

Chapter 4

The Right to a Good Education

The Fourth Amendment

PROBLEM

Today, all US children have a right to an education, but whether it is “good” or “not good” depends on which school a student attends. Much of the time, what determines whether a good education is provided to our nearly 50 million public school students are the parents’ social class. For students whose families make more than \$100,000 a year, or the top 20 percent of household income, they are receiving a good education. However, for the 11 million children, or 22 percent of our population, who come from families who live in poverty, the great concern is that they are not receiving a good education. A 2013 congressional report states it starkly: “While some young Americans—most of them white and affluent—are getting a truly world-class education, those who attend schools in high poverty neighborhoods are getting an education that more closely approximates school in developing nations.”¹

The reality is that in the United States, there is a tiered structure that offers different educational opportunities and produces different results depending upon social class. Three tiers—top, middle, and bottom—correspond to the upper class, middle and working classes, and the poor. The

top tier is for the upper class, and it offers a well-funded system with well-qualified teachers who teach in well-maintained buildings with small class sizes, state-of-the-art technology, and a curriculum that includes art, music, and foreign language and challenges the students to be critical thinkers and leaders. The middle tier is for the middle class and some members of the working class, and it offers a moderately well-funded system that seems to always be under pressure to do more with less, with mostly qualified teachers who teach in adequate buildings with some access to the latest technology and a curriculum and pedagogy that tend to focus on asking students to produce the right answer. The bottom tier is for the poor and other members of the working class, and it is underfunded, with less qualified teachers who teach in buildings that are often in need of repair, with large class sizes, outdated technology, and a curriculum that rarely includes art, music, and foreign language and focuses on following the rules. Currently, more than 17,000 school districts in the United States—17 percent of all US public schools—operate in areas with a high concentration of poverty (i.e., where over 75 percent of students receive free or reduced-price lunches).²

The key issue that divides the two ends of the spectrum is school funding, and the extreme inequality that occurs because of this unequal funding can be seen across the nation. For example, in Illinois, the ten wealthiest school districts receive three times the level of funding as the ten poorest districts. This difference in Illinois can be seen in north Chicago: Roundout Elementary spends \$24,244 per student while nearby Taft Elementary spends just \$7,023 per student. In North Carolina, the ten wealthiest counties in 2011–2012 spent over four times the amount per student than the poorest ten counties; that state's Orange County spent an astounding ten times more per student than Swain County. In New York, the 100 wealthiest school districts spend \$8,600 more per student than the 100 poorest school districts. Billy Easton, director of the Alliance for Quality Education, notes that the difference in spending creates "two systems of education: one for the wealthy and one for the poor." In Texas, where there has been a several-decades-long attempt to equalize school funding, the top 15 percent of wealthy districts still provide \$2,000 more per year to students than the bottom 15 percent of poorer districts. This difference equals out to about \$64,000 per classroom per year.³

When states have tried to decrease this gap between rich and poor, the wealthier schools still get around it by having the parents raise money for the schools through an educational foundation. In California, most of the 1,000 school districts have overall revenue limits that cap spending (i.e., property tax and state revenue) at approximately \$5,000. However, at La Jolla Elementary near San Diego, California, the parents get around these spending caps by privately raising money for the school foundation. In 2008 and 2009, La Jolla Elementary raised an additional \$400,000 per year, which

added an additional 10 percent to its budget per year. Just eighteen miles away from La Jolla is Horton Elementary, where things are much different. At Horton, where 90 percent of the students live in poverty and most are English learners, there is no school foundation that is funded with parents' support, and therefore there is no special fund to reduce class size or enrich the curriculum. Wealthier school districts in California also get around funding equalization by taking advantage of the law, which allows districts to use local property taxes to go above what most other school districts can generate from both local and state support. This loophole in the law allows for Rancho Santa Fe students to receive up to \$5,800 more for each student in comparison to California students who are in nonwealthy districts. These districts are called "basic aid" districts, and in 2012 there were 127 of them. Basic aid districts are generally in wealthy communities, or in areas that have a wealthy business in the district, such as an oil production facility.⁴

