

# Vertical Equity, Adequacy and Wisconsin School Finance Policy

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## Introduction

The Wisconsin Constitution, adopted in 1848, provides that “The legislature shall provide by law for the establishment of district schools, which shall be as nearly as uniform as practicable...”<sup>1</sup> For over 150 years the legislature has grappled with the question of how to achieve this mandate, particularly as social, economic and demographic changes have conditioned concepts of what is “as nearly as uniform as practicable.”<sup>2</sup>

Today, this question has once again returned to the top of policy agendas, propelled by the onset of the information age, technological revolution and global economy. At the same time, a challenge to the constitutionality of the Wisconsin school funding system has recently been reviewed by a “deeply divided” Wisconsin Supreme Court.<sup>3</sup> The high court upheld the state’s system of financing elementary and secondary public schools in a 4-3 decision. Perhaps the most significant aspect of the decision, however, is that for the first time in Wisconsin the court articulated a legal standard for determining what constitutes a “sound basic education” and also discussed a standard for adequacy that could significantly impact future school finance rulings.<sup>4</sup> Specifically, the standard for a sound basic education is the constitutional right that all children be provided an equal educational opportunity—particularly children with special needs whose education imposes excess costs. The court held:

...Wisconsin students have a fundamental right to an equal opportunity for a sound basic education. An equal opportunity for a sound basic education is one that will equip students for the roles as citizens and enable them to succeed economically and personally. The legislature has articulated a standard for equal opportunity for a sound basic education in Wis. Stat. Section 118.30 (1g)(1) and 121.02 (L)(1997098) as the opportunity for students to be proficient in mathematics, science, reading and writing, geography, and history, and for them to receive instructions in the arts and music, vocational training, social sciences, health, physical education and foreign language, in accordance with their age and aptitude. An equal opportunity for a sound basic education acknowledges that students and districts are not fungible and takes into account districts with disproportionate numbers of disabled students, economically disadvantaged students, and students with limited English

language skills. So long as the legislature is providing sufficient resources so that school districts offer students the equal opportunity for a sound basic education as required by the constitution, the state school finance system will pass constitutional muster.

In this paper the concept of “equal educational opportunity,” is examined, including its relationship to the Wisconsin constitutional dictum that the school aid system to be as “nearly as uniform as practicable” and provide all children with an equal educational opportunity. Next, the Wisconsin school aid system is discussed including factors that work against constitutional requirements. Finally, an illustrative and restructured school aid system is outlined that addresses equal educational opportunity if not adequacy in the context of the new millennium and recent court dictum.

## Equal Educational Opportunity

The concept of an equal educational opportunity is a widely held and deeply enshrined ideal of the American system of government. As early as 1813, Thomas Jefferson, in a letter to John Adams on the purposes of government, underscored the importance of a “natural aristocracy” to the fledgling nation. The “natural aristocracy” was intended to be built on talent and virtue unlike the an “artificial aristocracy” that inhabited Europe at the time, which was founded on “wealth and birth.”<sup>5</sup> According to Jefferson, government’s role in the realization of this ideal was to scale back discriminatory barriers to fair competition and equal opportunity: wealth and privilege. In this, the provision of education—particularly an equal educational opportunity—was critical.

## Changes Over Time

Originally, the notion of an equal educational opportunity was taken to mean access to schooling; later this was expanded to mean access to a minimum educational program. Currently the concept of equal educational opportunity is being transformed in the context of the global economy and knowledge society to mean access to a quality, not a basic, education for all children and at all schools. In this, the issue of adequacy—or the sufficiency of the funding system to support a quality educational program; is conjoined with the issue of equity—that is, the fairness of the distribution of educational benefits and burdens for society.

## Equity: Horizontal and Vertical

Generally three basic principles are utilized to define equal educational opportunity: (1) horizontal equity, (2) vertical equity and (3) wealth neutrality.<sup>6</sup>

Horizontal equity, sometimes referred to as arithmetical equality, assumes that where different treatment cannot be justified, individuals clearly should be treated alike. This concept is affirmed by the principle of “one person, one vote.” It indicates that no justifiable differences exist between individuals that would support differential franchise; therefore they should be treated the same.

In school finance, the concept of equal treatment of equals, or horizontal equity, assumes equal dollars per pupil (pupil equity) or equal funding for equal tax rates (taxpayer equity). However, this does not mean that absolutely equal spending is required, due to the second principle that is part and parcel of the definition of equal opportunity: vertical equity.

Vertical equity refers to treatment of people in different circumstances according to their justifiable and relevant differences, or “unequal treatment of unequals.” For example, capacity to pay is taken as a

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justifiable ground for individual differentiation under a system of progressive taxation; and for differentiation among localities in the provision of state aid under a school finance equalization system. Another justifiable ground for differentiation in the treatment of individuals is based on special needs.

Need criteria presuppose some standard condition that a person or group would fall short of if the need were not satisfied. In school finance, special needs criterion are the basis upon which additional resources are allocated; they provide assistance for school systems to mount programs and services to meet special student needs that are not being met under the general education program. If left unaddressed, these needs could impose a hardship on both the student and society. For example, children at-risk of failing or dropping out of school, children with limited English proficiency (LEP), and children with disabilities, comprise three groups of students with justifiable and educationally relevant special needs. For school systems, differences in size (related to diseconomies of scale) and in the cost of doing business create legitimate differences. As such, extra resources are not only justified but also required to meet these student and system needs if equity is to be achieved.

In sum, the rationale supporting vertical equity considerations in school finance is that additional assistance beyond the average amount provided for general education is justified to achieve equity based on relevant and legitimate differences in student or system needs that affect reaching certain educational standards or goals. Therefore, absolutely equal dollars are not required to achieve an equitable distribution of resources nor are they desirable; variations in expenditures are allowable and necessary to meet relevant and justifiable differences in student and system needs. As Thurow<sup>7</sup> explains, although equity is often mistaken as a synonym for equality, equity does not arise when everyone is treated equally regardless of circumstances, but when everyone is treated fairly.

### **Wealth Neutrality**

Another principle used to assess fiscal equity is that of wealth neutrality. It affirms that there should not be favoritism or discrimination in the allocation of resources. In education finance, this means there should be no relationship between per pupil revenues (expenditures) and certain characteristics such as race, alienage, sex, or wealth (a locality's ability-to-pay for education through local sources). When revenues (expenditures) and local wealth (or tax rates) are unrelated, for example, the distribution is said to be "wealth neutral," and the "quality of a child's education is not a function of wealth other than the wealth of the state as a whole."

Thus, funding distributions that provide differential treatment that are a function of arbitrary or illegitimate factors—such as sex, race, creed, alienage, socioeconomic status, and place of residence (geography)—must be redressed and rectified if justice is to prevail and equity, achieved. However, as Berne explains: The goal of equal opportunity is both outcome equity and input equity; this remains a dual focus.<sup>8</sup>

### **Adequacy**

A concept that has recently emerged as paramount in school finance and that complements notions of horizontal and vertical equity, as well as wealth neutrality, is adequacy. This paper does not address issues of finance adequacy directly but, it should be noted, adequacy and equity are related in several ways. Adequacy relates to the sufficiency of a distributional plan to meet its basic goals. That

equity rests on an adequate distribution of resources is clear, in that the equality of an inadequate level of resources impoverishes the poor and the rich alike.<sup>9</sup> Thus, school finance schemes must rest on both equity and adequacy criteria if fairness and justice are to be realized and equal educational opportunity, secured.

