

# The NC Leandro Case: A New Perspective



**John Droz, jr.**  
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**F**or a lawsuit with thousands of pages of reports, articles, and legal documents written about it over 30± years (!), it might not seem possible that there can be a new perspective – but you decide for yourself here. (FYI, [this](#) seems to be a reasonable overview of what happened through August 2022.)

After a LOT of legal wrangling, the NC *Leandro* case has apparently devolved into two main issues: **1)** Does the Judiciary have the authority to tell Legislators what should be taught in NC K-12 schools? *and* **2)** Does the Judiciary have the authority to tell Legislators how much money they must spend to fix certain educational deficiencies? (*We are talking about many Billions of dollars here, so this is not an academic concern.*)

Although both of those matters are quite important, my view (as a scientist and national education expert) is that the main issue is actually something else – and I haven't found anyone (in over 30± years!) who is explaining this. *So here goes...*

I'm not an attorney, but my reading of the [original lawsuit](#) (1997) concludes that the complaint is about some NC students not getting an adequate K-12 education. More specifically the legal documents called this being deprived of a “*sound basic education*.”

To make such a case, there must be a: **a)** crystal clear, **b)** accurate, *and* **c)** legally sound definition of what a “*sound basic education*” really is. IMHO what has been put forth to date **fails on all three counts**. That is part of the new perspective I'm advocating.

Why do I say that the *Leandro* definition(s) to date of a “*sound basic education*” are deficient in all of these three criteria? *Here are some reasons:*

**1** - In the [original filing](#) it says that NC is “in violation of the *NC Constitution*” by not providing every NC student with a “*sound basic education*.” In numerous subsequent reports and legal documents, similar statements are made. One of many examples is the [recent \(2024\) related court filing](#). It says: “the right assured by the *NC Constitution* to all schoolchildren to 'the opportunity for a sound basic education'...” *But is that true?*

NC's general education obligations are spelled out in [Article IX](#) of the [North Carolina State Constitution](#). I could not find anything in Article IX where it says that all NC students are entitled to a “*sound basic education*” – *or anything equivalent*. Please see here \* for some observations about the *Constitution* argument.

**2** - Since the *NC Constitution* does **not** say anything about a “*sound basic education*” the [original filing](#) proposes a four-part definition\*\* of what this *might* consist of. However, I could not find anything in [North Carolina State Constitution](#) where it says that all NC students are entitled to *any* of the four parts of a “*sound basic education*” written by the attorneys in the original case – *or anything even remotely similar*.

Again, I'm not a lawyer, but this critically important definition seems to have just been made up by some attorneys. I'm sure that they were well-intentioned, but they are clearly not education experts. Again, despite a lot of handwaving, what *they define* as a "sound basic education" is **not** mandated by the [NC State Constitution](#).

3 - In the [original complaint's](#) four-part definition\*\*, one of the problems with it, is that it says (*see Part #2*): "geography, history, and economics" need to be sufficiently taught so as "to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation." *Great!*

It's stunning to say that in the 27 years since then, no one has seemed to notice that "Science" was not also listed in the Part #2 subjects... We live in a highly technical society, so without a quality Science education foundation, NC students will unequivocally be unable to "make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation." Put another way, without a reasonable education in Science, NC students cannot be said to have received a "sound basic education." *This is an extraordinary omission.*

4 - In the original complaint's four-part definition\*\*, another major problem with it, is that the ability to THINK is never mentioned!

It's again hard to fathom that in the 27 years since the 1997 lawsuit, that no one pointed out this glaring oversight. Put another way, graduating without the ability to think – particularly to Think Critically – NC students **cannot** be said to have received a "sound basic education." *This is another profound definition deficiency.* (See my points #7 through #10 below for further elaboration on this key matter.)

