



Leandro: The Three-Decade Effort to Provide North Carolina Public School Children with a Sound Basic Education

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In a devastating loss for North Carolina public school children and families, on April 2 the North Carolina Supreme Court overturned its own 2022 ruling in the long-running *Leandro* school funding litigation (also known as *Hoke County Board of Education v. State*). The 2022 decision had reinstated a trial court order to adequately fund the State's chronically under-resourced public schools. The Court's April decision puts an end to the decades-old lawsuit. The lasting damage from this decision is not only to the integrity of judicial proceedings, but to generations of children across North Carolina who were promised a remedy for the ongoing violation of their constitutional right to a sound basic education, only to see that remedy taken away.

This brief commentary provides a history of the case, explains the recent decision, and discusses implications for the State's school funding system, including potential next steps to fulfill the original promise of *Leandro*.

A LONG ROAD TO EDUCATION JUSTICE: HISTORY OF *LEANDRO*

In 1994, parents, students and school districts in five low-wealth rural counties filed a lawsuit, alleging that the State's school funding system was denying students in those counties their right to an adequate education under the North Carolina Constitution. In 1997, the North Carolina Supreme Court permitted the case to proceed to trial, declaring that all students in the state are entitled to "the opportunity to receive a sound basic education." In 2002, the trial court ruled in their favor and ordered the State to remedy the violations by providing adequate programs and resources to meet the needs of all children. In 2004, the North Carolina Supreme Court upheld the trial court ruling.

Multiple additional groups of plaintiffs intervened in the case, including parents and advocates from Charlotte-Mecklenburg ("Penn Intervenors"). After years of stalled and inadequate efforts to enact and implement a meaningful remedy, the plaintiffs, together with the Penn Intervenors, jointly moved with the State for a court order to appoint an independent expert consultant to develop recommendations for the State to comply with the elements of a sound basic education laid out in the earlier *Leandro* rulings.

In 2019, the State devised a comprehensive remedial plan, based on the [findings and recommendations](#) of the independent expert. The plan – a remedy agreed upon by *all* parties – held the promise of alleviating chronic resource deficits and severe underfunding of the State's public schools and of ensuring that all students' needs would be met.

In 2021, the trial court approved the plan and ordered the State to seek and secure funding. After the State Legislature failed to fund the first year of the plan despite a budget surplus, the trial court ordered the state controller and other state officials to transfer adequate funds to implement the next two years. When the controller, joined by state legislators, challenged the decision, the appellate court ruled that the court did not have the authority to order the transfer of funds.

That decision was appealed to the North Carolina Supreme Court. Education Law Center filed an [amicus curiae brief](#), along with the Duke Children's Law Clinic, the Center for Educational Equity, and the Southern Poverty Law Center, urging that the trial court's order be reinstated.

In a forceful decision in 2022, the North Carolina Supreme Court reinstated the trial court's order, ruling that although the Legislature has the constitutional power to appropriate funds, it cannot exert this power in a way that violates its "sacred" constitutional duty to adequately fund schools. The Court noted that the judiciary had been deferring to the Legislature for 25 years. The Court then sent the case back to the trial court to recalculate the dollars necessary to implement the remedial plan in light of recent State appropriations, reinstate the trial court's order to transfer the funds, and retain jurisdiction to ensure the State's compliance.

BROKEN PROMISES: NORTH CAROLINA SUPREME COURT'S RECENT *LEANDRO* DECISION

In 2023, after a judicial election bolstered the Court's conservative majority, the North Carolina Supreme Court made an unusual move, allowing review of a petition on the issue of subject matter jurisdiction, that is, whether the court had proper authority to hear and decide the case. The petition was filed by state legislators opposing the remedial plan who had just recently intervened in the case after sitting idly by for years.

The Supreme Court's expected, but nevertheless stunning, decision in April held that the trial court lacked jurisdiction to order the transfer of funds to effectuate the State's remedial plan. In the split decision, the majority of justices ruled that the Supreme Court had no authority to hear the matter and voided any rulings in the case issued after 2017. The decision was issued with prejudice, which means that the plaintiffs cannot appeal the ruling. As a result, the plan the State had agreed to implement, infusing billions more into the public school system to pay for essential educational resources and enacting other vital reforms, is no longer enforceable and will now be abandoned.

The Supreme Court based its ruling on the contention that the original claim in *Leandro* was a narrow challenge to the allocation of education funding in the five school districts where the plaintiffs lived, and not a challenge to the constitutionality of the state school funding system.

The majority of the justices declared that the Penn Intervenors improperly widened the scope of the case to include a constitutional challenge to the statewide education funding system, which has changed substantially since 1994. In characterizing the case this way, the majority adopted the position advanced by the State Board of Education in a 2017 motion for relief from the trial court's 2002 order. The Supreme Court's decision concluded that, because this constitutional challenge was not present in the original complaint, the court had no jurisdiction to hear it, and thus any ruling in the case after 2017 is now void.

Justice Anita Earls' dissent raised several critical issues with the majority's decision and its attempt to revise the case's history. First, the majority mischaracterized the original complaint, which sought a declaration that the "public education system of North Carolina, including its system of funding," violated the state constitution. Justice Earls' dissent also pointed out that several of the Penn Intervenors' claims were severed, or tried in a separate lawsuit, precisely because they addressed narrower issues and remedies than the original plaintiffs' statewide claims.