The provision of a sufficient level of resources for comparable programs and services for students, when their varying needs and the costs of providing them have been taken into consideration, while resting on constitutional standards and educational goals formulates the basis for the realization of adequacy and equity in school finance systems. However, as the courts have noted, "what was adequate in the past is inadequate today."<sup>10</sup>

The changing requirements related to adequacy and equity in school aid systems due to the onset of the information age and global economy, coupled with rising tide of inequalities among rich and poor school districts across the country, have propelled a new wave of school finance litigation that is sweeping the states. Just since 1989 state supreme courts in 21 states have issued rulings on the constitutionality of their education finance system. In eleven states, the system was found unconstitutional.<sup>11</sup> In ten states it was upheld.<sup>12</sup> Currently litigation is active in almost two dozen states and most of the remaining states are bracing themselves for the possibility of a court challenge at some time in the future or responding to a recent high court decision.

### **Wisconsin School Aid System**

Principles of equity, adequacy and wealth neutrality are embedded within the Wisconsin school aid system. The basic concept of equalizing differences in local property tax bases of school districts in an effort to provide equity for taxpayers and children has been promoted through Wisconsin's general school aid formula since 1949; but the current finance system has its genesis in legislative changes enacted in the 1973-75. In 1995, the three-tiered finance system was adopted to replace the two-tiered system, the state committed itself to funding two-thirds of the cost of primary and secondary schools and revenue controls were made permanent.<sup>13</sup> Yet, the school aid system has essentially remained intact over the past nearly 30 years.

Equalization aid is the primary source of state aid for Wisconsin's school children. It is distributed to school districts based on a Guaranteed Tax Base System (GTB). Under a GTB, the state guarantees a certain amount of property wealth behind each pupil for different levels of spending. If a district's property tax base falls below the guarantee, state aid is provided to make up the difference.<sup>14</sup>

The purpose of a Guaranteed Tax Base System for financing schools is to provide taxpayer equity or equal yield (funding) for equal effort (tax rates). Usually these finance systems include a sliding scale that provides increased amounts of state aid for each increase in local resources and a maximum and a minimum level of local resources is specified. Also, negative aid is assumed, that is, districts raising more than the guarantee are required to return the additional funding back to the state for redistribution. However, negative aid was ruled unconstitutional in Wisconsin, and was rescinded in the late 1970s.<sup>15</sup>

Currently only Wisconsin and Indiana use Guaranteed Tax Base systems to pay for public elementary and secondary schools. Since the 1970s, states using some variant of this type of system to fund primary and secondary education have fallen almost 70%.<sup>16</sup>

Table I shows the current guarantees for Tiers I, II, and III for the 1998-99 school year under Wisconsin's GTB. As stated, localities

determine spending and tax rates; the state makes up the difference in the amount of funding raised from the local tax base compared to the guaranteed tax base level, but places a limit on per pupil expenditures that are assisted by the state. The first tier (primary aid) guarantees a tax base of \$2,000,000 per pupil for the first \$1,000 per pupil spent on schooling. The second tier (secondary aid) guarantees a tax base of \$676,977 per student for spending ranging from \$1,001 to \$6,285 per pupil. The third tier (tertiary aid) guarantees the state average tax base, \$263,240 per pupil for local spending above \$6,285.

In addition under current law, about 39 categorical aids are added to basic equalization aid, and are distributed by the state as flat grants (a uniform amount of aid). Despite the large number of categorical aids provided by the state, there is no extra funding for rural and small school districts, nor does the state provide adjustments in basic aid for school or district size.

**Table 1  
WISCONSIN'S THREE-TIERED GTB  
1998-99 STATE AID YEAR**

	<i>Guaranteed Tax Base per Member:</i>	<i>Shared Cost Ceiling per Member:</i>
First Tier	\$2,000,000	\$1,000
Second Tier	676,977	1,001-6,285
Tertiary Tier	263,246	none

**Issues Related to Wisconsin School Aids**

According to scholars, education officials and others, pupil and taxpayer equity is compromised under the Wisconsin school aid system for several reasons.<sup>17</sup> First, is the lack of negative aid so wealthy districts can and do retain excess funding under the system. Second, is the provision of “minimum aids” under Tier I—also called the primary guarantee. This provides funding regardless of wealth and erodes equity. Third, are the 39 categorical aids that are provided to school districts as flat grants regardless of local ability-to-pay for schools or tax rates. Fourth, levy credits reduce equalization aid while assisting mostly high wealth districts—in direct opposition to the goal of taxpayer equity which demands revenue be based on equalized tax rates not the amount of tax dollars paid by localities. Likewise, special adjustment aid, provided to cushion changes in aid from year to year, has the effect of limiting the equalization by off-setting the link between revenue and taxes.

Other major disequalizers in the funding system include the underfunding or nonfunding of special needs. When state funding is inadequate to pay for the excess costs of high need students, local districts essentially have two choices: to take revenue from the general education budget to pay for the special needs of students thereby lowering funding available for the general school program, or to ignore the needs of those students who need special programs the most. The encroachment of these programs on general aid restricts equity by lowering funding for general education based on the size of the special (bilingual/poverty) population. This results in those

districts with fewer special needs students garnering more state aid for regular school programs and signals a lack of vertical equity and wealth neutrality in the system. In essence, when a child has special educational needs, or a school district has uncontrollably higher costs, the quality of child’s education is a function of local not state wealth, in contradiction to the wealth neutrality principle and long-standing notions of equal educational opportunity.

According to Wisconsin’s Department of Public Instruction:

*In a perfectly equalized formula, actual levy rates and “theoretical” or calculation rates would be one and the same. However, not all school costs are shared through the general aid formula in Wisconsin. Categorical aid programs fund costs outside of the equalization aid formula. These programs and other disequalizing factors contribute to differences between the calculation rate and actual equalized tax rates. Other disequalizing factors in Wisconsin’s general aid formula are: the provision that primary aid may not be reduced by negative non-primary aid, cancellation of negative primary aid, payment of special adjustment aids, payment of special transfer aids from the equalization aid appropriation, and use of prior year rather than current year, membership, costs, and property value for computation.<sup>18</sup>*

**Comparison of Two School Districts: Rich and Poor**

Critics of the Wisconsin school aid system point out that it doesn’t meet its goals or reflect basic principles of justice and fairness. They point out that that wealthy districts in Wisconsin can tax low and spend high but poor districts can tax high yet still spend low. A comparison of two Wisconsin school districts in 1997-98 is illustrative.

Gibraltar, a small, wealthy school district with \$1.7 million per pupil in equalized property values, receives \$225 per pupil in general aid (primary aid \$136 per pupil and special adjustment aid of \$89) and \$464 in categorical aid from the state. Local property taxes are \$4.15 (mills) per \$1,000 equalized value and raise an additional \$8,460 per pupil. The total expenditure in Gibraltar is \$9,140 per pupil.

Bowler, a small, poor school district with \$88,193 per pupil in equalized value and 621 students, receives \$4,867 in state general aids (\$955 primary aid; \$4,382 secondary aid; \$110 tertiary aid) and \$321 in categorical aid. Bowler taxes at \$8.63 per \$1,000 in equalized valuation, and raises \$690 per pupil in local revenue. The total expenditure from state and local sources of is \$6,587 per pupil. Therefore, Bowler taxes at twice the rate of Gibraltar, yet total expenditures from state and local sources in Bowler are only 70% of Gibraltar’s expenditures. This difference amounts to over \$1.5 million per year or advantage for Gibraltar of \$2,562 per pupil. These are nontrivial differences.