5 - As an example of the fluidity of the definition of a "**sound basic education**," closely read what an [official legal submission](#) (2015) by then Attorney General Roy Cooper (on behalf of the *State Board of Education*) says about a "**sound basic education**". Note that it is **VERY different** from the four-part definition\*\* that appears in the first Complaint. This is in the initial paragraph of Cooper's legal filing:

"The State Board of Education ('Board') has in place a comprehensive system for providing students in the public schools with the 'opportunity for a sound basic education.' The Board believes that the foundation for the opportunity for a sound basic education in today's society rests at a minimum **on rigorous and relevant content standards**, measured when appropriate by valid and reliable assessments, with schools and school systems held accountable for content delivery and for success on this delivery..."

6 - As one more example of the subjectiveness of the definition of a "sound basic education," consider what [EDNC](#) stated about the 2022 *Leandro* ruling:

"The *Leandro* Comprehensive Remedial Plan, agreed upon by the defendants and plaintiffs, provides a detailed, evidence-based roadmap for the investments needed for kids and educators across North Carolina. It is based upon **what the research tells us** is needed for students to receive a *sound basic education*..."

Note the subtle, but **significant** switch from "what is *Constitutionally* or *Statutorily* required" to "what research tells us." Well, let's look into said research. Oops, none is cited! Also note that EDNC's seven-point criteria is **very different from** what is in the original *Leandro* definition\*\*, **and** what is in the *NC Constitution*, **and** what is in *State Statutes*.

**7 - It is most revealing that in reviewing subsequent **court documents** and related *Leandro* reports, I could not find ANY reference to an expectation that the NC Department of Public Instruction (DPI) instill in students the ability to THINK!**

A perfect example is the [WestEd Report](#) (2019: [\\$2± Million](#)). The 300± page main Report (plus [12 supplemental reports](#) – which I did not read), was purportedly written by apolitical education experts. The expectation was that the State would be given quality directions on how to fix its primary educational deficiencies.

Page 1 of this Report says: "This action plan provides recommendations for actions that will advance the state's efforts to achieve compliance with the *Leandro* decision. It identifies the highest leverage and most critical actions that the state needs to take immediately and over the next six years and beyond to transform the education system and provide the necessary foundational opportunities for all students."

Now consider: in the main 300± page Report **the word "Think" does not appear a single time regarding the NC education system, or their recommendations!!**

For additional critiques of the *WestEd Report*, please read the two excellent articles written by JLF's education expert, [Dr. Bob Luebke: Part 1](#) and [Part 2](#). IMHO the main *WestEd Report* falls short of giving the State the direction it paid for and needs.

**8 - In NC, the State Legislators have a great amount of power over what is taught in DPI K-12. (Note: this is NOT the case for every State.)** For details, see their omnibus document about all things relating to education: NC Statute [Chapter 115C](#). (FYI, I downloaded this as a PDF and it comes to over five hundred pages...) So what does State Law (NC Statutes) say about a "sound basic education?"

That specific phrase appears six times in [115C](#): § 115C-47 (twice), § 115C-81.5, § 115C-106.3, **and** § 115C-150.12C (twice). Regretfully, the Legislators never *define* what a "sound basic education" is. IMO this is a missed opportunity for them, and the *Leandro* case should have encouraged them to do so quite a while ago.

[Note: in some *Leandro* legal filings an attempt was made to say that a “sound basic education” was required by both the *NC Constitution* and *NC Ordinances* ([115C](#)). Although [115C](#) does use that phrase, there is nothing in [115C](#) that is even remotely like the made-up definition\*\* appearing in the original *Leandro* [complaint](#).]

An even worse Legislative omission is that nowhere in the 500+ pages of [115C](#), is there any mention that the NC K-12 education system should teach children to be **Critical Thinkers**. I have drafted up an amendment to [115C](#) to rectify this serious deficiency, and have given it to my NC Senator. He is supportive of my proposal.

