

No December Ruling in North Carolina's Three-Decade Leandro School Funding Case

After more than 30 years of litigation and 650 days since oral arguments, the NC Supreme Court hasn't released a ruling in the Leandro case.



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EINPresswire.com/ -- In the morning of December 12, the North Carolina Supreme Court released its latest

round of rulings. Public school advocates had hoped that the court would release a ruling in the latest iteration of the Leandro case (425A21-3 Hoke County Board of Education, et al. v State of NC). The [decades-old Leandro case](#) is gaining increasing attention with each passing month because the NC Supreme Court has gone more than 650 days without issuing a ruling from oral arguments heard on February 22, 2024. Typically, the Court issues rulings a few times each year, but the latest ruling date passed without mention of Leandro. There are no other cases still pending from February 2024.

“

If our Court cannot or will not enforce state constitutional rights, those rights do not exist, the constitution is not worth the paper it is written on, and our oath...is a meaningless charade.”

*NC Supreme Court Justice
Anita Earls*

At stake in the ruling is millions in funding for public schools. The initial suit was brought by five school districts (Cumberland, Halifax, Hoke, Robeson, and Vance), families, and students. (Robb Leandro was a student in Hoke County in 1994). The suit claimed that students in the five counties were denied their right to a sound basic education under the North Carolina State Constitution.

Over the course of multiple rulings, the NC Supreme Court affirmed that the State had not fulfilled its obligation to North Carolina's students (extending beyond the initial five districts) based on constitutional requirements and that the legislature was obligated to better fund public schools.

In 2018, Superior Court Judge Lee appointed an outside expert ([WestEd](#), a nonpartisan educational research organization) to determine what steps were needed to remedy the

situation and come up with a plan. Their report was used by the State to develop the [Leandro Comprehensive Remedial Plan](#), which contained specific actions and funding requirements spanning eight years starting in 2021.

In early November 2022—after the legislature failed to fund public schools according to the Comprehensive Remedial Plan—the NC Supreme Court ruled that the state was obligated to fund the first two years of the Comprehensive Remedial Plan (the two years addressed in the newest state budget).

The 2022 elections changed the make-up of the North Carolina Supreme Court from a majority of Democrat judges to a majority of Republican judges. The new court decided to revisit the latest appeals to the Leandro ruling brought by legislative leaders to halt the court-ordered payments to school districts.

In March 2023, the NC Supreme Court ruled that lower court decisions to halt payments could stand until the Supreme Court revisited the case despite there being no new information that altered the facts of the case.

In her dissent to the 2023 ruling Justice Anita Earls wrote: “Unfortunately, we have waited much too long to see whether the State will abide by its constitutional mandate to provide our children, including at-risk children struggling in under-resourced schools, with a basic, sound education. Thus far, at least twenty-eight classes of students “have already passed through our state’s school system without benefit of relief.” Leandro IV, 382 N.C. at 475. Not only is it true that justice delayed is justice denied, but denying adequate educational opportunities “entails enormous losses, both in dollars and in human potential, to the State and its citizens.” Id. If our Court cannot or will not enforce state constitutional rights, those rights do not exist, the constitution is not worth the paper it is written on, and our oath as judicial officers to uphold the constitution is a meaningless charade. For the reasons stated herein, I dissent.”

North Carolina public schools and the children they serve have been waiting for a ruling since oral arguments were held on February 22, 2024. Plaintiffs were represented by Parker Poe Adams and Bernstein, Tharrington Smith, LLP. Defendants were represented by Womble Bond Dickinson (SU) LLP. The State of North Carolina was represented by representatives from the North Carolina Department of Justice.

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