As stated, the Wisconsin school aid system includes approximately 39 categorical aids that are distributed without regard to local ability-to-pay for schools or tax rates. Gibraltar, with over 20 times the property tax base of Bowler, receives \$464 per pupil in categorical aid; Bowler receives only \$321 per pupil. Special education is the largest categorical aid. Special education students in Gibraltar comprise 11.1% of enrollments (83 students); special education students in Bowler comprise 15.1% of enrollments (86 students). Nonetheless, Bowler with greater needs and lower ability-to-pay for education out of local sources, receives fewer state categorical dollars than does Gibraltar.

Over time, Wisconsin state aids have shifted to equalization aids, and away from categorical aids. In 1989-90, equalization aid was 79.1%

of state aid; categorical aid was 17.0%. In 1994-95 equalization aid was 80.8% of state aid; categorical aid was 15%. In 1998-99 equalization aid was 87.1% of state aid; categorical aid was 10.8%. The shift in aid has eroded funding in districts with relatively more special needs students that have uncontrollably higher costs. This increases disparities among districts and conditions the quality of general education on the size of the special education population—an arbitrary, irrational factor.

Recent equity research on the Wisconsin School Finance system indicates disparities in funding among school districts is systematic; and that tax rates and spending are only moderately correlated. The gap in funding between high and low spending school systems was over \$10,000 per pupil in 1997-98. This is over eight times more funding in some school districts than in others. For K-8 districts there is a gap of approximately \$7,500 per pupil in funding. These data do not include special education funding or transportation; thus, differences cannot be attributed to these relevant and justifiable differences in costs.<sup>19</sup> Moreover, tax rates accounted for only one-third of the variation in spending across the state.<sup>20</sup> These data indicate that inequalities in school finances across the state are wide and unjustifiable; they abridge equal opportunities for Wisconsin's children.

### **Special Education Assistance**

Categorical aids in Wisconsin are not only disequalizing but also inadequate—they are underfunded or not funded at all. For example, in special education, the gap between appropriations and authorizations has grown over time. In FY 1997-98, state categorical aid for special education was 31.3% of costs. If special education was fully funded, it would support 63% of the costs of special education. Special education costs that are not reimbursed by federal or state categorical aids are eligible for reimbursement under state general equalization aids. In 1997-98, special education costs paid by general equalization aid amounted to \$196.2 million. Because increases in costs occurred after the establishment of state revenue limits that restrict total education spending, “increases in special education spending have reduced the spending authority available for regular education in some districts.”<sup>21</sup> According to a 1999 report submitted to the Joint Legislative Audit Committee Members:

Special education costs not paid by federal or state categorical aids are eligible for reimbursement under state general aids, but school district officials note that costs included under general aids are controlled by state-imposed revenue limits. Therefore, *some districts must reduce regular education spending in order to fund special education*, which is mandated by federal and state law (emphasis added).<sup>22</sup>

On average, federal aid pays 4.9% of special education costs. State categorical aid pays for only 31.3% of special education costs; 39% comes from the general education budget. State categorical aids for special education in Bowler cover only 30.8% of costs. Bowler pays 60% of its special education costs from general aids, thus reducing funding for children in general education programs. Mellen, another poor district, receives only 29.6% of its special education funding from state categorical aids. It takes an additional 51.2% from general aids to cover the mandated costs of special education.<sup>23</sup>

### **Assistance for Limited English Speaking and Economically Disadvantaged Pupils**

Not only do special education costs encroach on regular education; this is also the case with programs for Limited English Speaking (LES) students and economically disadvantaged children. Although the state provides some funding for these purposes, these programs are not fully funded and do not cover all eligible children and youth. Programs for Limited English Speaking (LES) students for example, are reimbursed at only 21.3% of costs; this figure has fallen from 28% in 1995-96.<sup>24</sup>

For economically disadvantaged children and low achieving children, there is a patchwork of programs that reach some school districts and some school children, some of the time. These programs are provided mainly to large, urban districts. Preschool to Grade 5 grants fund programs in Beloit, Kenosha, Milwaukee and Racine. Children-at-risk programs, based on prior year drop-out rates, fund pupils that meet certain requirements, such as attendance and the number of credits earned. They are provided to 18 districts.

Student Achievement Guarantee, created in 1995, awards five year grants to school districts with at least one school with an enrollment made up of at least 50% low-income pupils, for the main purposes of e.g., reducing class size in K-3 to 15 pupils and providing a rigorous curriculum. Eighty schools in 46 districts participate. This program has been expanded but fails to reach all eligible students and schools across the state. For example, in 1998-99, only 7,500 children were supported from SAGE grants; this is less than 1% of children in poverty in the state.<sup>25</sup> It is estimated that in 1998-99, 222 schools from 39 school districts were eligible for SAGE assistance but they did not receive any support because the program was not fully funded.<sup>26</sup>

### **School Aid Proposal**

Equity issues related to the Wisconsin state aid system are addressed herein through an illustrative proposal for financing public schools in the State of Wisconsin. This plan effectively restructures education financing for the new millennium to ensure (1) equity, and (2) equal opportunity for all children. Using this model, school aid in Wisconsin will be as “nearly as uniform as practicable” and provide equity for both taxpayers and students. To add an adequacy component to this finance system, all dollar amounts would have to be reviewed against state standards and constitutional requirements. An adequacy analysis is likely to significantly revise suggested revenue estimates upwards. The figures used in the illustrative system described below were arrived at through an examination of available state revenue for financing schools and do not represent any new revenue. Clearly this is a questionable assumption, but for illustrative purposes and as related to distributional issues, this is plausible given the foregoing caveat.

The illustrative system for distributing school aids described below, consists of two interrelated parts. First, every child in Wisconsin will receive a “uniform” grant for their schooling thus meeting the constitutional dictum that the provision of education is “as nearly as uniform as practicable.” The available funds would support a block grant of \$7600 per pupil. However, recent research suggests that an average, adequate, base cost of education would be \$10,335 per pupil.<sup>27</sup> Thus, new money is needed to provide additional per pupil funds for schools and promote both equity and adequacy.

Second, proposed funding is provided for students with special needs that are educationally relevant thus recognizing that equal funds for

unequal needs is inequitable, as suggested by the recent high court decision. These are distributed through weighted programs otherwise referred to as cost differentials. According to a study of the costs of students with special needs in Wisconsin, additional funding of \$27,879 per pupil is required if needs are to be fully and adequately addressed. This is based on a targeted population for 5% of schools in the state. If spread across the entire state, the additional average revenue requirement would be \$876 per pupil.<sup>28</sup>

Thus, under the illustrative school aid system, the state's Guaranteed Tax Base finance formula would be repealed and replaced with a weighted Block Grant Finance System. Each school district would receive a block grant from the state, estimated to be \$7,600 per pupil, that the school district could spend for maintenance and operations. Local school districts are free to supplement spending above the cost-adjusted finance system subject to voter approval of a referendum authorizing a local school property tax levy for this purpose. The local school property tax levy would be replaced with a uniform statewide school property tax levy.

Revenue to finance the restructured state aid system is derived from state and local sources as under current law. Two-thirds of all school aids would be derived from the state share with general purpose revenue (GPR); and one-third of all revenue would be derived from a universal property tax, i.e., a state imposed ad valorem tax on real property, which would be collected by the state.