9 - Just to assure readers that I’m not on a solo campaign regarding *thinking*, I reference them to the worthwhile NC DPI document: [Portrait of a Graduate](#). (Note that this is on the current DPI website.) It emphasizes that there are several **competencies** (skills) that need to be learned *in addition to subject content*. DPI has admirably committed that NC high school graduates will have these skills. Without a doubt, the number one most important of these is **Critical Thinking**. *Two comments:*

- a) NONE of these **competencies** are mentioned in the [original Leandro complaint's](#) four-part definition\*\*! This is another failure of that inadequate legal definition.
- b) As commendable as these DPI assurances are, I have not found correlating implementation. For example, there is no part of any DPI K-12 subject curricula where students are formally taught how to be Critical Thinkers. [*Note: The appropriate subject area to do this, is Science.*]

10-Finally, it may not be apparent, but this 30± year fight is actually over a very *different* educational issue. This battle is between both sides of the political spectrum, as they have diametrically opposed ideas about what the K-12 educational system’s purpose is. When it’s boiled down it basically is this:

The **Left** believes that we should be teaching our children **WHAT to think**.  
The **Right** believes that we should be teaching our children **HOW to think**.

Few people realize that there are these profoundly different perspectives. Fewer yet appreciate the reasons behind them, and the extraordinary implications of going down the Left path – *which is what is currently happening*.

Briefly, the greatest fear of those on the Left is that there be Critically Thinking citizens. The success of their ideology and policies are fully dependent on citizens being compliant and unquestioning.

They are also keenly aware of the reality that K-12 is the make or break point for almost all students: they will graduate as **Critically Thinking individuals**, or as **propagandized, compliant people**.

Through such meticulously crafted programs as the NGSS ([Next Generation Science Standards](#)), Progressives have gone to great lengths to *minimize* the possibility that US high school graduates are Critical Thinkers. In other words, the absence of any reference to *thinking* in 30± years of the *Leandro* case (see #7 above) is **no accident...**

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The bottom line is that I recommend a four-part solution to the *Leandro* case, prior to any additional funds being spent:

- a) NC Lawyers need to immediately fix the inadequate and inaccurate *Leandro* definition\*\* about what constitutes a “sound basic education,”
- b) NC Legislators need to patch some serious holes in [115C](#) – particularly mandating that Critical Thinking be properly taught by DPI,
- c) the State should apply the good (apolitical) parts of the *WestEd Report*, and
- d) NC DPI needs to be fully onboard here, especially about the profoundly important part where K-12 students are properly taught how to be Critical Thinkers (per DPI’s own *Portrait of a Graduate* commitment). This requires an unwavering dedication to prioritize that, from the DPI Superintendent.

So far the only DPI Superintendent candidate who has publicly committed to prioritize Critical Thinking is [Michele Morrow](#).

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\* For those who have put all (or most) of their eggs in the [NC State Constitution](#) basket, please consider the following three points of interpretation:

- (1) Section 2. (1) of [Article IX](#) is the most cited line to justify the *Leandro* case. It says: “...equal opportunities shall be provided for all students.” A literal interpretation would be that each and every asset of the best school in the State must be available to *every other school in the State*. Clearly that is not possible.
- (2) Further, some may (inappropriately) assess whether this is being done by comparing student test scores in different school districts. That subtly makes this a very different politicized matter as it converts the *Constitution’s* [Equality](#) assurance to an [Equity](#) issue (equal *outcomes*), which is **NOT** the same.
- (3) Since one of the major arguments in the *Leandro* filings is about who will pay for any education changes needed, then *Constitution* advocates should be concerned about the very next line: **Section 2. (2) of Article IX**. It says: “The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate.” That could be interpreted to say that if a school district is underfunded, then the General Assembly has the authority to dictate that **local taxpayers** (NOT State taxpayers) should pay the tab to make up any difference.

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\*\* The [original Leandro lawsuit](#) (1997) *arbitrarily* says: "For purposes of our *Constitution*, a '**sound basic education**' is one that will provide the student with at least:

- (1) sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society;
- (2) sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;
- (3) sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and
- (4) sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society. "