

The court decisions and powers over educational financing

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The judiciary is one of the arms of the government, under the doctrine of separation of powers, in which it checks unconstitutional acts and decisions that the executive or the legislature makes. The constitution, common law doctrines, and previous court case decisions are some of the sources of law for exercising authority over issues and reliability of the sources suggest consistency for predictability of court decisions on an issue. This can be inferred to future court decisions and powers over educational financing, based on analysis of previous trends in courts' interpretation of existing laws and decisions.

Disparity in education financing has been the major issue with the judicial system. Legal provisions for equal protection, based on the 14th amendment, have formed the basis of the litigation regarding the finances. According to the clauses, every person is entitled to equal treatment and no disparity should therefore exist on education financing (Ryu, 2015). While the courts made significant efforts in enforcing existing laws to regulate educational financing, reforms that the courts initiated had little effects in solving the financing inequality that the society realized. Ryu further argues that court decisions on educational reforms have argued for adequacy of available education and not on financial neutrality. The ineffectiveness in previous courts' attempt to regulate educational financing suggests lack of power to implement the decisions and indicate possible occurrence in future. The change in focus from fiscal neutrality also means possible elimination of the jurisdiction from the judicial system and suggests that the courts are not likely make decisions on the issue (Ryu, 2015).

The Supreme Court decision on fundamentality of education as a

constitutional right and the court's final decision on related cases is another indicator that courts have ceded their power on educational financing and are not likely to make any ruling on a case that seeks to challenge educational financing policies. The Supreme Court noted that education is not a fundamental right and should therefore not be considered under the equal opportunity clauses and any other amendments that provides for human rights. In addition, the court offered a directive that such cases as cases on educational financing issues should not be brought before the judiciary and one of the arguments was involved complexity of such cases. Decision on related policies to educational financing were then directed to state legislatures and the supreme court ruling has been used as precedence in other court decision, an indicator that it may be a significant case law on future related cases. States courts in some states have since upheld constitutionality of state laws on educational financing, but this means decisions based on state laws and a shift from active judicial power to check legislations (Lunenborg and Ornstein, 2011). Even though some state courts had made decisions on educational financing, there has been a wave of judicial pull back from the decision and the trend is expected to continue (Dunn and West, 2010).

The federal courts have established a precedence of ceded powers over educational financing and state courts are emulating the policy. It is therefore expected that courts will not have future powers to make decisions on educational financing issues because of established precedence.

References

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