As with most things that are considered high quality, a good education costs money. That is why the upper class makes sure that its schools are well-funded. Historically, American schools have been the responsibility of the local school districts and the state. This has led to a system where local property taxes have been the primary source of funding schools. (Over the past forty years, a series of lawsuits against this unequal funding system has made the states become more involved in funding schools; more about this later in the chapter.) Where housing prices are higher, these communities have been able to generate enough money to more than adequately fund their schools. In contrast, poorer school districts actually tax themselves at higher rates than wealthier districts, but since their houses cost significantly less, the poorer districts end up with far less money for their schools. And let's be clear: The United States doesn't have an education funding problem. In fact, the nation spends more money on K–12 education than all other developed nations except Switzerland. What the United States does have is an inequality problem created by our local and state funding system, which has created vast disparities both between states and within states. Unbeknownst to most Americans, most developed nations do not fund their schools in such a manner; generally, their education funding comes largely from the national government (54 percent on average), which distributes the money on an equal basis, with smaller portions coming from regional (26 percent) and local (22 percent) governments. However, in the United States, only 9 percent of school funding comes from the national government, with the vast majority of funding being provided by the states (47 percent) and by local governments (44 percent).⁵

This educational funding system has led to a system of unequal funding, where wealthy schools provide a stronger curriculum, more qualified teachers, and newer buildings. For example, the difference in school funding means that Roundout Elementary students have the opportunity to enroll

in art, band, chorus, dance, drama, and Spanish, while a few miles away at Taft Elementary, the curriculum does not include art or Spanish classes. In Rancho Santa Fe, the district uses the extra funding to reduce class sizes from 32:1 to 17:1, and the district hires art and music specialists to teach. And in La Jolla Elementary, the money raised by the school foundation goes to the art and choral program, classroom technology, additional teachers to lower class sizes, new artificial turf, and school beautification projects. Close by, Horton Elementary has no school foundation, so there are no special funds for classroom reduction, music programs, or artificial turf; rather, Horton has holes in the playground as a result of trees that have died.⁶

In addition to a more robust curriculum and smaller class size, teachers teach differently depending on the social class settings. Jean Anyon, in her classic work *Social Class and the Hidden Curriculum of Work*, showed that in wealthy schools, students are asked to reason through their answers logically, produce top-quality intellectual material, connect the various parts and fit them together into larger systems, and apply that knowledge to solving problems. Students at affluent schools are encouraged to go beyond facts and to think critically about the social or natural world. For example, a fifth-grade social studies teacher at a wealthy school in New Jersey asks the students, “What mistakes did Pericles make after the war? What mistakes did the citizens of Athens make? What are the elements of a civilization? How did Greece build an economic empire? Compare the way Athens chose its leaders with the way we choose ours.” Moreover, teachers at affluent schools are interested in having the students apply the knowledge they are gaining. A fifth-grade literature teacher in that same New Jersey school reminded the students, “It is not enough to get these right on tests; you must use what you learn [in grammar classes] in your written and oral work. I will grade you on that.” At wealthy schools, little attention is given to regulate the physical movement of the students, as students are often allowed to move around the room without asking permission.⁷

In comparison, schools that are composed of students at or below the poverty line receive a different pedagogy. Often, the teachers there focus on rote behavior and mechanical learning, with attention given to facts rather than critical thinking. At a fifth-grade low-income school in New Jersey, a literature teacher asked her students to write an autobiography by addressing the following questions: “Where were you born?” and “What is your favorite animal?” These factual questions don’t allow the students to provide depth and complexity or be creative. Similarly, when students in poor schools were doing math, the teacher provided information in a fragmented manner that did not connect the learning to larger concepts. When discussing how to make a 1-inch grid, a teacher did not explain they were going to make such a grid or that they were going to use it to study scales. This fragmented learning is a far cry from the integrated learning of the affluent schools.⁸

