

HONORABLE COMMISSION MEMBERS:

MY NAME IS SAMUEL ZURIER. I AM A PROVIDENCE RESIDENT, AND I AM HERE TODAY TO TESTIFY CONCERNING THE NEED TO AMEND AND CLARIFY THE RIGHT TO EDUCATION SET FORTH IN ARTICLE XII OF RHODE ISLAND'S CONSTITUTION.

IN A DECISION THIS SPRING, THE RHODE ISLAND SUPREME COURT HELD THERE IS NO JUDICIALLY ENFORCEABLE CONSTITUTIONAL RIGHT TO EDUCATION IN OUR STATE. THIS RULING, WHICH CONFIRMED AND EXTENDED A 1995 DECISION, PLACES RHODE ISLAND OUTSIDE OF THE NATIONAL MAINSTREAM WITH REGARD TO WHAT MANY PEOPLE CONSIDER TO BE THE PARAMOUNT CIVIL RIGHTS ISSUE OF THE 21ST CENTURY. WE HAVE KNOWN ABOUT THE IMPORTANCE OF THE RIGHT TO EDUCATION SINCE AT LEAST 1954, WHEN THE UNITED STATES SUPREME COURT, IN ITS *BROWN V. BOARD OF EDUCATION* DECISION, STATED THE FOLLOWING:

TODAY, EDUCATION IS PERHAPS THE MOST IMPORTANT FUNCTION OF STATE AND LOCAL GOVERNMENTS. . . . IN THESE DAYS, IT IS DOUBTFUL THAT ANY CHILD MAY REASONABLY BE EXPECTED TO SUCCEED IN LIFE IF HE IS DENIED THE OPPORTUNITY OF AN EDUCATION. SUCH AN OPPORTUNITY, WHERE THE STATE HAS UNDERTAKEN TO PROVIDE IT, IS A RIGHT WHICH MUST BE MADE AVAILABLE TO ALL ON EQUAL TERMS.

AS TRUE AS THIS WAS IN 1954, IT IS EVEN MORE SO TODAY. RIGHT NOW, YOU COULD HAVE TWO BABIES IN ADJACENT ROOMS IN WOMEN'S AND INFANTS HOSPITAL WHO HAVE EQUAL RIGHTS AND POTENTIAL WHILE THEY ARE IN THE HOSPITAL, BUT IF ONE CHILD GOES HOME TO POVERTY IN PAWTUCKET, WHILE THE OTHER GOES TO AN AFFLUENT FAMILY IN NARRAGANSETT, THEIR PUBLIC SCHOOL EDUCATIONS WILL BE DRAMATICALLY DIFFERENT, AS WILL THEIR PROSPECTS FOR SUCCESS IN LIFE.

TO FIND A BETTER ALTERNATIVE, WE CAN LOOK TO OUR NEIGHBOR TO THE NORTH, THE COMMONWEALTH OF MASSACHUSETTS. THE BAY STATE HAS THE BEST PUBLIC EDUCATION SYSTEM IN THE COUNTRY AS MEASURED BY OUR NATION'S REPORT CARD, PROVIDING ALMOST EVERY MASSACHUSETTS CHILD A MEANINGFUL AND RIGOROUS PUBLIC EDUCATION REGARDLESS OF THEIR PLACE OF RESIDENCE OR SOCIAL STANDING. THIS BEGS THE QUESTION, WHY DOES MASSACHUSETTS DO SO MUCH BETTER THAN WE CAN IN RHODE ISLAND?

I BELIEVE THE ANSWER LIES IN THE TWO STATE'S CONSTITUTIONS, AS INTERPRETED BY THEIR COURTS 20 YEARS AGO. IN 1993, RHODE ISLAND AND MASSACHUSETTS HAD PUBLIC SCHOOL PROGRAMS THAT PERFORMED AT ROUGHLY THE SAME LEVEL - MASSACHUSETTS WAS ONLY SLIGHTLY AHEAD OF US. AT THAT TIME, BOTH STATES ALSO HAD PENDING LAWSUITS BY DISADVANTAGED CHILDREN SEEKING A DECLARATION OF THEIR RIGHTS UNDER THEIR STATE CONSTITUTION'S EDUCATION CLAUSE. IN MASSACHUSETTS, THE COURT RULED IN FAVOR OF THE CHILDREN. WITHIN MONTHS, THE MASSACHUSETTS LEGISLATURE

ENACTED THE EDUCATION REFORM ACT OF 1993, LAYING THE FOUNDATION FOR THE BAY STATE'S DRAMATIC IMPROVEMENTS IN PUBLIC EDUCATION SINCE THAT TIME.

IN RHODE ISLAND IN 1994, SUPERIOR COURT JUSTICE THOMAS NEEDHAM ALSO RULED IN FAVOR OF CHILDREN, PAVING THE WAY FOR US TO FOLLOW THE BAY STATE ON THE PATH OF EDUCATIONAL IMPROVEMENT. UNFORTUNATELY, THE SUPREME COURT REVERSED JUSTICE NEEDHAM IN A DISASTROUS 1995 DECISION REMINISCENT OF THE "SEPARATE BUT EQUAL" *PLESSY V. FERGUSON* DECISION BY THE UNITED STATES SUPREME COURT IN 1896. RECENTLY, THE WOONSOCKET AND PAWTUCKET SCHOOL COMMITTEES BROUGHT A NEW CASE BASED ON CHANGED CONDITIONS, HOPING A NEW RHODE ISLAND SUPREME COURT WOULD VIEW THE ISSUE DIFFERENTLY AS HAD THE UNITED STATES SUPREME COURT IN ITS 1954 *BROWN V. BOARD OF EDUCATION* DECISION. UNFORTUNATELY, THAT DID NOT HAPPEN.

WITH THAT IN MIND, I WOULD ASK YOU PLEASE TO CONSIDER THE VALUE OF GIVING THE PEOPLE OF RHODE ISLAND THE OPPORTUNITY TO VOTE ON A CONSTITUTIONAL AMENDMENT THAT WOULD CREATE A MEANINGFUL RIGHT TO PUBLIC EDUCATION, AND THEREBY RESTORE RHODE ISLAND TO THE NATIONAL CIVIL RIGHTS MAINSTREAM AND PROVIDE OUR STATE WITH A PLATFORM TO ADVANCE OUR DEMOCRATIC VALUES AND ECONOMIC PROSPERITY.

THANK YOU FOR YOUR CONSIDERATION.