



Iowa General Assembly

2012 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

IOWA'S STANDARDS FOR PUBLIC SCHOOLS

Filed by the Iowa Supreme Court

April 20, 2012

King v. State of Iowa, et al.

No. 08-2006

http://www.iowacourts.gov/Supreme_Court/Recent_Opinions/20120420/08-2006.pdf

Background Facts and District Court Decision. Attorneys for 16 plaintiffs, who are students or parents of students who attended or currently attend public schools in the Davenport, Des Moines, or West Harrison Community School Districts, filed a petition in the Iowa District Court for Polk County for a declaratory judgment “that the current educational system is unconstitutional and that defendants failed to provide equal access to an adequate education delivery system as guaranteed in the Iowa Constitution and the Iowa Code.” Plaintiffs further sought “an injunction ordering Defendants to provide all Iowa students with an effective education,” and an order of mandamus and injunction injunctive relief “requiring Defendants to establish (or direct the legislature to establish), and enforce an educational system that satisfies Plaintiffs’ constitutional rights and prepares Plaintiffs and other similarly situated parties of this state to meet and exceed the technological, informational, and communications demands of a 21st century society.”

Plaintiffs alleged that Iowa has slipped in the quality and quantity of education it offers its young citizens and fails to prepare students to meet the increasingly higher challenges posed by the economic and demographic changes facing Iowa and the U.S. Plaintiffs further alleged that disparities in educational outcomes and opportunities based on “where one goes to school” exist in the state.

The defendants filed a motion urging dismissal of the plaintiffs’ constitutional claims on the grounds that they were nonjusticiable, (beyond the reach of the judicial branch and more appropriate for the legislative process), that the plaintiffs failed to state a claim, there is no private cause of action under Iowa Code section 256.37, mandamus did not lie, the Governor could not be sued, and the Iowa Administrative Procedures Act was the exclusive means of obtaining review of acts or omissions by the Department of Education.

The district court found the plaintiffs had stated claims for relief under the equal protection clause, but found their constitutional claims presented a nonjusticiable political question. Further, plaintiffs’ statutory claim under Iowa Code section 256.37 (*School Restructuring and Effectiveness — Policy — Findings*) failed because that provision does not afford a private right of action. The district court dismissed the plaintiff’s petition, and the plaintiffs appealed the district court’s ruling granting the defendants’ motion to dismiss.

Procedure. The case was argued before the Iowa Supreme Court (Court) in March 2010, and the case was reargued in June 2011 after Justices Mansfield (the author of the majority opinion), Waterman, and Zager joined the Court. During oral argument, plaintiffs argued that “Iowa’s educational system is not adequately serving students in either the largest (e.g., Davenport and Des Moines) or the smallest (e.g., West Harrison) school districts.”

Justice Mansfield noted that the “elected branches of our state government are currently engaged in an active debate about state educational policy. They are entitled to know whether this lawsuit may affect their policy choices.” He further stated that “[i]t would be an abnegation of our responsibility not to reach a legal question about the sufficiency of the plaintiffs’ pleadings that was fully developed and decided by the district court.”

Issues.

1. Whether the education clause of the state’s constitution “imposes judicially enforceable obligations on Iowa’s legislature to promote education by ‘all suitable means.’”

2. Whether the defendants violated the equal protection clause of the state's constitution.
3. Whether the defendants violated the due process clause of the state's constitution.
4. Whether a private right of action may be inferred from Iowa Code section 256.37.

Analysis and Holding

The Education Clause. The Court observed that the education-related provisions in the 1857 Constitution of the State of Iowa were enacted in two divisions. The first division established a state board of education and conferred upon it the powers and duties relating to education policy. According to the Court, the first division entrusted the "educational interest" to the board of education and made clear in the second division that "[t]he educational and school funds and lands, shall be under the control and management of the General Assembly of this state."

Article IX, Division 1, section 12 also provided that "[a]ny time after the year 1863, the General Assembly shall have power to abolish or re-organize said Board of Education, and provide for the educational interest of the State in any other manner that to them shall seem best and proper." The Court also noted that though the Legislature abolished the board and replaced it with a superintendent of education, the citizens of the state never repealed the substance of 1857 Article IX, Division 1, section 12.

The second division sets forth provisions relating to the funding of education, including a provision establishing a perpetual support fund for the deposit and distribution of certain proceeds for the support of schools. The language of the second division "supports a construction of the education clause as a funding provision, which allocated to the general assembly the authority to provide money for education, and thereby to encourage [various forms of improvement] by all suitable means."

The Court observed that the founders defeated, by a vote of 25 to 8, an amendment to the section establishing the fund which would have required the state to guarantee a free public education. If the founders did not intend to ensure a free public education, the Court opined, it seems untenable to argue that the section contained a judicially enforceable right to a free public "with certain minimum standards of quality." The Court emphasized that Iowa's education clause does not require that the state's public education system be "adequate," "efficient," "quality," "thorough," or "uniform."

The Court reviewed the language of the state's constitution, the debates leading to the language, and certain cases decided by the Court shortly after the 1857 Constitution was ratified, and determined that "[s]ince the contemporary view of our court was that the education clause did not even allow the legislature to establish public schools, it seems difficult for us to conceive that the clause could have been seen as a source of enforceable minimum standards for such schools."

Although the Court stated that "[i]t is a well-established principle that the courts will not intervene or attempt to adjudicate a challenge to a legislative action involving a 'political question,'" and reviewed thoroughly case law regarding the question of whether the education clause presents a political question, the Court concluded that it did not need to decide today whether plaintiffs' claims under the education clause present a nonjusticiable political question. The Court stated "[i]t is sufficient for present purposes to hold that Iowa's education clause does not afford a basis for relief under the allegations in this case."