The universal tax rate under the proposed finance plan is estimated to be 8.89 mills per \$1000 in equalized property value per pupil. Currently property taxes across the state average \$11.22 mills therefore the implementation of the new state aid system would reduce taxes, using current assumptions.<sup>29</sup> Revenue assumptions are shown in Table 2; state aid for 2000-2001 is shown in Table 3.

### The Block Grant- Horizontal Equity

Under the new finance system, each school district would receive a block grant (flat payment) of \$7,600 per pupil based on the current law average of a two-day count (third Friday in September and second Friday in January plus the summer school FTE enrollment). Recent research suggests this should be increased to over \$10,000 per pupil (FY 2000) to achieve an adequate education for all students and provide equal educational opportunity to meet constitutional goals/standards. Current Wisconsin funding for the levy credit, special adjustment aid and certain categorical aids would be repealed and added to the block grant. Additional assistance for special student needs would be provided through weighted allotments that generate additional funding to meet a student's relevant and justifiable needs. Children with disabilities, children in poverty and children with limited English proficiency will generate weighted allotments based on research estimates of excess costs requirements for programs to meet these needs. In addition, several categorical aids will be maintained.

Under the proposal, both general equalization aids and special aids (including weighted programs) would provide an average estimated amount of \$8,545 per pupil for the 2000-01 school year, and thereafter, with annual adjustments for inflation.

*Horizontal equity* is provided under the plan through the assurance that each child in general education will be provided a uniform amount of revenue per pupil for similar tax rates. *Vertical equity* is assured through weighting provisions that provide funding for localities to address special student needs that are beyond local control. *Wealth*

*neutrality* is realized through the universal property tax and uniform block grant allotment because the quality of a child's education will be a function of state (not local) wealth.

Under current law there are about 39 categorical aids that are added to equalization funding based on targeted criterion. Categoricals are funded through state aid and provided to school districts meeting eligibility criteria without regard to local ability-to-pay for education.

<b>Table 2</b>	
<b>REVENUE ASSUMPTIONS: SCHOOL AID SYSTEM</b>	
<b>State General Purpose Revenue (GPR)</b>	
• STATE AID as defined in this section (as GPR) is 2/3 of all state aids and property taxes levied for school districts (Act 27, Sec. 4075(m)), p. 472; Wisconsin State Statutes, 121.15(3)(m)	
• GPR Revenue consists of 2000-01 appropriations and the levy credit	
• Comprises 2/3 of state aids and 1/3 property taxes for school districts	
• \$4,460,327,493 2000-01 budget	
469,000,000 levy credit	
<b>\$4,929,377,493 Total State GPR Revenue, 2000-01</b>	
<b>Property Taxes</b>	
• Comprises 1/3 of state aids and property taxes for school districts	
• Property tax revenue, reduced by TIF and collected by the State	
• 283,312,200,000 Total Equalized Value to be Reduced by TIF, 1999-00 (est.) @ \$8.88 mills/\$1000 EV	
<b>\$2,464,688,747 Total Property Tax Revenue, 2000-01 (est.) a/</b>	
• Tax Rate = 8.884 mills/\$1000 Equalized Valuation (EV) - TIF Out	
• Tax Rate = 8.699 mills/\$1000 EV	
<b>Total School Aids: State and Local</b>	
• \$7,394,066,240 or \$8,534 per weighted pupil (est.)	
Note: a/ see Appendix A for detail.	

These aids are disequalizing. The proposed school aid program repeals disequalizing categorical aids funded under current law. Seventeen categorical aids are repealed and merged into the block grant. Another twelve are recast as "weighted" programs; and nine free-standing categorical aids are retained.

Repealed categorical aids that are merged into the block grant include: special adjustment aids and the school levy credit. These aids are disequalizing not only because they are distributed without regard to local ability-to-pay for the schools, i.e., local wealth, but also because they create a first draw on equalization aids, lowering funds available for this purpose. Another fifteen categorical aids are repealed and consolidated into the block grant to be used at local discretion: drivers education, county children and disabilities education boards, aid for cooperative education service agencies, higher education PT

**Table 3  
ILLUSTRATIVE SCHOOL AID SYSTEM**

<i>Partial Costs</i>	<i>Revenue</i>
<b>BLOCK GRANT</b>	
General Aid (\$7,600*866,400 pupils)	<b>\$6,584,640,000</b>
<b>WEIGHTED PROGRAMS</b>	
<b>Special Education</b>	
Aid for Students With Disabilities (Three Levels of Support)	<b>323,685,520</b>
Level I - \$8,360 20,149*(1.10*\$7,600)=\$168,445,640	
Level II - \$3,800 18,475*(0.50* \$7,600)=\$70,205,000	
Level III - \$1,140 74,592*(0.15 * \$7,600)=\$85,034,840	
<b>COMPSAGE</b>	<b>265,347,920</b>
174,571 pupils*(\$7,600*.20)	
<b>Limited English Proficient</b>	<b>13,853,280</b>
18,228 pupils*(\$7,600*.10)	
<b>CATEGORICAL AID</b>	
Milwaukee Parental Choice	51,100,000
Charter Schools by Other Institutions	11,700,000
Chapter 220	82,288,600
Open Enrollment	
- Transportation	500,000
- Tuition Payment	8,373,600
Head Start (PR & GPR)	7,425,000
Library Aids	21,700,000
Nutrition Programs	
- School Breakfast	892,100
- Morning Milk	710,600
- School Lunch	4,371,100
AODA-Prevention & Intervention	1,498,600
TEACH	
- Debt Service	4,709,400
- Educational Telecommunications Access Support	8,891,400
Other	3,032,800
<b>TOTAL</b>	<b>\$7,394,066,240</b>

Note: Revenue, 2/3 GPR, 1/3 Property

**Table 4  
CATEGORICAL AID:  
REPEALED AIDS MERGED INTO THE BLOCK GRANT**

**Repeals and Consolidates Into the General Education Block Grant:**

Drivers Education	\$4,493,700
County Children and Disabilities Education Boards	4,000,000
Aid for Cooperative Educational Service Agencies	300,000
Higher Education PT Open Enrollment	20,000
Grants for AODA	4,520,000
Environmental Education Grants	200,000
Environmental Education	30,000
Environmental Education, Forestry	200,000
Transportation	17,742,500
Alternative School American Indiana	0
Educational Technology Aid	0
Alternative Education Grants	500,000
Supplemental Aid for Certain Districts	125,000
Educational Technology Block Grant	35,000,000
Educational Technology Training & Assistance	4,000,000
Levy Credit	469,000,000
Special Adjustment Aid	1,443,100

Categoricals merged into the block grant allow localities to continue funding antecedent programs if desired, or to better target aids to school district priorities, based on local choices for programs and services for school children in the State of Wisconsin. The GPR appropriation for consolidated categorical programs is estimated to be \$541.6 million for 2000-2001.

**Weighted Programs- Vertical Equity**

Vertical equity is recognized in the proposed aid system through the provision of additional funds for students with special needs. The plan maintains but restructures assistance for children who require special, bilingual or compensatory education.

The excess costs needed for students with special needs beyond the basic grant are based on research, which is used to establish the required level of funding. Funding requirements are expressed as the ratio of special program costs to general block grant aid. The cost of the block grant is the level of 1.00 in the system. Therefore, a child receiving a general education program is counted or "weighted" as 1.0, and this child generates a block grant of \$7,600 (1.00 x \$7,600). Likewise, a child with special educational needs enrolled in a program that costs twice as much as the general education program is weighted 2.0, thereby generating twice the cost of the basic program (2.0 x \$7,600 = \$15,200). Using this approach, funding follows the child to the district in which the child is enrolled; it is provided in accordance to a child's educational needs; but it arrives at the district as a lump sum payment.

