

## Welcoming the New Kid

### Session 2:

## Financing Schools for New Kids: Does God Have a “No Child Left Behind” Policy?

### Part One: *Why America’s Schools Have a Money Problem*<sup>1</sup>

Let’s begin with a choice. Say there’s a check in the mail. It’s meant to help you run your household. You can use it to keep the lights on, the water running and food on the table. Would you rather that check be for \$9,794 or \$28,639? It’s not a trick question. It’s the story of America’s schools in two numbers.

That \$9,794 is how much money the Chicago Ridge School District in Illinois spent per child in 2013 (the number has been adjusted by Education Week to account for regional cost differences). It’s well below that year’s national average of \$11,841.

Ridge’s two elementary campuses and one middle school sit along Chicago’s southern edge. Roughly two-thirds of its students come from low-income families, and a third are learning English as a second language. Here, one nurse commutes between three schools, and the two elementary schools share an art teacher and a music teacher. They spend the first half of the year at different schools, then, come January, box up their supplies and swap classrooms.

“We don’t have a lot of the extra things that other districts may have, simply because we can’t afford them,” says Ridge Superintendent Kevin Russell.

One of those other districts sits less than an hour north, in Chicago’s affluent suburbs, nestled into a warren of corporate offices: Rondout School, the only campus in Rondout District 72. It has 22 teachers and 145 students, and spent \$28,639 on each one of them. What does that look like? Class sizes in Rondout are small, and every student has an individualized learning plan. Nearly all teachers have a decade of experience and earn, on average, more than \$90,000. Kids have at least one daily break for “mindful movement,” and lunch is cooked on-site, including a daily vegetarian option.

### *The Simple Answer*

Why does Rondout have so much and Ridge so little? Over the past six months, NPR Ed and 20 of our member station partners set out to explore this basic question. The simple answer is that many of Rondout’s neighbors are successful businesses. They pay local taxes, and those taxes help pay for local schools. Ridge simply has less to work with — fewer businesses, lower property values.

More broadly: “You’ve got highly segregated rich and poor towns,” says Bruce Baker of Rutgers University, who studies how states pay for their public schools. “[They] raise vastly different amounts of local revenue based on their local bases, and [Illinois] really doesn’t put much effort into counterbalancing that.” To be fair, Illinois gives more money to Ridge than it does to Rondout. It’s just not nearly enough to level the playing field.<sup>2</sup>

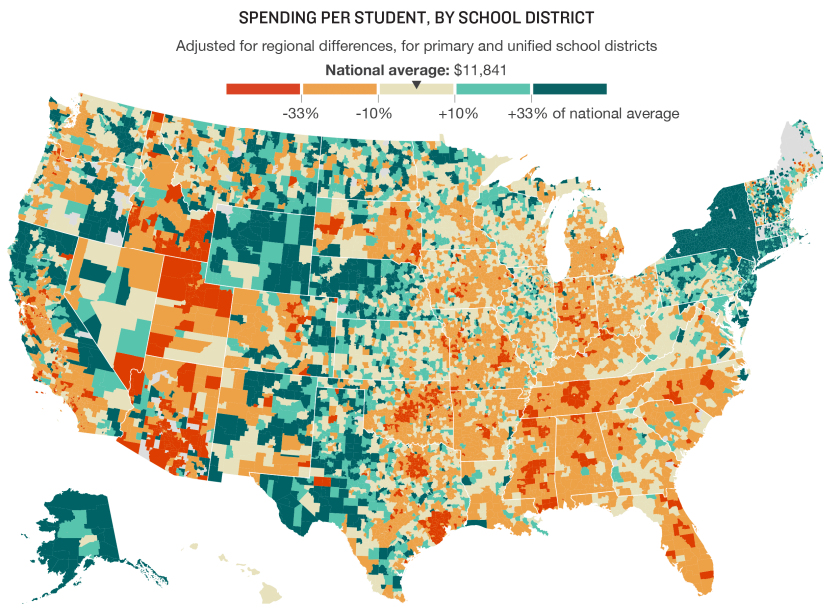
This tale of two schools isn’t specific to Illinois. It plays out across the U.S., with kids the same age, in the same grade attending schools that try to educate them with wildly different resources. On average, New York, Alaska, and Wyoming each spent more than \$17,000 per student in 2013, while California, Oklahoma and Nevada spent roughly half that.

