

# Why can't I have a textbook?

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How do you respond to a student who asks "Why can't I have a textbook"?

If you teach in one of the many school districts in Oklahoma that does not have the resources allocated to it by the State to provide sufficient numbers of textbooks for all of its students, then you may have already faced this question. You may have already explained to that student that the local board of education has established a "goal" to purchase enough textbooks to give to every child, but until the State provides sufficient resources, they have to make do with having a "strategic objective" that at least provides a textbook for every desk that a student can use while attending a particular class.

You may also have empathized with that student and explained that while you understand a textbook would be a valuable learning tool to take home and study, you are doing the very best that you can with the resources that have been made available by the State to your school district.

You may also have answered with a civics lesson about how a teacher would have responded in the early 1950s when a student might have asked why they had to attend a segregated school – that the Courts would review the Constitution and provide a remedy for any violations. Unfortunately, that civics lesson will need to be modified somewhat in Oklahoma, at least in the context of enforcing the state Constitution when it comes to providing adequate resources for Oklahoma's public schools.

On May 8, 2007, the Oklahoma Supreme Court issued an opinion indicating that it will not enforce the Oklahoma Constitution, or otherwise provide a remedy, for the failure of the Oklahoma Legislature to provide sufficient resources – at least a textbook for every child – for Oklahoma's public schools.

In holding that it did not have the authority to decide school funding issues, the Oklahoma Supreme Court affirmed the dismissal of the Adequacy and Equity in School Funding Petition that had been filed by the OEA and its three partner school districts in this litigation – Jenks, Foyil, and Western Heights – which sought a declaratory judgment that the Oklahoma Legislature has failed to adequately fund Oklahoma's system of public education. Unlike the courts of most other states that have recently considered school funding litigation, the Oklahoma Supreme Court clearly and unequivocally stated that it will not exercise its judicial authority and force the Oklahoma Legislature to comply with the Oklahoma Constitution. The Court even agreed in its opinion that the Oklahoma Legislature is free to ignore legislatively enacted goals for the improvement of public education in Oklahoma – a clear invitation for the imposition of more unfunded mandates by the legislature.

This decision would appear to give the Oklahoma Legislature unfettered discretion in determining whether it is meeting the constitutional mandate to provide an adequate education for Oklahoma's children. It is also clear from the opinion of the Court that it will not "invade the Legislature's power to determine policy" and that "questions of fiscal and educational policy are vested in the Legislature, and its wisdom in these areas is not within the scope of this Court's review." In other words, the Oklahoma Supreme Court does not want to deal with the legal and constitutional issues that were presented by both sides in this litigation and it clearly does not want another school funding case filed anytime soon, if ever.

So, back to the question posed by the unfortunate student in your charge who does not have a textbook. It would be fair to answer that Oklahoma's courts will not provide a remedy for Oklahoma's school children, nor is a judicial remedy available to the local board of education to force the State to provide sufficient resources to purchase textbooks for all students attending its school. Unfortunately, for the immediate future you will also have to respond with your earlier comment – that you are doing the very best with the resources that have been made available by the State to your school district.

You can, however, answer that the OEA will not give up its efforts to ensure that every child in Oklahoma – including the inquisitive one in your charge – receives a quality public education and that Oklahoma's schools are adequately funded by the Oklahoma Legislature. We will continue our efforts in the legislative arena and will study the feasibility of an initiative to amend the Oklahoma Constitution so that you can one day answer: "Of course you can have a textbook, let me get you one now."