

## EDUCATION FUNDING

# These High Schoolers Are Suing for Better Schools. Can They Win?



By [Mark Lieberman](#) — January 15, 2025 ⌚ 8 min read



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During elementary school in Long Island, N.Y., Luisa Sanchez was thriving in a school full of English learners like herself. In particular, she excelled at math.

But just before Sanchez entered 6th grade, she and her parents moved to rural Danville, Ky. Sanchez quickly realized that two American public schools could look vastly different.

She was the only Hispanic student, and the only immigrant, in any of her classes. Instead of a dedicated classroom space for English learners, her school sent those students to the library for instruction.

Most devastating, she said, her teachers never gave her a math placement exam. She had to take a summer math course to qualify for geometry in 8th grade—and only after she finished geometry did she learn she could have advanced even further.

“I passed, I got an A, it was great,” she said. “And then, it turns out, I found out there was even another level higher. I remember coming home crying.”

Sanchez, 16, now sees this experience as one of many examples of her school letting her down. But she later realized it wasn't that the teachers didn't care enough about her. Shortcomings of the education system were the product of insufficient resources—and it's a statewide problem.

That's the complaint at the heart of a [new lawsuit filed Jan. 14](#) in the Franklin County circuit court against the state of Kentucky. Sanchez, now a junior in high school, and 11 of her K-12 peers from across the state are the lead plaintiffs, along with the Kentucky Student Voice Team, an education advocacy group led by K-12 students.

The suit alleges that state officials have fallen short of the promises they made in the early 1990s, when the Kentucky supreme court declared the state's approach to public school funding unconstitutional, and ordered sweeping reform.

Students now argue the state must provide robust educational opportunities that were previously mandated by the state supreme court—including literacy and civics instruction, mental health services, arts education, and college and career readiness initiatives. Those investments are essential no matter the cost, the complaint says.

“We are facing this crisis of decades of mismanagement in Frankfort by politicians, where we have these historically underfunded and under-resourced schools,” said Peter Jefferson, 18, a high school senior in Lexington who's on the Kentucky Student Voice Coalition's policy team. “The students of Kentucky—and the future students of Kentucky—deserve more.”

The group's campaign will extend beyond the lawsuit to a series of public engagement sessions in which students will interview policy experts and education advocates to raise awareness of disparities and shortcomings in Kentucky's public schools. Those sessions have already been taking place across the state.

The Kentucky attorney general's office didn't respond to a request for comment in time for publication. A spokesperson for Gov. Andy Beshear, a Democrat, sent a statement that didn't address the lawsuit directly.

“The governor feels strongly that more funding is necessary for K-12 public schools,” in particular for priorities like raising teacher pay and establishing universal pre-K, wrote the spokesperson, James Hatchett.

## Kentucky is one of many states with ongoing legal fights over K-12 education resources

Students and their advocates in Kentucky are entering the legal arena alongside peers in more than a dozen other states where consequential litigation over core issues of school finance and operations is ongoing.

The supreme courts of [New Hampshire](#) and [North Carolina](#), and a judge in [Wyoming](#), are expected to rule in the coming months on whether their respective states' school funding systems are unconstitutional.

In Wisconsin, the state's highest court will rule on whether the governor had the authority to [mandate 400 years of annual increases](#) to state aid for schools.

Plaintiffs in five states—[Arkansas](#), [Montana](#), [Ohio](#), [Utah](#), and [Wisconsin](#)—have filed lawsuits in the last year-and-a-half aiming to overturn policies that let parents spend public funds on private school, on the grounds that they violate state constitutions and dent public school revenue. A judge in Utah could [issue a verdict as early as this month](#). Ohio's trial will [likely happen later this year](#).

Meanwhile, funding and maintenance for school facilities are [under the microscope as well](#).

A ruling [could come this year](#) from a superior court in Arizona over whether the state's approach to funding school facilities work violates the state constitution and puts poor districts at a disadvantage. A similar [school facilities case in New Mexico is in limbo](#) after the state supreme court declined to take it up before a district court examines the latest evidence.