The Equal Protection Clause. The Court did not "agree with the district court's conclusion that plaintiffs' equal protection claim presents a nonjusticiable political question," because the Court typically decides "...claims brought by individuals who allege denial of their constitutional right to equal protection, even when the claim pertains to an area where the legislative branch has been vested with considerable authority." In a previous case, the Court held (1) that "students have a due process right to an adequate education, although we did not characterize it as a fundamental right," (2) "there is no due process right to be educated in a particular school district," and (3) "...a funding mechanism that assured roughly the same amount of per-pupil funding regardless of the district did not treat students differently or violate equal protection." However, the Court, in that case, also noted "that debates over whether 'centralization of schools improves the quality of education belonged in the legislature and not the courts'."

For purposes of this case, the Court noted that "any equal protection claim, whether in the education context or elsewhere, requires an allegation of disparate treatment, not merely disparate impact." Plaintiffs' "petition contains no allegations of disparate treatment," nor does the petition allege "that the defendants (i.e., the state government and state officials of Iowa) have passed any law, adopted any regulation, or undertaken any measure that treats students differently from one district to another." Further, "[e]ven if we could discern some allegation of disparate treatment in plaintiffs' allegations, we would still not be persuaded that they have stated a claim. Unless a suspect class or a fundamental right is at issue, equal protection claims are reviewed under the rational basis test." The opinion noted that "[f]or purposes of federal constitutional analysis, education is *not* a fundamental right," but also noted that "[w]e defer to another day the question of whether education *can* amount to a fundamental right under the Iowa Constitution, thereby triggering heightened scrutiny."

Under the rational basis test, the courts will uphold a law if it is rationally related to a legitimate government purpose. The plaintiffs had the burden of proving that there is no conceivable legitimate purpose to the law or that the law is not rationally related to a legitimate government purpose. As noted by the Court, "[i]n this case, unless the well-pleaded facts (if true) would show that Iowa's educational system is not rationally related to a legitimate state goal, there is no reason for

the case to proceed further.” The purposes for which the Court postulated the Legislature may have enacted the state’s education laws may include “[l]ocal control, equity in per-pupil funding, maintenance of existing rural school districts, and conservation of scarce classroom time and resources,” which the Court states “are all legitimate governmental interests.” The Court opined that “[p]roviding equal resources to school districts while allowing those districts the independence to determine many aspects of educational policy is not merely ‘realistically conceivable’ as a legislative purpose, it is the same legislative purpose we upheld in *Exira (Exira Community School District v. State*, 512 N.W.2d 787, [Iowa 1994]).” The Court held that “plaintiffs’ equal protection claim was properly dismissed.”

Substantive Due Process. The Court held that plaintiffs’ substantive due process claim was justiciable. In prior cases, the Court noted it has established that “the purpose of substantive due process, is to protect citizens when the government engages in actual conduct (i.e., governmental action) that infringes or interferes with rights,” and has “expressed ‘serious doubt’ about the viability of a substantive due process theory based on the notion that the government failed to act.” The Court rejected the plaintiffs’ constitutional claims, noting that “[i]n the relatively few instances where such quality-based claims have been asserted and have advanced past a motion to dismiss in other states, that has occurred because the state’s founders enshrined a particular educational mandate in the state constitution.” The Court further noted that an analogous mandate was voted down by Iowa’s constitutional convention delegates in 1857.

Iowa Code Section 256.37. The Court held that Iowa Code section 256.37 establishes state educational policy and the provision’s goals are “utopian in nature,” reflecting a “legislative purpose to make only a policy pronouncement.” The “law does not contain an express private right of action, so any cause of action must be implied.” The law meets none of the four factors the Court uses (and which are listed and discussed in the opinion) to determine whether a private right of action may be inferred from a statute, and therefore the Court affirmed the district court’s ruling that Iowa Code section 256.37 does not provide for a private right of action.

Conclusion. The Court held that the democratic process is best suited for resolution of the education issues being debated in the state, and can best accommodate the competing concerns of the many interested parties. However, though the Court affirmed the dismissal of the plaintiffs’ first amended and substituted petition, it did not close the door to other actions alleging constitutional violations in the field of education. Chief Justice Cady and Justices Waterman and Zager joined in the majority opinion.

Concurrence (Special). Chief Justice Cady noted that the plaintiffs’ petition, “if true, may be a call to action, but it is a call under our constitutional structure for the legislature, not the courts.” Justice Waterman emphasized “the importance of judicial restraint when litigants ask courts to overstep their bounds.”

Dissents. Two dissents were filed in this case. Justice Wiggins would find the plaintiffs’ constitutional claims justiciable and would remand the case for further proceedings on the merits of those claims. Justice Wiggins opined that the majority and a concurring opinion “reach the merits of the plaintiffs’ claims under the education clause, the due process clause, and the privileges and immunities clause of the Iowa Constitution even though the State did not raise the merits of these issues on appeal. I also dissent from these opinions because they reach the issue that plaintiffs’ petition failed to state a claim. Further, I dissent from Justice Waterman’s concurring opinion because he finds the constitutional claims nonjusticiable.” Justice Appel filed a separate dissenting opinion, in which Justice Hecht joined which posited that “education is a fundamental interest or right under the Iowa Constitution.” He further states that “[d]eprivations of a basic or adequate education should be subject to heightened judicial review, and other material differences in education should be subject to judicial review under a meaningful rational basis test.” He would reverse the district court and remand the case for further proceedings.

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