



ARIEL JOHNSON
EDUCATION EQUITY: CHALLENGES FACING
PUBLIC SCHOOL DISTRICTS AND PUBLIC
CHARTER SCHOOLS

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A FEW CHALLENGES IN EDUCATION EQUITY

- Funding
- The Case for M&A/Consolidation
- Education and the Federal Government



Challenges in Funding Equity

- Public school districts and charter LEAs are experiencing chronic underfunding.
- Over-reliance on property taxes has exacerbated gaps.
 - Some rural and lower-income communities are hit hard when property values are too low to generate sufficient property tax revenue to stabilize the district.
 - Illinois worked to fix this in 2017 by overhauling the funding formula and establishing evidence-based funding (EBF). EBF establishes a unique adequacy target for each district based on a variety of factors. This helped, but wealthier districts pushed back hard, and while improvements have been made, we still see challenges in our most underserved districts (especially rural).
- Federal Shifts: While we haven't seen significant cuts, last year, many competitive grants were suspended, staff were let go, and late disbursements forced state education agencies to cover gaps in hopes of reimbursement.

FUNDING EQUITY CONT.

Enrollment Challenges:



- Birthrate decline
- Increase in homeschooling
- New funding and legislation around vouchers and tax credits
 - DC Example: Congress threatened to withhold funding from the DC because the local DC government doesn't want to increase resources to the Opportunity Scholarship Program
- Education Freedom Tax Credit (EFTC): Some states may be leaving money on the table for public schools due to concerns about increases in private school enrollment.

Where are these funding inequities showing up?

- Teacher shortages
- Persistent learning gaps
- Learning loss
- Chronic absenteeism
- Loss covid gap funding
- Funding permanent problems with temporary money

MERGERS/ACQUISITIONS/ CLOSURES

- Quick Primer on Public Charter Schools: Charter schools are governed by authorizers.
 - These authorizers can be independent entities, universities, districts, or states.
 - Authorizers can encourage mergers and acquisitions (where applicable law permits) or mandate closure.
- In 2025-26, attorneys are seeing an increase in closures and conversations about M&A. Because authorizers have built-in mechanisms to do so via rulemaking and policy, they are availing themselves of this option. However, for the first time, districts are doing the same as enrollment challenges affect funding certainty in urban and rural communities.
- While charters tend not to exist in rural communities, we are seeing more discussion of consolidation of districts among rural communities as funding becomes more scarce.

EDUCATION AND THE FEDERAL GOVERNMENT: BEYOND THE DISMANTLING OF THE DEPARTMENT OF EDUCATION

- St. Isidore v. Drummod: On April 30, 2025, the U.S. Supreme Court heard oral arguments in St. Isidore of Seville Catholic Virtual School v. Drummond, its first case directly involving charter schools.
- At issue: Whether states must authorize and fund religious charter schools. The Oklahoma state courts ruled that charter schools are public and must remain nonsectarian.
- Arguments:
 - Petitioners: denying a religious charter school is unconstitutional religious discrimination. They contend that because charter schools are created and operated by private individuals, they are not state actors and should be eligible for religious affiliation.
 - Respondent: countered that charter schools are public by state law and must follow the same nonsectarian requirements as traditional public schools. Authorizing a religious charter school, he argued, would violate the Establishment Clause by channeling public dollars to religious instruction.

EDUCATION AND THE FEDERAL GOVERNMENT: BEYOND THE DISMANTLING OF THE DEPARTMENT OF EDUCATION

- The DC Alliance, along with 74 state, local, and national organizations, filed an amicus brief urging the Court to uphold Oklahoma's ruling. The brief reinforced that charter schools are public by law in every state, operate under public accountability systems, and receive public funds.
- **Outcome:** In *St. Isidore of Seville Catholic Virtual School v. Drummond*, the U.S. Supreme Court deadlocked in a 4-4 split, leaving in place an Oklahoma Supreme Court decision that blocked the nation's first state-funded religious charter school. Justice Amy Coney Barrett recused herself, resulting in the tie.

EDUCATION AND THE FEDERAL GOVERNMENT: BEYOND THE DISMANTLING OF THE DEPARTMENT OF EDUCATION

- Watching for Changes to Plyler v. Doe: a 1982 case that held that states may not deny undocumented children access to public education without violating the Equal Protection Clause of the Fourteenth Amendment.
- While this is still established precedent, advocates worry about how to protect undocumented and documented students who face uncertainty.
 - Schools are seeing a decline in student attendance, along with post-COVID chronic absenteeism.
 - Some schools are reporting declines in teaching staff as visas are revoked
 - Ex: Chinese Immersion School
 - Unique to DC, but decline in adult student enrollment and attendance.

CALL TO ACTION

- We Need More education attorneys
- Education attorneys work on a variety of issues
 - Some examples: Funding, facilities, zoning, finance, pensions, special education, immigration, student-facing advocacy, policy drafting, and many more opportunities!

If you're ever in DC and would like an internship, please reach out!



Thank You!



Resource Guide

<https://home.treasury.gov/wftc/fact-sheets/education-freedom-tax-credit-fact-sheet-113147.pdf>

<https://education.jhu.edu/edpolicy/policy-research-initiatives/homeschool-hub/homeschool-growth-2024-2025/>

<https://www.scotusblog.com/cases/st-isidore-of-seville-catholic-virtual-school-v-drummond/>

<https://publiccharters.org/scotus/>

<https://forumtogether.org/article/explainer-plyler-v-doe-and-the-right-of-undocumented-children-to-access-public-education/>