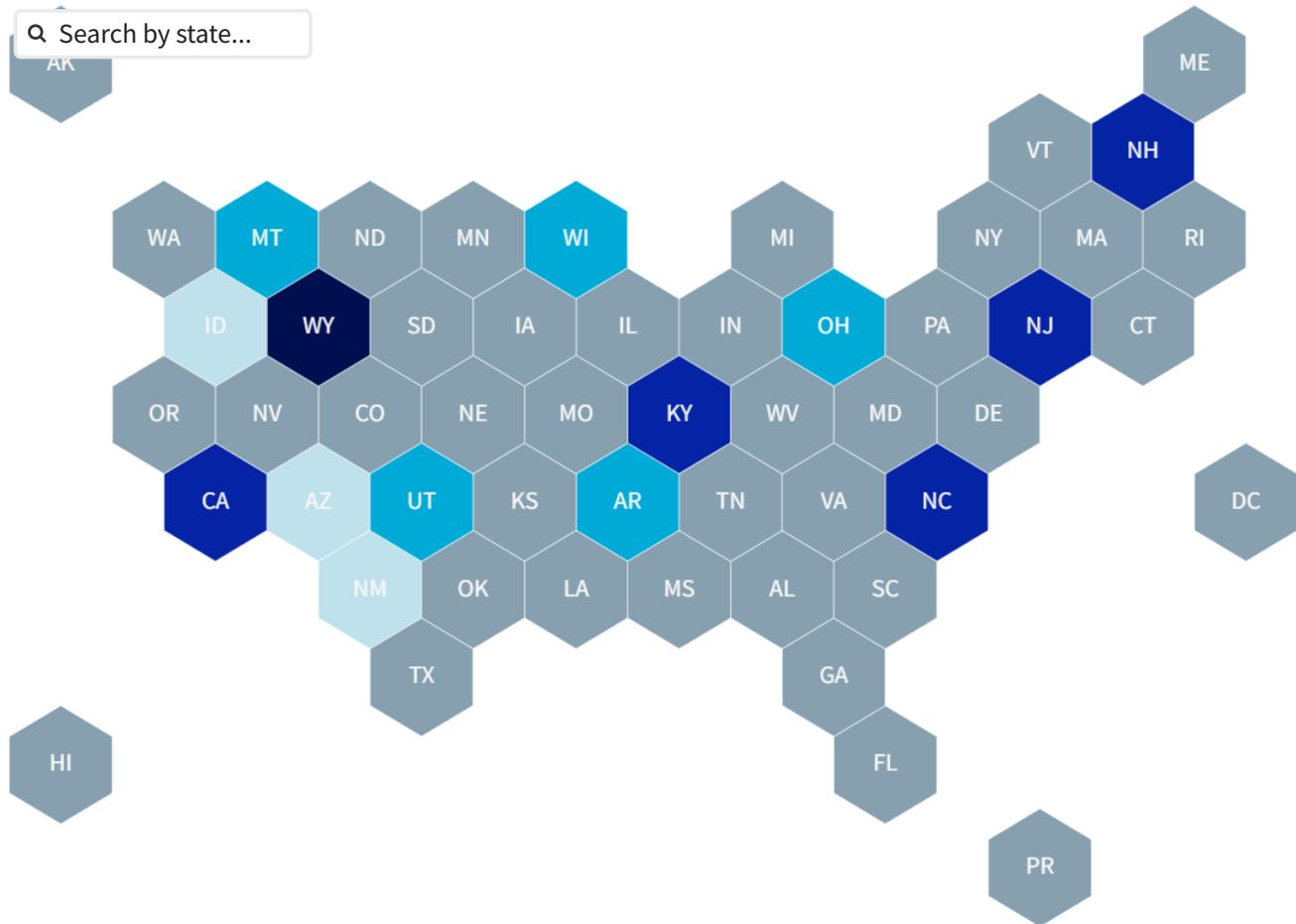
On a smaller scale, school boards in California are pushing to [prevent future reductions in appropriations for K-12 education](#). A school district in New Jersey is suing the state to argue that funding reforms stemming from a previous adequacy lawsuit have [put the district in a dire financial situation](#). And, in Idaho, a school district has been [tussling with the state](#) over whether an obscure change to the wording of a state law could cost the district millions of dollars intended for repairing school buildings.

