer School	1 teacher per 30 FRL qualifying students
Extended School	1 teacher per 30 FRL qualifying students
Tutor	1 per school or 1 per 100 FRL qualifying students
Pupil Support Staff	1 per 100 FRL qualifying students
ELL	1 teacher per 100 ELL students
Instructional Facilitators	Mentors 2.25 per school

Table 1	Characteristics	of the	<b>Prototypical</b>	School
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The Evidence Based Adequacy Model for school funding is significantly more than a funding program. It identifies interventions and practices that would be present in schools throughout the state. As a comprehensive

reform model, it removes a degree of local control from school funding, by prescribing research based practices at the school level. The driving force for such a funding model, however, is the ability to coordinate school reform efforts statewide using research based initiatives.

For Illinois to move from current fiscal practices would mark a significant change in Illinois school funding policy, not matched since the introduction of the Resource Equalizer in 1973. At that time, an effort lead by Hickrod worked to educate policymakers as to the limitations of the Strayer-Haig funding formula. Their efforts were designed to draw focus to the short comings of the then current funding system that disproportionately benefited school districts with high property values. At that point a resource equalizer was added to mitigate some of the inequity. In the past 40 years, however, Illinois has lacked significant policy change to improve either funding equity or adequacy in education. The absence of significant policy change since 1973 can, in part, be attributed to Illinois Supreme Court's interpretation of the state Education Clause.

The most recent case heard by the IL Supreme Court, Carr v. Koch (2012), regarding school funding resulted in the high court affirming the lower court's judgment and dismissing the case. This case was dismissed on arguments that the plaintiffs were unable to establish standing to bring the cause. This ruling came 18 years after the last case that scrutinized the educational funding system in Illinois. The case, Committee v. Edgar (1994), tested the constitutional nature of the current funding system with regard to finding equity. In its decision, the court acknowledged the disparities in school spending among school districts but noted that it was only a goal for the state to eliminate these differences. The court did not find a requirement for equal or adequate funding but instead a system that was based upon a rational mechanism to distribute funds among the schools in the state. (Committee v. Edgar, 174 Ill.2d 1, 672 N.E.2d 1178, 1994).

With the state needing only to show a rational mechanism to distribute educational funds, the urgency to initiate funding policy reform has been limited. The EFAB report, however, issued a call for change. As a second step to continue the momentum, a study was designed to investigate if schools, that implement components of the EBAM, actually show improved student performance (Murphy, 2012). A study of this nature could then be used to inform policymakers of potential benefits and drive policy development. The study focused on Illinois elementary schools and used the ISAT composite score as a measure of student achievement. Schools included in the sample were those that met the EBAM criteria displayed in Table 2. This was a quantitative study that selected only components of the EBAM that were required data reported to the ISBE (School Report Card, Teacher Service Record, Home District Enrollment Report and Kindergarten Program Data Report).

Description	Target
School Size	400–500
Class Size for Grades K, 1, 2, and 3	< 17
Class Size for Grades 4–8	< 26
Full Day Kindergarten	>90% of total K enrollment
Preschool	> 75% of average K-3 enrollment

Table 2 Evidence-Based Adequacy Model Selection Criteria

In Illinois, only 16 of the 2,583 elementary and middle schools met the selection criteria. With such highly selective criteria, the concern exists that the demographic characteristics of the sample may be dissimilar to that of the population. To address this potential concern, a Chi-Square test of independence was used to determine the degree to which the group of schools that met the selection criteria and those that did not meet the selection

criteria were similar. The analysis considered Percent White, Percent Black, Percent Hispanic, Percent LEP, Percent Low Income, Mobility Rate, and Attendance Rate. The analysis showed the two groups to be substantially similar. Only the Percent IEP students were proportionately dissimilar, where there was a greater percentage of students with IEPs at schools that met the selection criteria.

Finding the sample similar to the population, the study moved forward to determine if the schools meeting the criteria had significantly higher student achievement. The short answer to this question is no. When comparing the composite ISAT scores of students attending schools that meet the selection criteria with students at schools that did not meet the selection criteria, there was statistically no difference (F(1,3013) = .043, p = .835). The percentage of students meeting or exceeding, as shown by the composite ISAT score, was not significantly different in a school that met the selection criteria as compared to the ISAT scores of schools that did not meet the selection targets.

At first glance, this finding lacks the promise of advancing a school funding reform in Illinois. The results should not, however, be misinterpreted to mean that school size, class size, full-day kindergarten, and preschool programs do not have an impact on student achievement. These are each initiative that research has shown to be successful in improving student achievement. Instead, this finding suggests that the questions being asked were but an initial attempt to assess a limited number of variables of a comprehensive reform program. While school size and class size are components of the model, this evidence based model includes system wide initiatives. The Evidence Base Adequacy Model of school funding represents a comprehensive school reform, and here appears to be more than the sum of the parts. As such, the components such as embedded teacher professional development, school day tutoring programs, extended day programs and summer school programs were absent this initial study. These are also variables that are occurring in schools but go unreported to the state, making it difficult to identify schools and districts that are engaging in such comprehensive school reforms.

Now that the EFAB has proposed the Evidence Based Adequacy Model for school funding in Illinois, it is necessary to continue the work to determine the effectiveness of the funding model. This study was able to show that those components of this funding model that are reported to the state may not be sufficient to assess the potential impact of an implementation of the EBAM. There is a need for studies that more fully test the impact of all of the components of the EBAM to show the potential of this reform model. These types of studies can serve to be a trigger to bring about funding reform in the state where legal challenges have been unsuccessful.

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