The dissent noted that well before 2017, all parties, as well as the Court, understood and accepted that this case was a challenge to the adequacy of the State's education funding system. The earlier *Leandro* decisions recognized the statewide nature of the case, holding that the plaintiffs asserted a constitutional challenge to the statewide funding system, that children across the state have a right to an adequate education, and that the statewide system failed to provide adequate funding for at-risk children in Hoke County. The Court's 2022 decision explicitly rejected the notion that the case was limited to the original five districts, holding that the "*Leandro* violation was not limited to Hoke County but was pervasive statewide" and that overwhelming evidence showed that students in districts across the state were being denied a sound basic education.

Finally, Justice Earls explained that superficial changes to the relevant statutes do not render the inquiry into the violation of students' rights moot. If the changing nature of the State's education system deprived a court of jurisdiction, then the judiciary would never have a role in enforcing the constitutional right to a sound basic education.

LEANDRO AND THE CURRENT STATE OF SCHOOL FUNDING: IMPLICATIONS AND NEXT STEPS

With its most recent *Leandro* decision, the North Carolina Supreme Court, following a change in the composition of the Court, reversed its own 2022 decision, using questionable reasoning. This raises profound concerns about the courts' lack of respect for their own

precedent as well as the importance of judicial elections in the progression and outcome of longstanding cases of statewide magnitude.

The Court stated in *Leandro* that the case is merely “one chapter” in the “long, ever-developing history” of public education in the state. Then it proceeded to nullify the State's comprehensive remedial plan, the only court-ordered relief for the thousands of children forced to live through this tragic “history.” In doing so, the court blatantly ignored the past and present dire conditions of school funding in the State's public schools. The majority’s insistence that the school funding system in North Carolina has substantially improved is belied by the facts.

ELC’s [Making the Grade 2025 report](#), cited in Justice Earls’ dissent, found that North Carolina currently ranks 50 out of 51 in funding level per pupil, \$5,660 below the national average. North Carolina also ranks dead last for funding effort (K-12 revenue as a percentage of state GDP). Moreover, the State's funding effort has precipitously declined since 2010. In fact, the *Leandro* independent expert consultant noted as much back in 2019, finding that the State exhibited a pattern of disinvestment in previously effective programs over the past decade, including: support for teachers and school leaders, high quality preschool, and other services for at-risk, vulnerable student groups. At the same time, there was a dramatic increase in student need. The enrollment of economically disadvantaged (low-income) students increased by 88%, and the number of English language learners (ELL) doubled in the last fifteen years. And while the State had imposed new curriculum, assessment and accountability standards on school districts, it failed to increase funding to keep pace with significant changes in student and school need or to meet new mandates.

As Justice Earls observed, in 2026, in thousands of classrooms, students are still not being taught by appropriately licensed teachers, and there continues to be significant achievement gaps between at-risk and more affluent students.

“The majority swaps \$678 million in ‘necessary and appropriate’ funding to remedy the ongoing violation of school childrens’ rights for three decades of broken promises and a shoddy explanation,” Justice Earls declared.

Compounding these funding deficiencies and resulting harms is North Carolina’s private school voucher program. Since its inception in 2014-15, annual spending for this taxpayer funded program [grew](#) from \$5 million to nearly \$50 million in 2019-20, with total spending during that period reaching \$158.5 million. Then, in 2023, the North Carolina House and Senate passed a bill putting more than [\\$625 million](#) in additional funding into the voucher program for the 2024-25 fiscal year, further diverting much-needed public dollars to private schools.

What’s more, the North Carolina voucher program is completely unaccountable to the taxpayers that fund it. Unlike public schools, voucher schools have very little oversight with no accreditation, curriculum, or teacher licensure requirements. These schools also do not

have to follow state academic standards, provide meals or transportation, report on student performance, or provide services for students with disabilities. This harmful program only exacerbates the school funding deficiencies that were first identified by the *Leandro* plaintiffs and Penn Intervenors, and that have continued to persist over time.

Yet, despite the majority's willful ignorance of the facts – from the State's failure to fund public schools under the remedial plan to the diversion of public funds to private schools through the state voucher program – the most important holding from *Leandro* remains: **North Carolina children have a qualitative right to a sound basic education under the State Constitution.** Indeed, the State's obligation to provide a sound basic education is not merely a suggestion, but a constitutional duty, and the recent *Leandro* decision does not disturb that right.

However, the extent to which that right is upheld now depends, in part, on what the Legislature and school funding advocates do next. While it is no longer a court-ordered remedy, the [2020 Leandro Comprehensive Remedial Plan](#) still provides a detailed roadmap in seven key policy areas for future educational investments in the state's public school system. These include ensuring students have access to qualified teachers and school leaders; language and literacy instruction specialists; adequate facilities and materials; pre-K programs; school nurses, counselors, and social workers; extra-curriculars and after school programs; and college and career courses. The plan provides reliable targets for advocates and legislators to work toward because it is grounded in evidence-based methods meant to address the various funding and resource deficiencies earlier *Leandro* decisions revealed. Advocates can build on the core principles of the remedial plan to ensure all children in North Carolina receive a sound basic education across the state.