Programs repealed and consolidated into recast weighted programs in special education, compensatory education and bilingual education are shown in Table 5.

**Table 5**  
**CATEGORICAL AID:**  
**REPEALED AND MERGED INTO**  
**WEIGHTED PROGRAMS**

**Creates Weighted Programs for Students with Special Needs:**

**Repeals and Consolidates into COMPSAGE**

SAGE	54,015,600
SAGE Supplement	4,739,000
SAGE Debt Service	3,000,000
Aid to MPS (GPR)	0
Aid to MPS (PR)	1,410,000
P-5 Grants	7,353,700
Children at Risk	3,500,000
Grants for Peer Review & Mentoring	500,000
Grants for Staff Development	1,000,000
Grants for Smoking Prevention Programs	500,000

**Repeals and Consolidates into Special Education**

Exceptional Educational Needs- (Special Education)	315,681,400
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**Repeals and Consolidates into LEP-Limited English Proficiency**

Bilingual/Bicultural	8,291,400
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**Special Education Allotment**

Currently special education costs in Wisconsin are reimbursed, based on a statutory rate of approximately 63% of approved district expenditures. Over time, state aid for special education and related services has fallen as expenditures have risen. Inadequate categorical state aid for special education is made up by school districts through state equalization aid and local funds, thus encroaching on funding for general education. The encroachment of special education costs on general education funding not only erodes aid for general school operations but also creates disparities in revenues (expenditures) among high and low need districts for students in general education programs. This contradicts Wisconsin statutes, Article X, section 3, that requires funding be as nearly as uniform as practicable and violates equal protection guarantees.

The illustrative school aid system provides additional assistance for children and youth with disabilities, that are receiving special education and related services as of October 1 or December 1 of the previous school year. Funding is provided based on research estimates of the costs of special education programs and related services for children with disabilities.

Research has consistently shown the cost of educating children with disabilities is, on average, double the cost of educating children without disabilities.<sup>30</sup> Over time, these excess costs of providing special education and related services (costs in "excess" of regular education) have increased slightly from the previous estimate of two times the cost of educating nondisabled children to 2.3 times such cost.<sup>31</sup> When disaggregated, however, it is important to note that special education costs vary widely, both according to student needs and the intensity of programs and services provided to meet these needs. Research shows that costs are relatively higher for low incidence

disabilities such as deaf and blind impairments; and costs are generally lower for high incidence disabilities, such as learning disabilities and speech/language impairments.

The proposed special education finance plan provides three tiers of funding based on the intensity of services required for exceptional children and youth. Students are weighted in each tier to reflect the excess costs of providing programs and services to meet their needs, using disability as a proxy for service intensity. The weights are based on the average costs for exceptionalities in each category or tier. A tiered approach is utilized to provide greater efficiency and to better match assistance with student needs. The tiered funding system more efficiently targets assistance and recognizes that broader based weights are preferable to single weights for each disability category because costs vary considerably within disability categories as well as between them.

**Funding Levels.** In the most comprehensive study to date, Moore and others provided data from 60 representative school districts to determine the cost of special education by disability category in 1988. Using these data (adjusted for inflation to 1998-99 levels), which have been cross-referenced to studies over time, average special education cost data by disability were converted to weights, using the cost of general education as a benchmark. The ratio of the costs of general education to the costs of specific categories of special education across all settings (e.g., resource room, separate classroom, homebound) established weights for each disability category. Three funding tiers were created based on the severity of disability, which was utilized as a proxy for the intensity of services required for exceptional children and youth. Weights in each category were adjusted, using Wisconsin data for the number of children with exceptionalities represented by each disability category. (see Appendix B for detail).

Funding for Levels I, II, and III are shown in Table 6, together with a comparison of national to state enrollments in different disability categories.

As shown in Table 6, Wisconsin has relatively more students identified for behavioral/emotional impairment than the national average (14.4% vs. 8.9%) but slightly fewer students labeled learning disabled compared to the national average (51.4% vs. 41.2%).

The new funding system is placement neutral. Special education students are reimbursed based on need, using disability as a proxy until additional data become available to determine actual tiers and costs. In Level I are weighted at 1.1 times the basic grant; it provides an additional 110% above the block grant or \$8,360 per pupil. Funding for Level II is weighted at 0.5—it provides an additional 50% beyond the block grant or \$3,800 per pupil. Funding for Level III is weighted at 0.15—it provides an additional 15% beyond the block grant or \$1,140 per pupil. In addition, federal aid for children with disabilities is available (that can be added to these amounts) of about \$500 per pupil. For example, state-federal funding for children in Tier III would provide an additional \$1,640 per pupil or a weight of 1.22 for a total of \$9,240 per pupil ( $\$7,600 \times 1.22 = \$9,240$ ). Likewise, for Tier II, total state-federal aid would amount to an additional \$4,300 or a weight of 0.57.

Using the latest year for which data are available, the December 1, 1997 child count of 213,211 children receiving special education programs and related services in Wisconsin: 20,011 are Level I, 18,193 are Level II, and 74,505 are Level III. A total of \$323,685,520 in assistance is required statewide from local, state and federal funds.

**Table 6**  
**SPECIAL EDUCATION FINANCING**  
**INTENSITY OF SERVICES WITH THREE LEVELS <sup>a/</sup>**

	<u>Percent Special Education Enrollment</u>	
	<b>National</b>	<b>Wisconsin</b>
<b>LEVEL I - High Intensity of Services</b>		
<i>Weight 1.1 - Additional \$8,360 per pupil <u>a/</u></i>		
Autism	0.5	0.9
Emotionally/Behavioral Impaired	8.6	14.4
Deaf/Blind	<u>b/</u>	<u>b/</u>
Orthopedically Impaired	1.2	1.7
Traumatic Brain Injury (est)	0.2	0.2
Visual Impairment	0.5	0.4
<b>LEVEL II - Moderate Intensity of Services</b>		
<i>Weight 0.5—Additional \$3,800 per pupil <u>a/</u></i>		
Hearing Impairment	1.3	1.4
Other Health Impaired	2.2	2.8
Cognitive Impairment	11.6 <u>c/</u>	11.9
<b>LEVEL III - Low Intensity of Services</b>		
<i>Weight 0.15—Additional \$1,140 per pupil <u>a/</u></i>		
Learning Disability	51.4	41.2
Speech/Language Impairment	20.6	24.4

Note: a/ Federal aid of about \$500 per pupil supplements these amounts; b/ Less than 1%; c/ If data become available, borderline/moderate cognitive impairments would be classified as level III.

**Limited English Proficiency Allotment**

Under current law, state funding for Limited English Speaking Students is provided to school districts with a threshold of students receiving services and is paid for by a categorical allotment. Services for LEP students are required under federal law. The proposed state aid system recognizes the high costs of educating children with Limited English Proficiency. Providing programs to meet their needs requires costs in excess of general education assistance.

Research has not established a single estimate for the costs of limited English/bilingual education programs, as costs depend on the size of the population, the programs provided, and the goals of these programs. However, Parrish et al. suggest that an additional amount of 15%-20% above the basic grant based on research estimates.<sup>32</sup> Recent research from Arizona increase this to approximately 30% beyond the basic grant.