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<sup>1</sup> This article is from Cory Turner, et.al., ‘Why America’s Schools Have a Money Problem,’ *NPR*, April 18, 2016; <http://www.npr.org/2016/04/18/474256366/why-americas-schools-have-a-money-problem>

<sup>2</sup> For more info, see Becky Vevea, ‘How Illinois Pays For Its Public Schools, \$9,794 vs. \$28,639,’ *WBEZ 91.5 Chicago*, April 17, 2016; [https://www.wbez.org/shows/wbez-news/How-Illinois-Pays-For-Public-Schools-\\$9,794-Vs-\\$28,639/644c7a51-8232-409f-acc1-bba6188e7d93](https://www.wbez.org/shows/wbez-news/How-Illinois-Pays-For-Public-Schools-$9,794-Vs-$28,639/644c7a51-8232-409f-acc1-bba6188e7d93)

Below, you can see that remarkable variation for yourself — and find out what schools are spending where you live. NPR teamed up with Education Week to build this map of per-student spending nationwide (adjusted for regional cost differences).



Over the next three weeks, the NPR Ed Team will unveil a vast collection of “School Money” stories told in collaboration with station reporters across the country. Our goal: To give voice to this school-funding imbalance and to explain what happens when many of America’s poorest students also attend its poorest schools. Here’s one cause for alarm: The achievement gap between this nation’s wealthiest and poorest students is growing dramatically,<sup>3</sup> not shrinking.

We’ll begin each week with a question to guide our coverage. For this, our first week: “How do we pay for our schools?” And the answer starts with Satan. Yes, that Satan.

### *The Old Deluder*

In 1647, Massachusetts Bay colonists were worried. New neighbors were arriving, and many could not read. Puritans considered literacy key to the survival of their faith: Teach every child to read so that every child can read the Bible. And so the colony created a remarkable new law. It began, “It being one chief project of that old deluder, Satan, to keep men from the knowledge of the Scriptures ... “ and ended with a mandate: that towns of more than 50 families hire a teacher. The law also required that the teacher’s wages be paid for “either by the parents or masters of such children, or by the inhabitants in general.”

“This law reflected the idea that the local community was responsible for the well-being of all children, not just out of a sense of altruism but because the whole community depended on it,” says Ben Justice, a professor of education history at Rutgers.

Fast forward 369 years, give or take a few months. Today, our school funding system is infinitely more complex, but still based on that one, powerful idea — that education is a public good, and paying for it could be considered a public obligation. In the U.S., school funding comes from a combination of three

<sup>3</sup> Sean. F. Reardon, *The Widening Achievement Gap Between Rich and Poor*, Community Investments, Summer 2012; [http://www.frbsf.org/community-development/files/CI\\_Summer2012\\_Reardon.pdf](http://www.frbsf.org/community-development/files/CI_Summer2012_Reardon.pdf)

sources. The balance varies from state to state but, on average, looks like this: 45 percent local money, 45 percent from the state and 10 percent federal.<sup>4</sup>

Which brings us back to where we began this story: Why is it that one Chicago-area district has \$9,794 to spend on each of its students, while another, nearby district has three times that? Two words: property tax.

These days, when we ask “the inhabitants in general” to help pay for their schools, we usually start with local property taxes. That’s nothing new. The property tax is an old idea, older than America itself. The problem with a school-funding system that relies so heavily on local property taxes is straightforward: Property values vary a lot from neighborhood to neighborhood, district to district. And with them, tax revenues.

To help poorer schools compensate for that local imbalance, some states have stepped in. In 2013, North Carolina provided two-thirds of its schools’ funding. “If we didn’t have that, we’d be in pretty dire straits right now,” says Rodney Shotwell, superintendent of Rockingham County Schools, a low-income, rural district along the state’s northern border with Virginia. This year, Rockingham got more than \$5 million in extra state funding for its disadvantaged students. Shotwell says that money helped pay for teachers, instructional supplies, even custodians.

But North Carolina is the exception, not the rule.<sup>5</sup> Most of the nation’s superintendents and principals will tell you that whether they can afford a year-round art teacher or new textbooks depends at least in part on the property wealth around them. Just ask Tramene Maye.