Even more states—including [Kansas](#), [Pennsylvania](#), and [Washington state](#)—are trying to craft policies that address verdicts from similar lawsuits.

# Which states are facing school finance lawsuits?

Districts, educators, advocates, parents, and even students are suing states over core issues of school finance.

- No lawsuit
- School facilities lawsuit
- School choice lawsuit
- School funding lawsuit
- School funding lawsuit and school facilities lawsuit



Data visualization: Lynn Liu  
SOURCE: Education Week analysis of media reports and court filings



\* A Flourish map

## New lawsuit in Kentucky represents a fresh approach to education litigation

Nearly every state in recent decades has been the subject of lawsuits challenging their constitutional commitment to “adequacy” in K-12 education funding. The 1989 *Rose* decision in Kentucky is the “granddaddy of all adequacy cases” said Michael Rebell, a professor of education law at Columbia University Teachers College, and a lawyer for the plaintiffs in the newly filed Kentucky case.

Many of those cases have resulted in victories for education advocates, with courts demanding that states invest billions more per year in K-12 schools. But states' efforts to comply with those court orders often take years to take shape, and typically require persistent advocacy from the groups behind the original litigation.

The latest lawsuit in Kentucky marks the first attempt to preempt the inevitable slog that court-mandated school finance reform typically entails, Rebell said.

Unlike in previous adequacy cases, the focus of the new Kentucky lawsuit is not simply to increase funding for schools across the board.

Plaintiffs laid out a long list of problems with Kentucky's education system, including low rates of reading proficiency, high rates of mental health challenges among students, and poor performance in state-by-state rankings of K-12 education quality. During the forthcoming public engagement sessions, plaintiffs and their advocates plan to begin shaping plans for improving these shortcomings.

Three decades ago, Kentucky "had this great decision. It was initially implemented as well as you could ever expect. But years later they've fallen behind," Rebell said, referring to the *Rose* decision. "The kids have this constitutional right, and the kids living today should be entitled to what their parents, and almost their grandparents, were benefiting from back in the 1990s."

He was also inspired, he said, by the 2020 ruling from a federal judge that the U.S. Constitution includes no right to a civics education. Rebell believes that fight, like school funding before it, ought to move to the states—more than 30 of which reference civics education in either their constitutions or in court decisions interpreting them.

Kentucky, with its mixture of elected state-level officials from both parties, proved the logical place to test these new strategies. The recent election victory for public school advocates against proponents of private school choice affirmed that decision, Rebell said.

This lawsuit's focus on implementation and results may set the template for future adequacy lawsuits in other states, Rebell said. Already, he said, an ongoing legal battle over racial segregation in Minnesota schools has zeroed in on whether racial balance in classrooms ought to be considered an essential feature of a constitutionally sound education system.

## **Students are intimately involved in sharing their experiences for the complaint**

Also, unlike in previous adequacy cases, students are involved in the Kentucky lawsuit not only as plaintiffs standing in for the state's K-12 population, but as lead authors on the complaint itself.

The Kentucky Student Voice Coalition recruited a diverse set of teenagers who attend public schools to contribute their experiences.

They're not just offering a few reflections and standing by waiting for case developments, according to Rebell. They're attending meetings with the lawyers, offering suggestions for issues to raise, and enhancing legal arguments with insights from their own experience. They even have access to edit documents.

"I'm the expert here. I have spent 13 years in our education system and they're fresh in my mind," Jefferson said. "I have all this energy where I want to make things better for myself and those who come after me. That is something that drives me."

In one instance, a student pushed strongly to include a section Rebell himself says he might otherwise have overlooked, highlighting inadequate school transportation services stemming from low pay and poor working conditions for bus drivers. The gaps in bus service cost many students—particularly in rural areas—hours of time in school.

For the student plaintiffs, helping craft a lawsuit in the lineage of similar ones across the country has led to new educational opportunities. Sanchez and her peers have been invited twice to guest-lecture at Harvard Law School.

"Just seeing how law students out of state were very passionate about this, it made the work feel so much more real," Sanchez said.



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