The proposed finance plan provides a phased-in approach with a lower weight of 1.10 (\$8,360 per eligible pupil) or \$760 beyond the basic grant, for children with limited English proficiency (LEP), based on the rationale that federal funds also are available to provide additional assistance for this purpose and assistance would grow over time to approximately 20-25% of the block grant. Currently 18,238 children are eligible for assistance in Wisconsin. Thus, approximately \$13,860,000 is required statewide.

**COMPAGE Allotment for Students in Poverty**

Research indicates that although some children in poverty do well in school, poverty is a significant predictor of lack of school success. Some school districts face educational overburdens because many of the students they must educate come from poverty backgrounds.

Programs for this purpose under current law do not reach all eligible students or all school districts. Funding levels are criticized as inadequate and creating a drain on districts with high numbers of children with special needs students, eroding assistance for general education programs and students.

Under the proposal, Student Achievement Guarantee in Education (SAGE) is consolidated and expanded into a new program for children in poverty and those at-risk of dropping out of school, entitled COMPAGE. COMPAGE provides additional funding for all eligible children across Wisconsin to compensate localities for educational interventions on behalf of at-risk students in an effort to narrow the gap in achievement and other educational outcomes between these children and their peers.

A long line of research shows that poverty can create obstacles to learning; this is particularly the case in the context of the knowledge society, information age and technological revolution. For example, a 1999 U.S. Department of Education study found that the achievement gap between students in the highest-poverty schools and all students remains substantial despite improvements over time.<sup>33</sup> Another study concluded that “the poverty level of the school exerted an independent effect on student performance, separate from that of a student’s own family background.”<sup>34</sup> Similarly, the Prospects Study concluded that “children in high-poverty schools began school academically behind their peers in low-poverty schools, and were unable to close the achievement gap as they progressed through school.”<sup>35</sup>

Importantly, research also shows that investments in programs targeted to children in poverty are cost-effective and can provide benefits many-fold by reducing (1) drop-outs, (2) special education placements, and (3) the need for remedial assistance over time. The

benefits of drop-out prevention programs exceed costs by a margin of 9:1 according to one study. Another found that high school drop-outs would earn \$3 billion less in a lifetime than high school graduates, contribute fewer tax dollars, and create more costs for social services and welfare.<sup>36</sup> A 1989 study by the U.S. General Accounting Office estimated that males who drop out of school can expect to earn \$260,000 less and pay \$78,000 less in taxes during their lifetimes than males who graduate from high school, while comparable estimates for female dropouts were \$200,000 and \$60,000, respectively. Studies have also shown that school dropouts are more likely to be poor, have costly medical problems as a result of their economic status, and require job training. Dropouts are three and a half times as likely as high school graduates to be arrested; and six times as likely to be unwed parents.<sup>37</sup> Currently many school dropouts populate U.S. prisons.<sup>38</sup>

**Funding Levels.** According to Levin, the costs of programs to address the needs of students at-risk of dropping out of school, vary from 20% to 50% beyond the basic grant although more recent research estimates suggest up to 250% beyond the amount of funding needed for general education.<sup>39</sup> Levin's estimate is based on the costs of several remedial programs as reported elsewhere, such as Success for All, Accelerated Schools, and Headstart.<sup>40</sup> Additional estimates of funding suggest approximately \$1,500 to \$5,000 per student is needed.<sup>41</sup> However, there is no single cost estimate; costs may vary based on several factors: the size of the at-risk population, the educational goals and the time period over which these goals must be reached and the effectiveness of strategies to improve the educational outcomes of at-risk students.

Additional funds under COMPSAGE are targeted under the proposal to compensate districts for addressing the multiple and interlocking needs faced by children in poverty, that are at-risk of dropping out of school and who need additional assistance to achieve at high levels in the core academic subjects. An additional \$1,520 per student may be provided with higher funding phased in over time and additional assistance provided to areas of concentrated poverty. The estimate is 20% above the block grant amount of \$7,600. Thus, students meeting eligibility criterion are weighted 1.20 because their programs include an additional 20% in assistance beyond the basic grant. They generate a total weighted amount of \$9,120 per pupil or \$7,600 in block grant assistance and \$1,520 in compensatory aid ( $1.20 \times \$7,600 = \$9,120$ ).

In addition, state assistance for this purpose can be augmented by funds provided under the federal Elementary and Secondary Education Act (ESEA), Title I program, which provides approximately \$1,000 per eligible pupil. Thus, a total investment from state and federal resources of \$2,520 or 33% beyond the block grant is available. The combination of funding from federal-state sources reaches mid-point of weighted assistance recommended by early research of one-fourth to one-half again as much for remedial education programs as compared to general education programs-although this will need to grow over time.

**Criterion and Uses.** Under COMPSAGE funding will be awarded based on the total number of free and reduced price lunch recipients in each district. However, although poverty can create effective obstacles to learning,<sup>42</sup> many children in poverty do well in school. Therefore, school systems receiving aid based on the above named criterion—students in poverty as measured by free and reduced priced lunches—would have the flexibility to target funding on children

at-risk of failure or dropping out of school once they received it, based on locally determined indicators—such as low achievement levels, high absentee rates, teacher referrals and other locally selected factors.

The first draw on the funds for districts with a school at 50% poverty—would be for the following: 1) Reduce class size to 15 in grades K-3, 2) Reduce class size to 25 in grades K-5, 3) Keep the school building open longer to provide after school programs and activities for students, 4) Make educational and recreational opportunities and community and social services available to all school district residents, 5) Provide a rigorous academic curriculum. Other purposes of the grant include: Provide professional development, peer review, mentoring and accountability; provide structured educational experiences for four-year-olds; provide educational programs based on a research track record of proven effectiveness to raise student achievement including schoolwide programs such as Success for All and Roots and Wings, Accelerated Schools, and Comer's Developmental Schools.

Funding is increased over current law to meet the excess costs incurred by all eligible school districts. There are currently an estimated 174,571 eligible Wisconsin students in poverty as measured by the free and reduced lunch count; this is 21% of the school population. The GPR appropriation for merged programs is estimated to be \$39.5 million in 2000-01. The new COMPSAGE program is funded at \$265.4 million. Each school district must report to the state superintendent on how it has used the additional grant funds. Biennially, the Legislative Audit Bureau shall review and report on the effectiveness of the use of the additional grant funds.

### **Free Standing Categorical Aids**

Additional assistance provided by the state supports nine free standing categorical programs including: Milwaukee Parental Choice, Charter Schools by Other Institutions, Chapter 220, Open Enrollment (tuition and transportation), TEACH (technology debt service, education communications access support), Head Start supplement (PR), Library aids, Nutrition programs (school breakfast, morning milk, school lunch), and AODA. Table 7 shows free standing categoricals. The cost of free standing categorical aids listed below is estimated to be \$204.2 million for the year 2000-01.

Funding for long-term debt and capital outlay is addressed outside the Weighted Block Grant finance system and described briefly below.

### **Facilities and Improvement**

Because the current school finance system provides aids for school building projects in the same manner it aids general spending, the same inequities inherent in the current system of finance exist in state support for school buildings. Thus, a local decision to approve or deny a local building project often relates more to whether the taxpayers can afford to support the project rather than to the real need for buildings and improvements. In many property-poor, high-tax districts, it is difficult to obtain voter approval for building projects even where there is a real and demonstrated need for new facilities, the desire to make safety improvements or to improve the educational design of the building. In other communities that can more easily afford such improvements, referenda may be passed for projects that may be desirable, such as a state-of-the-art swimming pool, athletic center, theater or multi-media center, but for which there may not necessarily be a definite need.