#### *Sumter County, Ala.*

Maye is the principal of Livingston Junior High School in rural western Alabama. Most of his students come from low-income families. Sumter County is farm country, and what isn’t farmland is timberland. In Alabama, both are lightly taxed. Maye gives us a guided tour of the results:

“In the girls restroom, they may have four or five stalls, but only one works,” he says. One room, no longer a classroom, leaks when it rains. Garbage cans catch some of the water, but the buckled floor and smell of mold suggest they miss plenty. Around the school, there are broken windows, peeling paint and cracked floors. Again, some states send extra dollars to districts like Sumter that serve lots of low-income students, to help level the playing field, but Alabama isn’t one of them.

Jewel Townsend is a star student at Sumter Central High, which is in better shape than the junior high. Still, she says it’s hard when she travels and sees the buildings and sports facilities that other schools have. “I see that Sumter County doesn’t have that,” Jewel says, her voice catching. “It’s like, ‘Wow, really? Why can’t we have that?’”

In 2011, plaintiffs from Sumter tried to prove that the state’s school funding system wasn’t just unfair but was also racially discriminatory. In addition to being mainly low-income, all of Sumter’s students are African-American.

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<sup>4</sup> United States Census Bureau, *Public Elementary – Secondary Education Finance Data, 2013 Data*, <http://www.census.gov/govs/school/>

<sup>5</sup> Reema Khrais, ‘Even With Extra Help, Gap Between Rich and Poor NC Schools Is Widening,’ *WUNC 91.5 North Carolina Public Radio*, April 16, 2016; <http://wunc.org/post/even-extra-help-gap-between-rich-and-poor-nc-schools-widening#stream/o>



A federal judge excoriated Alabama's funding system in an 800-page opinion. Still, he found the plaintiffs were not entitled to relief from the court.<sup>6</sup> And Sumter isn't the only school district to look for help from the courts. Right now, 13 states are defending themselves in school-funding lawsuits: Arizona, California, Connecticut, Florida, Kansas, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Tennessee, Texas and Washington.

### *The Lawsuit Phenomenon*

Since the early 1970s, nearly every state has seen at least one lawsuit over how it pays for schools and whether the result is fair or adequate. Of the many funding lawsuits that have played out in the nation's courts, one stands out: *San Antonio Independent School District v. Rodriguez*. The suit, which made it to the U.S. Supreme Court, struck at the heart of the nation's school-funding system. It was filed by Demetrio Rodriguez and other parents in Edgewood, a largely poor, Latino school district in San Antonio. Edgewood is across town from a largely white district that, back then, had some of the best-funded schools in Texas.

Rodriguez's sons attended an elementary school where the third floor had been condemned. It lacked books, and many teachers weren't certified. The plaintiffs argued that any school-funding system that depends on local property tax revenue is fundamentally unfair to poorer districts. Specifically, the suit claimed, the way we pay for our schools violates the U.S. Constitution's equal protection clause, which says that no state shall "deny to any person within its jurisdiction the equal protection of the laws."

This was 1973, nearly 20 years after the Supreme Court used the equal protection clause to justify an end to racial segregation in America's schools. In his decision in the landmark *Brown v. Board of Education*

<sup>6</sup> For more on Sumter County, see Dan Carsen, 'School Funding in Alabama: A View from Sumter County,' NPR / WBHM 90.3 FM, April 15, 2016; <https://news.wbhm.org/feature/2016/school-funding-alabama-view-sumter-county/>

case, Chief Justice Earl Warren wrote: “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.”

The Rodriguez plaintiffs considered their lawsuit a natural extension of Brown: that disparities in school funding prevent America’s students from getting that opportunity of an education on “equal terms.” The nation’s schools had become more racially integrated, certainly, but were still profoundly segregated: Poor kids, black and white alike, found themselves clustered in largely poor schools. In a split 5-4 decision, the Supreme Court ruled against Rodriguez, saying there is no right to equal funding in education under the U.S. Constitution. Not that the system is fair or balanced — just that the federal government has no obligation to make it so.

In his forceful dissent, Justice Thurgood Marshall wrote, “I cannot accept such an emasculation of the Equal Protection Clause in the context of this case.” It was a turning point in the school funding debate.

“As a result of Rodriguez, the federal courts essentially washed their hands of the problem. And they turned it over to the states,” says Michael Rebell, executive director of the Campaign for Educational Equity at Teachers College, Columbia University. In the four decades since, dozens of lawsuits have been filed in state courts, arguing that their funding systems are either unfair, inadequate or both. Instead of appealing to protections in the U.S. Constitution, plaintiffs have turned to state constitutions, most of which do include language that guarantees children the right to an education. (See what your state has to say here.)

