

# Equity Suit Updates From The Courtroom

DAY 15 - JANUARY 29, 1997

Dr. Richard Altenbaugh a professor of educational history at Slippery Rock University, after reviewing his credentials was accepted as an expert witness. The defense objected to his presentation as only his opinion. The objection was overruled by Judge Pellegrini. Thomas Jefferson and the founders of the United States were concerned about the possible disorder resulting from such a young democracy. Dr. Benjamin Rush of Pennsylvania, a signer of the Declaration of Independence was among those founders who believed that if you are going to give political power to the people, they would have to make wise and enlightened choices. There was also the threat of foreign powers on the continent. These founders believed that an educated electorate would be the greatest defense of the country.

Formerly the church and the family were the educators. To make a patriotic country these leaders felt that there would have to be a more overarching kind of education and not as fragmented. Wealthy folks were able to go to elite private schools and had private tutors. There were proposals to make a national set of schools that would have a vertical elementary to university set up. The part of that proposed system were the two military academies. The Northwest Ordinance was the precursor of statewide school systems. Dr. Rush wanted, as did Jefferson a "Uniform" system of schooling. Jefferson wanted a literate electorate so that there could be no dictatorship (not a word used then). The word uniform appears in Rush's writing. Children, in Rush's mind were resources for the country. He wanted township, county schools 4 universities and a University in Harrisburg. He talked about taxpayers at the state and local level paying taxes for the schools. None of that was accomplished, but the ideals came through. Horace Mann espoused Jefferson and Rush's words.

The elements of the common schools were:

Free elementary schools

Trained Staff

State control of local schools

90% of all folks were rural at the time. In early times, families got together to hire a teacher and paid him on the barter system called "County Pay" There were district schools and in the Urban areas there were the elite schools and some schools for the children of craftsmen. Most children were not in schools. The wealthy were afraid of the masses so they began, by philanthropy and some public funds to create "Pauper Schools." You had to admit that you were poor to get into these schools and that was demeaning. Kids were taught in rooms with 2-300 students just to do memorization. This was called the Lancastrian Schools.

The need for public schools became evident in the 1820's and 1830's and culminated in the common schools of Horace Mann in Massachusetts. For this to happen, State control was necessary. There was no uniformity before the common schools. It was an effort to put all of the classes of people in the same environment (the era of Jacksonian Democracy). There would be a universality of education and children were viewed as the property of the state. In Pennsylvania in the 1820s and 1830s the Workingman's Association was at the forefront of "lobbying" for public schools.

Governor Wolfe proposed common schools in 1831 it was worked on in the early 1830s and by 1834 it passed. Thaddeus Stevens had to defend it against the religious schools and Pennsylvania Germans who worried that their language would die out. There was an emphasis on uniformity and equality of opportunity. Society and the Commonwealth. Out of the 1834 law came some problems of places who did not want to form school districts. Of the 987 proposed districts there were 100-200 that did not function.

By the 1850's the state had taken a bolder step in enforcing compulsory education. The state did not start taking parents to court until 1897. The coming of the child labor laws made children more available to schools. There were minimum times to go to school. Some progressives felt that work was not a good set of values for children at such an early age. There was a missionary zeal to save children.

In the Constitutional Convention of 1874 there were discussions of the education clause as it comes down to us in the writings. The term "thorough and Efficient " is left in and the term uniform is left out because the interpretation of the word. There was a concern that each district would have to buy the same textbook or look the same way. There were those who wanted uniform to prevent unequal schools. The answer was that the word system conveys a uniformity and that is what we have a "Thorough and Efficient System"

There was no cross-examination.

We will continue to update the suit as other happenings occur. This was the final day of the trial; the plaintiffs, the intervenor, the state and rebuttal. The state reserves the right to call their own expert witness. There are certain things that have to happen next. Clearing up of all exhibits, findings of fact, briefs, arguments, etc. Keep looking at the Website for continuous updates. The site will also expand shortly to portray the PARSS proposal for funding and taxation and other items of interest.