Wealthier school districts also have more qualified teachers—as determined by high academic skills, teaching in the field they received training in, years of experience, and participation in professional development programs—due to the hiring of less-experienced teachers and a higher teacher turnover rate. In the United States, schools with the highest poverty rates have nearly double the amount of inexperienced teachers (three years or less in the classroom)—20 percent to 11 percent—than schools with the lowest poverty rates. High-poverty schools have 34 percent of the classes in high school taught by teachers that are out of their field of knowledge, in comparison to 19 percent in low-poverty schools. In a recent study in Ohio, which is seen as a state that offers a “good education,” 81 percent of the teachers in low-poverty schools were deemed “highly qualified” versus 63 percent in low-income schools. In Illinois, a study found an inverse relationship between teacher quality and poverty: As the number of students in poverty in a school increased, the teacher quality decreased. The wealthy schools had only 5 percent of the teachers that received a teacher quality index in the bottom 25 percent. If the school had 30–49 percent of the kids in poverty, 20 percent of the teachers received a teacher quality index in the bottom 25 percent. However, if the school had 90–100 percent of the kids in poverty, a whopping 84 percent of the teachers received a teacher quality index in the bottom 25 percent.⁹

Even the buildings for poorer students are of lower quality. And while buildings by themselves do not guarantee success in school, it is difficult to learn when the roof is leaking, the bathrooms and water fountains don’t work, and the room is either too hot or too cold. The cost of updating and modernizing our school buildings is \$542 billion, and not surprisingly, the areas that need the greatest amount of work are in high-poverty areas that have old, worn-out school buildings. In schools where more than 50 percent of the children were eligible for free or reduced or school lunches, 34 percent of them were built before 1950. In comparison, in schools where less than 20 percent of the children are eligible for free or reduced school lunches, just 20 percent of them were built before 1950. In addition, these older schools also have more students in them, as there is a direct correlation between the age of the building and the student population. In 2013, former president Bill Clinton wrote, “In a country where public education is meant to serve as the ‘great equalizer’ for all of its children, we are still struggling to provide equal opportunity when it comes to the upkeep, maintenance, and modernization of our schools and classrooms.”¹⁰

On top of all these advantages, upper class children are the most well-prepared to enter school since the affluent parents have provided them with the cultural capital to be successful at school (e.g., language skills that teachers respect). The wealthy parents have also been able to provide better nutrition and health care, as well as offer a safe and secure environment for their children to grow up in, which all lead to greater probability that their

kids will be more alert and curious and better able to interact with their social environment. Moreover, upper-class parents are able to afford tutors, after-school programs, and summer experiences—all of which help children advance academically.

With all the advantages that come from more money—a stronger curriculum, smaller class sizes, more qualified teachers, better buildings, and more family economic resources—it should be no surprise that the wealthy schools have higher test scores and graduation rates. Sometimes this point is obscured, as the mainstream press generally talks about America's schooling as mediocre since national scores on reading, math, and science are in the middle or a bit below average when compared to other industrialized nations. According to the Program for International Student Assessment (PISA), the United States is ranked fourteenth in reading—students have an average PISA score of 500—and twenty-fifth in math—students have an average PISA score of 487—out of seventy-five countries. However, if social class is taken into account, students in affluent schools have an average score of 551, compared to 461 for students in poverty schools. If the affluent test scores are compared to ten countries that have low poverty rates (e.g., Finland [3.4 percent], Denmark [2.4 percent], etc.), the United States is ranked number one in test scores. But if we look at the average reading scores for high-poverty schools, the United States ranks at the very bottom, between Chile's 449 score and Mexico's 425 score. What explains our nation's middling scores on international tests is the high child poverty rate in the United States (22 percent), which leads to a lowering of its overall score. As Dr. Martin Carnoy, a Stanford education professor, points out, "Nations with more lower-social-class students will have lower overall scores, because these students don't perform as well academically, even in good schools."¹¹

These higher test scores can be seen within the United States as well. Take a look at the SAT scores, where higher income has a strong positive correlation with higher test scores in writing, math, and critical reasoning. For every \$20,000 jump in family income, there is on average a twelve-point increase in each test section, and a forty-four-point increase in the overall SAT score. This positive correlation occurs at *every* income jump from \$20,000 to \$200,000 and above.¹²