In fact, a new case is now before the Texas Supreme Court, filed by 600 of the state’s school districts. Their argument: More than 40 years after the Rodriguez ruling, the state’s funding system is still out of balance. Demetrio Rodriguez’s daughter, Patty, was a toddler when her father’s case was decided by the U.S. Supreme Court. She’s now a veteran teacher in Edgewood. “It’s nothing new,” she says of this latest lawsuit. “After a while you ask yourself, ‘Is it ever really going to change?’”<sup>7</sup>

### *Desperate Measures*

Across the country, schools in low-wealth districts face tough choices. Not only do they struggle to raise money locally, but many saw drastic cuts in state funding during and after the Great Recession. According to this study from the Center on Budget and Policy Priorities, at least 31 states spent less money per student in 2014 than they did in 2008. During that time, the study found, local funding also dropped in 18 states.

To make ends meet, schools are cutting back everywhere they can. And some are hitting bone. The rural Coolidge Unified School District, southeast of Phoenix, had already cut its arts and music classes as well as its librarians. But that wasn’t enough. The district still struggled to attract and keep good teachers — because it couldn’t pay them well. So, Coolidge shaved a day off its school week. On Fridays, the district’s teachers and students stay home. Because the schools are locked tight. “To achieve savings,” says Superintendent Charie Wallace, “we couldn’t have people flipping on lights or turning on a computer.”

The promise of a regular three-day weekend and a modest salary hike cut the district’s teacher turnover rate in half this year. “Anything I can do to pay teachers,” Wallace says, “because they are the key to student achievement. They are the ones that deliver the goods.” That may explain why nearly 1 in 5 Arizona districts now uses the four-day school week.<sup>8</sup>

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<sup>7</sup> For more of Patty Rodriguez’s story, see Laura Isensee, ‘After Decades of Texas School Finance Battles, Some Say Little Has Changed,’ *Houston Public Media*, April 15, 2016; <http://www.houstonpublicmedia.org/articles/news/2016/04/15/145632/after-decades-of-texas-school-finance-battles-some-say-little-has-changed/>

<sup>8</sup> For more on Arizona’s four-day school week — and what it’s meant for parents, see Alexandra Olgin, ‘School Funding: 1 Arizona District Turns Out The Lights On Fridays’ *KJZZ*, April 18, 2016; <http://kjzz.org/content/292832/school-funding-1-arizona-district-turns-out-lights-fridays>



### *The Cost of Poverty*

And then there's Tiffany Anderson, the superintendent of Jennings School District just outside St. Louis, not far from Ferguson, Mo. She says many of her students come from poverty, and she's got to stretch the money she gets to help them. "Every principal has to meet with me every month, and they have to justify how they spent every dollar," Anderson says. She walks the walk, too. The crosswalk. Every morning, she plays the role of crossing guard, walking kids across the street in front of one of the district's nine schools.

"The members of my staff, including myself, we have maybe 10 different roles that we juggle," Anderson says. "It's a way to really maximize that budget so we can divert dollars into the classroom." Anderson isn't just about cutting costs, either; she's creative about finding new money. She put donated washers and dryers in some of her schools. Parents can use them in exchange for volunteering an hour in the classroom. She has even forged some powerful outside partnerships to help pay for a district homeless shelter, health clinic and food pantry.

It's a double whammy for educators like Anderson who serve kids living in poverty: They often have less local money to work with but higher costs than other, more affluent districts. Kids can't check their poverty at the classroom door.<sup>9</sup>

### *The Math*

We began with the question: "How do we pay for our schools?" We've traveled now from that old deluder, Satan, to segregation. From a leaky ceiling in rural Alabama to a four-day school week in Arizona. From \$9,794 to \$28,639. What does it all add up to?

To be sure, many parents who live in districts that can and do spend lavishly to educate their children argue that the system works just fine. And they're not wrong. It's working there. But it's not working everywhere. Next week, we'll wade into the debate over the difference money can make in a classroom. And yes, it's a debate.

