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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 23-S 72, A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT REGARDING RIGHT TO ADEQUATE EDUCATION March 8, 2023

The ACLU of Rhode Island strongly supports this amendment, which would constitutionally establish the right to an adequate education for Rhode Island's youth as a fundamental and judicially enforceable right.

More than twenty years ago, in *City of Pawtucket v. Sundlun*, the ACLU filed a "friend of the court" brief in support of a lawsuit brought by a number of municipalities that "challenged the means by which the General Assembly fulfills its constitutional mandate to provide public education in Rhode Island." 662 A.2d 40, 42 (R.I. 1995). Unfortunately, the R.I. Supreme Court rejected a lower court ruling that Article XII, Section 1 of our state Constitution guaranteed children the right to an "equal, adequate and meaningful education." Just as unfortunately, the Supreme Court reaffirmed its decision in 2014. *Woonsocket School Committee v. Chafee*, 89 A.3d 778 (R.I. 2014). The Court said it was "sensitive" to the concerns that the state's school funding formula created unfair disparities between poor, urban schools and more affluent communities, but that it was bound by the *Sundlun* precedent to reject this newer constitutional challenge to the formula. More recently, a federal district court rejected a federal constitutional challenge to the inequitable school funding disparities in the state, despite expressing sympathies for the plaintiff's claims and noting that the case highlighted "a deep flaw in our national education priorities and policies." *A.C. v. Raimondo*, 494 F.Supp.3d 170 (D.R.I. 2020), *aff'd* 23 F.4th 37 (1st Cir. 2022).

By revising the language in Article XII to be more explicit about its goal and specifying that this right is judicially enforceable, Rhode Island will follow the lead of many other states in recognizing the importance of this right. In fact, we would be joining four of our New England neighbors that have a similar guaranteed right to a meaningful education.

We commend the sponsor for once again introducing this important proposal, and we look forward to supporting efforts to resolve the problem that has left children in poorer school districts without a remedy for unequal educational opportunities since 1995.