**Table 7  
FREE STANDING CATEGORICAL AIDS**

Milwaukee Parental Choice	51,100,000
Charter Schools by Other Institutions	11,700,000
Chapter 220	82,300,000
Open Enrollment	
Tuition	8,373,600
Transportation	500,000
TEACH	
Debt Service	4,709,400
Education Telecommunications	
Access Support	8,891,400
Head Start Supplement (PR & GPR)	7,425,000
AODA	1,498,600
Library Aids	21,700,000
Nutrition Programs	
School Breakfast	892,100
Morning Milk	710,600
School Lunch	4,371,100

The proposal would create a new process for approving building projects that would place an emphasis on safety and educational needs. It would provide state aid distributed on an equalized basis based on per-pupil valuations of school districts. The proposal would create a statewide School Facilities and Building Commission that would consider school building needs and would rank projects throughout the state based on need. School districts would be required to complete a five-year facilities' needs assessment that would include a facilities and building plan based on safety and academic needs. The new state commission would review and assess these plans and would rank projects based on relevant and justifiable need. If a project is approved by the building commission, the district must then go to referendum for local approval of the project. The referendum would clearly state the scope of the project, its approval by the commission based on need factors, the amount of state aid for the project and the required local taxpayer contribution.

Projects that are approved under this process would be aided by the state based on an equalized aid formula. State aid payments would be made from a separate GPR sum sufficient appropriation established for this purpose. Under our proposal, school districts whose equalized value per member is \$100,000 or less would be aided for debt service costs at a rate of 90 percent. Districts whose equalized value per member is \$400,000 or greater would be aided for debt service costs at a rate of 10 percent. Districts with equalized values per member between \$100,000 and \$400,000 would be aided at a rate determined by a sliding scale between 10 percent and 90 percent.

The portion of debt service costs not aided by the state under this formula would be raised locally through a local school property tax. This property tax would be separate from the statewide school property tax and separate from any other local school property tax approved under the alternate methods described above.

As with the general school finance outlined above, local taxpayers could opt to spend on projects not approved by the School Building Commission or could opt to spend at higher than the approved amounts. Any such spending, however, would need to be approved by referendum and all costs would be borne locally through a separate

local property tax. No state aid would be available for this spending. This proposal acknowledges the importance of the places where children learn and teachers can teach. It is intended to spur both discussion and the development of facilities funding as an important part of the school aids system. The specifics, however, are intended for illustrative purposes only.

**Summary**

This paper has discussed primary and secondary school aids in Wisconsin together with justice considerations that undergird public policy for children and youth. The current school funding system in Wisconsin was also reviewed in the context of school finance litigation: Wisconsin school aids system is aging and needs reinventing for an information age and global economy. The current school funding system drives inequalities and inadequacies in education support for children and youth. Thus, an illustrative new state aid system designed to distribute the same amount of funding as the current system was discussed. The illustrative model is intended for an information age and global economy and also addresses justice and fairness considerations was illustrated. However, additional research is needed to determine adequate funding for each of the components in the system, such as the block grant, and several components of the system would need to be phased in over time, due to increased revenue requirements. It is possible that Wisconsin's educational goals and standards would cost two times or more the amount of funding used in the illustrative example offered in the text, given recent research estimates.

The structure of the illustrative finance system is intended to provide school districts and children with equal educational opportunities through provisions for both vertical and horizontal equity. Horizontal equity, or equal treatment of equals, is provided through a block grant that would be available to all children. Vertical equity requirements, or unequal treatment of unequals, would be provided through additional "weighted" assistance for programs and services that address the educationally relevant and justifiable special needs of children, through funding for children with disabilities, limited English proficiency and children in poverty. Almost 30 categorical aid programs were proposed for termination either by merger into the block grant to be used at local discretion or to be recast as weighted programs based on vertical equity considerations; nine free standing categorical aids were retained. A special program for facilities and renovation was provided as illustrative, to be funded outside the weighted block grant school aid system. Facilities costs, it is assumed, must be part of any consideration in designing state funding systems. Likewise, preschool education, full day kindergarten and summer schools, though an increasingly relevant consideration for education finance policy, are beyond the scope of this discussion.

Revenue under the illustrative system, discussed herein, would be derived from a two-thirds state share (GPR) and one-third collected by the state through a statewide property tax. Using this system for funding education in the State of Wisconsin, school aids would be "as nearly as uniform as practicable" as required in the Constitution and provide equal opportunities for quality education programs for all children and at all schools—rich or poor alike. As the Wyoming supreme court explained, in a recent decision on the state school finance system: Until there is an equality of school funding, there can be no practicable means of assuring an equality of quality. This conclusion is also applicable to the State of Wisconsin. Equity without excellence is not the goal.

**Appendix A**  
**STATEWIDE EQUALIZED PROPERTY VALUE AND ANNUAL PERCENTAGE CHANGE**

Year	Statewide Property Tax Base (Equalized Value)	Annual % Change
1988-89	124,295,785,165	—
1989-90	130,709,695,855	5.16
1990-91	138,527,331,735	5.98
1991-92	147,802,272,770	6.70
1992-93	156,158,100,405	5.65
1993-94	168,174,489,205	7.70
1994-95	181,676,773,355	8.03
1995-96	201,538,109,000 <u>a/</u>	10.93
1996-97	215,975,694,514 <u>b/</u>	7.16
1997-98	248,994,915,200 <u>c/</u>	15.29
1998-99	264,384,800,000 <u>c/</u>	6.18
1999-2000 (est.)	283,312,200,000 <u>d/</u>	7.16

Note: a/ 197,728,778,575 (TIF Out), 1995-96. b/ 1995-96 Equalized Value \* Average, Annual % Change 1989 to 1996 (7.16%). Reduced by TIF Out, Based on 1995-96 ratio (1.89% in 1995-96 (est.)) = 211,893,753,888 EV (TIF Out). c/ TIF Out: 243,851,980,355 1997-98; 258,901,800,000 1998-99; 277,411,100,000 1999-2000. d/ 1999 & 2000 is projected linear average and includes statutory changes, i.e., § 70.11, 70.32, Wisconsin Statutes.  
TIF - OUT = \$277,418,979,000.

**Appendix B**  
**SPECIAL EDUCATION FINANCING INTENSITY OF SERVICES WITH THREE LEVELS**

	Wisconsin Special Education Enrollment	National Cost Estimates <u>d/</u>	Wisconsin Total Costs (\$000)
<b>LEVEL I</b>			
Emotionally/Behavioral Impaired <u>a/</u>	16,344	\$7,716	\$126,110
Deaf/Blind	9	45,734	412
Visual Impairment	436	7,740	3,375
Autism	1,052	20,000	21,040
Traumatic Brain Injury (est)	282	20,000	5,640
Orthopedically Impaired	1,888	7,005	13,225
Cognitive Impairment-Severe	8,970	6,718	60,260
Total	28,981	114,913	230,062
Excess Costs <u>b/</u>	<b>\$7,938</b>		
Average Weight <u>c/</u>	<b>1.06</b>		
<b>LEVEL II</b>			
Other Health Impaired	3,193	\$4,402	\$14,056
Hearing Impairment	1,545	6,890	10,645
Cognitive Impairment-Borderline/Mild	4,485	6,718	30,130
Total	9,223	18,010	54,831
Excess Costs	<b>\$5,945</b>		
Average Weight	<b>0.79</b>		
<b>LEVEL III</b>			
Speech/Language Impairment	27,689	\$1,073	\$29,710
Learning Disability	46,816	2,996	140,261
Total	74,505	4,069	169,971
Excess Costs	<b>\$2,281</b>		
Average Weight	<b>0.30</b>		

Note: a/ Enrollment-DPI, (Dec. 1997). Wisconsin Child Counts and Prevalence Rates by Primary Disability For Children and Youth Ages 3-21. Mentally challenged students are divided into severe/moderate or mild categories based on the percentage of children reported as CDA (Cognitively Disabled-Borderline/Mild, 69%) or CDS (Cognitively Disabled -Moderate, Severe, 31%), see: DPI (Jan. 1995). Special Education Enrollment Summary 1983 through 1993-94 School Years. b/ Excess cost=total costs per pupil divided by number of pupils. c/ Weight=excess cost (see b/), divided by the block grant (\$7,500). d/ Data from 1985-86 adjusted to 1997-98 dollars (Moore et al. 1988).