Wealthy schools also have higher graduation rates and college attendance rates, and lower dropout rates. Affluent schools have a 91 percent graduation rate, in comparison to 68 percent for high-poverty schools, with middle-class schools falling in between. At the same time, students from low-income families are five times more likely to drop out of high school than students from high-income families. This has huge implications since people who don't finish high school are more likely to get stuck in low-income jobs with little future for economic advancement. Today, non-high school

graduates earn on average \$20,241 a year, in comparison to \$30,627 for high school graduates. Similar results are found when looking at college attendance, as students enrolled at schools with little poverty have a college attendance rate of 52 percent, versus 28 percent for high-poverty schools. Graduation rates follow the same pattern: 54 percent of upper-income students graduate from college while just 9 percent of poor students graduate. Incredibly, even when poorer students have higher college entrance scores coming into college than wealthier students, it is the wealthier students that graduate at higher rates. Sadly, this problem is getting worse, as the graduation gap between the wealthy and poor has increased by 50 percent over the past twenty years. This has huge ramifications since a college degree is a ticket out of poverty, as the average college graduate in 2012 who worked full time and was between the ages of twenty-five and thirty-nine made \$46,900 a year, in comparison to \$30,000 a year for a high school graduate and just \$22,900 a year for those who didn't complete a high school degree.¹³

Another one of the key issues that divides the two ends of the spectrum is racism. The legacy of slavery and Jim Crow segregationist policies, as well as the continuing racial segregation in housing, has created schools that remain highly segregated. Today, 74 percent of black students and 80 percent of Latino students attend schools where the majority of students are people of color (50–100 percent), and 15 percent of black students and 14 percent of Latino students go to schools where white enrollment is 0 to 1 percent. At the same time, the average white student attends a school where 75 percent of their classmates are also white. Not surprisingly, the schools that students of color attend are predominantly low-income schools, particularly in urban areas, since institutional racism, both historically and presently, has denied equal opportunity and rewards to people of color. This historic and present-day racism has led to high poverty rates for blacks (28 percent), Latinos (25 percent), and Native Americans (28 percent), with relatively low poverty rates for whites (10 percent). Thus, schools with high percentages of people of color also tend to have high poverty due to this correlation between race and poverty. This combination of social class and race allows for the average white student to attend a school that has the lowest amount of poverty. In 2010–2011, just 6 percent of white students attended high-poverty schools. At the same time, the average black and Latino student attended a school where nearly 75 percent of their classmates were low-income.¹⁴

For years, social science researchers have been studying whether social class or race is the most important indicator to determine inequality. Today, some research suggests that social class is now more important. To support this claim, researchers point to the gap in standardized test scores, which over the past fifty years has decreased between white and black students but increased between affluent and poor students. In fact, the testing gap has

gone down by nearly 40 percent for reading between white and black students since the 1960s, but the testing gap has increased by 40 percent between affluent and poor students. Currently, the achievement gap is now twice as large for social class than race. Dr. Reardon, a Stanford professor who has been conducting this education research, concludes: "We have moved from a society in the 1950s and 1960s in which race was more consequential than family income, to one today in which family income appears more of educational success than race."¹⁵

The nation's poverty and extreme inequality has led to far too many of our students not receiving a "good education." The percentage of eighth-grade students meeting basic standards at high-poverty schools is only 53 percent in reading and 49 percent math, compared to 87 percent in both reading and math at low-poverty schools. Moreover, the percentage of eighth-grade students that are proficient is just 12 percent in reading and 13 percent in math, compared to 47 percent in reading and 50 percent in math at low-poverty schools. As the 2013 congressional report states, "Ten million students in America's poorest communities—and millions more African-American, Latino, Asian-American, Pacific Islander, American Indian, and Alaska Native students who are not poor—are having their lives unjustly and irredeemably blighted by a system that consigns them to the lowest-performing teachers, the most run-down facilities, and academic expectations and opportunities considerably lower than what we expect of other students." And as President Obama's secretary of education declared, the United States has had fifty years of reform, endless studies, and numerous commitments from politicians, but "we are still waiting for the day when every child in America has a high quality education that prepares him or her for the future."¹⁶

SOLUTION

The solution to the "wrong" of education inequality is the right to a good education for all. This right is based on the fundamental belief that in a democracy, it is unjust to offer a superior education to some and an inferior education to others, whether it is based on your class, zip code, or race.

Following is a discussion of the history behind the right to a good education, as well as modern-day approaches to achieve this constitutional commitment. These modern-day approaches include equalizing school funding at the state and national level, attracting and retaining qualified teachers to high-need schools, reducing class size, providing a content-rich curriculum for all and teaching it using an active learning approach, offering the option of charter schools, providing universal preschool for four-year-olds, and encouraging integration.