

2016

The K-12 Funding Crisis

Kimberly J. Robinson

University of Richmond, krobins2@richmond.edu

Follow this and additional works at: <https://scholarship.richmond.edu/law-faculty-publications>



Part of the [Education Law Commons](#)

Recommended Citation

Charles J. Ogletree, Jr. & Kimberly Jenkins Robinson, *The K-12 Funding Crisis*, Education Week (May 17, 2016).

This News Article is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Law Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

COMMENTARY

The K-12 Funding Crisis

By Charles J. Ogletree Jr. & Kimberly Jenkins Robinson

May 17, 2016

Current discussions about K-12 education often highlight the reforms that seek to improve the quality of schooling. Some of these measures—the common-core standards, teacher evaluation, and, most recently, the Every Student Succeeds Act—undoubtedly have the potential to improve educational opportunities for students. However, what is often missing from education reform conversations is how these reforms can create sustainable changes to the education system. We believe the system's very foundations are broken, and school funding is one of the most pressing issues in need of repair. [← Back to Story](#)

Most states have failed to create school funding systems that provide the necessary foundation for all children to receive equal access to an excellent education. The nation's children deserve no less, particularly in view of evidence that money spent wisely on education matters. In a 2012 review of studies that looked at the effect of funding on student outcomes, education scholar Bruce D. Baker found that ongoing improvements that enhance the amount and distribution of funding can increase student achievement.

School funding took a substantial blow after the Great Recession began in 2007, even as federal funding from the economic-stimulus package in 2009 softened the impact. Despite the improving U.S. economy, school funding has been slow to recover, and schools still feel the recession's effects nine years later. The Center on Budget and Policy Priorities found in a recent report that although 35 of the 46 states surveyed increased their general state aid per student in 2016, 25 are still providing less general state funding than they were in 2008. And at least seven of those states have cut 10 percent or more from their general state funding per student since the recession.

And as a result of the recent drop in oil, coal, and gas revenues, Alaska, Oklahoma, and West Virginia, among other states, have had to make deep cuts in their K-12 school budgets and must now find new funding streams. —Getty

Whether in tough or strong economic times, families and education funding advocates lack a way to insist on the equitable financing needed for excellent schools. This absence arises in part from the U.S. Supreme Court's 1973 *San Antonio Independent School District v. Rodriguez* decision, which affirmed that the U.S. Constitution neither explicitly nor implicitly provided a remedy for closing the funding gaps across school districts. This decision closed the federal courthouse door to future decisions that could address K-12 spending gaps and, ultimately, the gaps in educational opportunities and resources among children across districts.

The decision thus remanded the design and implementation of more-effective school funding systems to the laboratory of the states. The Supreme Court's decision also noted the need for changes to school funding and expressed concern about the long and heavy reliance on local property taxes.

Despite subsequent decades of state-level litigation on school finance, most changes to finance systems have failed to provide equal access to a high-quality education for all children. Most states continue to build education systems funded by property taxes that vary greatly depending on a child's ZIP code, rather than a child's needs and the desired educational outcomes.

Significant school finance reforms can, in fact, lead to improved educational and social outcomes for children.

"Most states have failed to create

A 2015 report from the National Bureau of Economic Research, which followed children born between 1955 and 1985 through their adult lives in 2011, found that disadvantaged students completed an additional 0.46 years of schooling when districts had a 10 percent increase in per-pupil spending each year for the 12 years the children attended public school. In adulthood, their earnings increased by almost 10 percent, and their likelihood of living in poverty was reduced by roughly 6 percentage points, while children in districts without such spending increases did not experience similar benefits.

school funding systems that provide the necessary foundation for all children to receive equal access to an excellent education."

The study also found that increasing spending by 25 percent per student throughout the course of a K-12 education could erase the attainment gaps between students from low-income and nonpoor families.

Notwithstanding generally mediocre state records on narrowing disparities in educational opportunity and achievement, the Every Student Succeeds Act relies on states as the engines for educational improvement. Under the new federal law, states will only be required to intervene in the bottom 5 percent of low-performing schools, in schools where student subgroups are struggling, and in high schools where the graduation rate is 67 percent or less.

If the problems with our education system were limited to these schools, the requirements might be promising.

But the authors Eric A. Hanushek, Paul E. Peterson, and Ludger Woessman, in their 2013 book *Endangering Prosperity: A Global View of the American School*, reveal that the shortcomings of U.S. education are far more widespread than the lowest-performing schools and students. Children from all income levels show lackluster academic performance on international assessments when compared with their international peers.

Given the refusal by most states to devote funding to disadvantaged students for the resources needed to compete with their more advantaged peers, history suggests that the ESSA approach is unlikely to decrease gaps in educational opportunity and achievement significantly.

We believe that the United States must embrace fundamental changes to law and policy, including to school funding, in order to deliver an excellent and equitable education to all its students.

Such changes should include determining the costs that would enable every student, including those who are disadvantaged, those living in concentrated poverty, and English-language learners, to have equal access to high-quality learning opportunities that prepare them for college, a career, or both. States should closely link their funding systems to these costs and monitor the use of funds to ensure that they are put to the best use.

Ending the disparities in educational opportunities across the country will require federal policies to close the opportunity and achievement gaps when individual states refuse to close them on their own.

Without such foundational reforms, we are not just tinkering at the margins of education reform. We are tinkering toward nowhere.

Charles J. Ogletree Jr. is a professor of law and the executive director of the Charles Hamilton Houston Institute for Race and Justice, at Harvard Law School. Kimberly Jenkins Robinson is a law professor at the University of Richmond and a researcher at the institute. They are the editors of The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity (Harvard Education Press, 2015).

MORE OPINION



[Visit Opinion.](#)

Follow the Education Week Commentary section on [Facebook](#) and [Twitter](#).

Vol. 35, Issue 31, Pages 26-27

Published in Print: May 18, 2016, as **Neglecting the Broken Foundation of K-12 Funding**