## Endnotes

1. *Wisconsin Constitution*, Article X, Section 3, emphasis added.

2. See, Rossmiller, R. A. (September 1990). "As Nearly As Uniform As Practicable?": A Historical Review of Wisconsin's Equalized Aid Formula. Madison, Wisconsin: Wisconsin Association of School District Administrators. pp. 1 ff.

3. *Vincent v. Voight*, (Dec. 23, 1998). *Memorandum Decision and Order* (Summary Judgement), Case No. 95-CV-2586, Trial Court. *Vincent v. Voight*. Court of Appeals Decision, Dated and Filed December 21, 1998, No. 97-3174. Note: Appeals Opinion is Subject to Further Editing. *Vincent v. Voight*, 93 WIS\_\_\_\_(2000), Supreme Court Decision. See Rossmiller, R. (2001). *Vincent v. Voight*. Presentation at the American Education Finance Association Annual Meeting, Cincinnati, OH.

4. Rossmiller, R. (2001). *Vincent v. Voight*. Presentation at the American Education Finance Association Annual Meeting, Cincinnati, OH.

5. Thomas Jefferson to John Adams, October 28, 1813, in Lester J. Cappon, Ed., *The Complete Adams-Jefferson Letters* (Chapel Hill: University of North Carolina Press [1959] 1987 (pp. 387-392), p. 388-390.

6. See Verstegen D.A., & Ward, J. G., eds. (1990), *Spheres of Justice in Education*. New York: Harper Business.

7. See, for example, Thurow, L.C. (1985). *The Zero-Sum Solution*. New York: Simon and Schuster.

8. R. Berne (1994). Preface. In R. Berne & L. O. Picus (Eds.) *Outcome Equity in Education*. CA: Corwin Press, p. xii.

9. For a discussion, see Verstegen, D. A. & Whitney, T. (1997). From Courthouses to Schoolhouses: Emerging Judicial Theories of Adequacy and Equity. *Educational Policy*, 11(3), 330-352. Verstegen, D. A. (1998). Judicial Analysis During the New Wave of School Finance Litigation: The New Adequacy in Education. *Journal of Education Finance*, 24 (1), 51-68.

10. c.f., *Abbott v. Burke*, (1989) N.J.

11. This count is somewhat misleading and undercounts plaintiff victories. For example, defendants in Maine were high wealth districts; and in North Dakota a three member majority overturned the finance plan but state statute requires four to do so. States where the finance system was overturned since 1989 (8/1/1999): Arizona-*Roosevelt Elem. School Dist. v. Bishop*, 877 P.2d 806 (1994); Kentucky-*Rose v. Council for Better Education*, 790 S.W.2d 186 (1989); Massachusetts-*McDuffy v. Sec'y of the Exec. of Education*, 615 N.E.2d 516 (1993); Montana-*Helena Elementary School District No.1 v. State*, 769 P.2d 684 (1989); modified in *Helena Elementary School D. 1 v. State*, 784 P.2d 412 (1990) (delaying effective date of decision); New Hampshire-*Claremont School District et al. v. Governor et al.*, 703 A.2d 359 (1997); New Jersey-*Abbott v. Burke*, 575 A.2d 359 (1985); *Abbott v. Burke*, 575 A.2d 359 (1990); *Abbott v. Burke*, 643 A.2d 575 (1994); *Abbott v. Burke*, 693 A.2d 417 (1997); Ohio-*DeRolph v. State*, 677 N.E. 733 (1997); Tennessee-*Tennessee Small School Systems v. McWherter*, 851 S.W. 2d 139 (1993); Texas-*Edgewood Indep. School Dist. v. Kirby*, 777 S.W.2d 391 (1989); *Edgewood Indep. School Dist. v. Kirby*, 804 S.W.2d 491 (1991); *Carrollton-Farmers Branch Indep. Sch. Dist. v. Edgewood Indep. Sch. Dist.* (1992); *Edgewood Indep. School Dist. v. Meno*, 893 S.W.2d 450 (1995); Vermont-*Brigham v.*

*State*, 692 A.2d 384 (1997); Wyoming-*Campbell Co. School Dist. v. State*, 907 P.2d 1238 (1995).

12. States where the finance system was upheld since 1989, as of 8/1/1999: Alaska-*Matanuska-Susitna Borough Sch. Dist. v. State*, 931 P.2d 391 (1997); Illinois-*Committee for Educational Rights v. Edgar*, 672 N.E.2d 1178 (1996); Kansas-*Unified School District 229 et al. v. State*, 885 P.2d 1170 (1994); Maine-*School Admin. Dist. No. 1 et al. v. Commissioner*, 659 A.2d 854 (1994); Minnesota-*Skeen v. State*, 505 N.W.2d 299 (1993); North Dakota-*Bismark Public School #1 v. State*, 511 N.W.2d 247 (1994); Oregon-*Coalition For Equitable School Funding v. State*, 811 P.2d 116 (1991); Rhode Island-*Pawtucket v. Sundlan*, 662 A.2d 40 (1995); Virginia-*Scott v. Commonwealth*, 443 S.E.2d 138 (1994); Wisconsin-*Kukor v. Grover*, 436 N.W.2d 568 (1989).

13. For a discussion see: Wisconsin Legislative Fiscal Bureau (January 1999). Informational Paper #27. *Elementary and Secondary School Aids*. Madison, WI: Wisconsin State Capital. Busch, C., Kucharz, K. I., and Odden, A. (1997). Wisconsin Public Education and Property Tax Relief in the 90's. *Educational Considerations*. vol. 25, no. 1, 52-58.

14. For example, under Tier I, if District X has a tax base of \$800,000 per pupil or 40% of the primary state guaranteed tax base (\$2 billion), the state will assume the remaining 60% of the district's per pupil expenditure, up to \$1,000 per pupil. The equalization formula is as follows:

State Aid =  $1 - \frac{\text{Equalized Valuation Per Member}}{\text{State Guarantee}}$  x [Shared Cost]

15. *Buse v. Smith*, 74 Wis. 2d 550 (1976).

16. See: Verstegen, D. A. (1990). *School Finance at a Glance*. Denver, CO: Education Commission of the States. Gold, S., Smith, D. & Lawton, S. eds., (1995). *Public School Finance Programs of the United States and Canada 1993-94*. Volume I. American Education Finance Association and Center for the Study of the States, State University of the States. Verstegen, D. A. (1993). *Restructuring School Finance: A Time for Action*. Paper Presented at the American Education Finance Association's Annual Conference. Albuquerque, New Mexico.

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