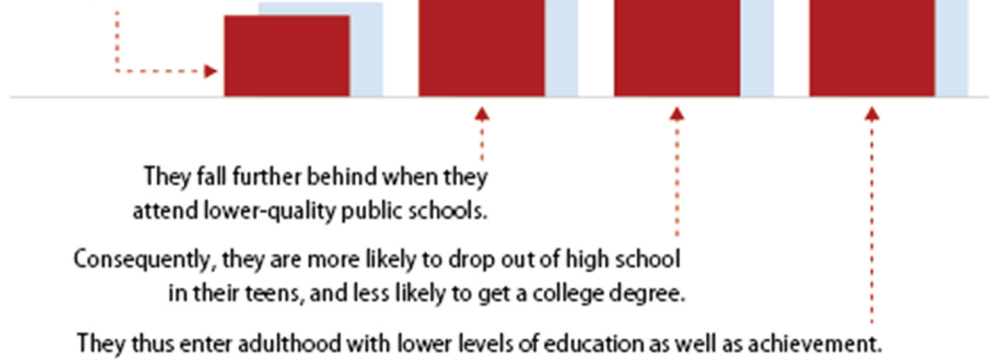
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<sup>9</sup> For more on Tiffany Anderson and school finance in Missouri, see Dale Singer, Tim Lloyd, and Kameel Stanley, 'Funding Missouri's Public Schools Comes Down to One Not-So-Simple Formula,' *We Live Here*, October 5, 2015; <https://brent-jones-qjos.squarespace.com/posts/2016/3/29/funding-missouris-public-schools-comes-down-to-one-not-so-simple-formula>

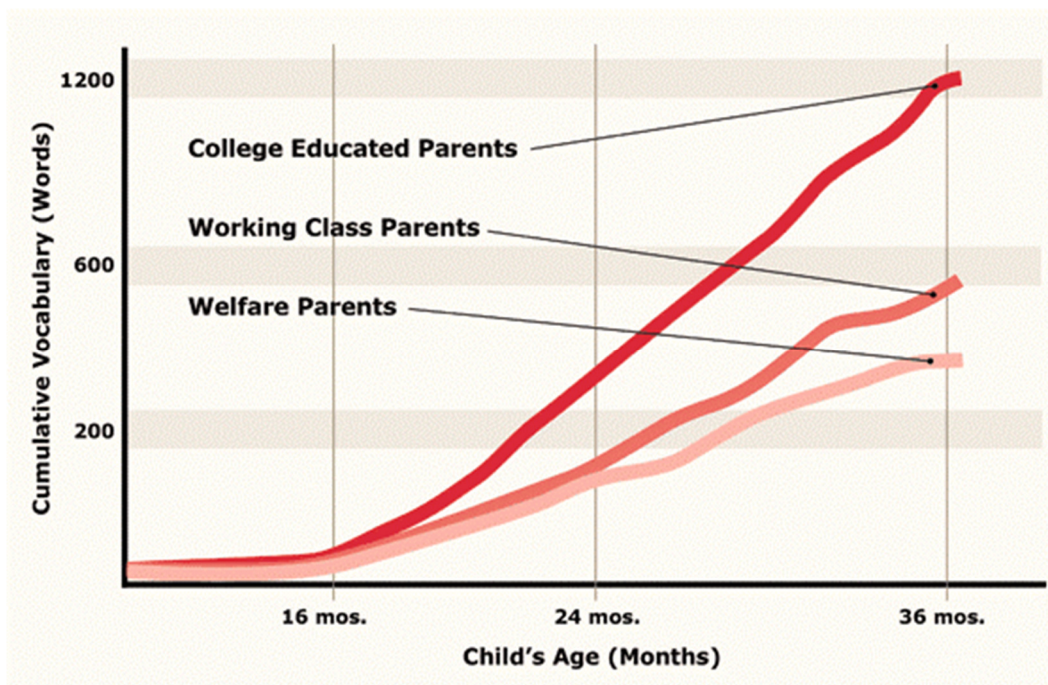
## Poverty puts children at a disadvantage

Research shows that, all else being equal...

Low-income kids start to fall behind in cognitive development at a young age and have difficulty catching up.



Source: <https://www.americanprogress.org/issues/poverty/news/2010/09/16/8346/child-poverty-by-the-numbers/>



Source: Center for the Developing Child; <http://developingchild.harvard.edu/resources/five-numbers-to-remember-about-early-childhood-development/>

## Part Two: A Comparative Look at a Phase in the Biblical Story

<p>[Nicholas Kristof has] taken on a particularly unpopular task: trying to convince whites who've often inherited opportunity that America has just as systematically passed on disadvantage to blacks. "One element of white privilege today," Kristof wrote..., "is obliviousness to privilege, including a blithe disregard of the way past subjugation shapes present disadvantage."<sup>10</sup></p> <p>'Black segregation is not comparable to the limited and transient segregation experienced by other racial and ethnic groups, now or in the past. No group in the history of the United States has ever experienced the sustained high level of residential segregation that has been imposed on blacks in large American cities for the past fifty years. This extreme racial isolation did not just happen; it was manufactured by whites through a series of self-conscious actions and purposeful institutional arrangements that continue today.'<sup>11</sup></p>	<p><sup>10</sup> You shall thus consecrate the fiftieth year and proclaim a release through the land to all its inhabitants. <i>It shall be a jubilee for you, and each of you shall return to his own property, and each of you shall return to his family.</i> <sup>11</sup> You shall have the fiftieth year as a jubilee; you shall not sow, nor reap its aftergrowth, nor gather in from its untrimmed vines. <sup>12</sup> For it is a jubilee; it shall be holy to you. You shall eat its crops out of the field. <sup>13</sup> <i>On this year of jubilee each of you shall return to his own property...</i></p> <p><sup>23</sup> <i>The land, moreover, shall not be sold permanently, for the land is Mine; for you are but aliens and sojourners with Me...</i> <sup>25</sup> If a fellow countryman of yours becomes so poor he has to sell part of his property, then his nearest kinsman is to come and buy back what his relative has sold. <sup>26</sup> Or in case a man has no kinsman, but so recovers his means as to find sufficient for its redemption, <sup>27</sup> then he shall calculate the years since its sale and refund the balance to the man to whom he sold it, and so return to his property. <sup>28</sup> But if he has not found sufficient means to get it back for himself, then what he has sold shall remain in the hands of its purchaser until the year of jubilee; but at the jubilee it shall revert, <i>that he may return to his property...</i></p> <p><sup>39</sup> If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave's service. <sup>40</sup> He shall be with you as a hired man, as if he were a sojourner; he shall serve with you until the year of jubilee. <sup>41</sup> He shall then go out from you, he and his sons with him, and shall go back to his family, <i>that he may return to the property of his forefathers.</i> <sup>42</sup> For they are My servants whom I brought out from the land of Egypt; they are not to be sold in a slave sale... <sup>54</sup> Even if he is not redeemed by these means [his relatives pay his debt], <i>he shall still go out in the year of jubilee, he and his sons with him.</i> <sup>55</sup> For the sons of Israel are My servants; they are My servants whom I brought out from the land of Egypt. I am the LORD your God. (Leviticus 25)</p>
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### Guiding Questions

1. Look at this passage through the lens of someone who has 'bought up' lots of land from his neighbors. Is this fair or unfair?
2. Now look at this passage through the lens of a child who had become homeless because his grandparents had been mentally ill, and his parents had become alcoholics. Is this fair or unfair? In what sense?
3. Now look at this passage from God's perspective, and God's desire to invest in every child. In the biblical story, God had placed Adam and Eve in a garden land. If all had gone well, they would have had

<sup>10</sup> Emily Badger, 'Nicholas Kristof On What 'Whites Just Don't Get' About Racial Inequality,' *Washington Post*, November 20, 2014; <https://www.washingtonpost.com/news/wonk/wp/2014/11/20/nicholas-kristof-on-what-whites-just-dont-get-about-racial-inequality/>

<sup>11</sup> Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of an Underclass* (Cambridge, MA: Harvard University Press, 1993), p.2



many descendants who spread the garden and shared it. How is this practice in Leviticus 25 designed to remind the Israelites that they were all God's children?

## Part Three: Action Steps

### *Empower Local Communities*

‘Public and private sector policies and programs can strengthen the foundations of health through their ability to enhance the capacities of caregivers and communities in the multiple settings in which children grow up. Relevant policies include both legislative and administrative actions that affect systems responsible for primary health care, public health, child care and early education, child welfare, early intervention, family economic stability (including employment support for parents and cash assistance), community development (including zoning regulations that influence the availability of open spaces and sources of nutritious food), housing, and environmental protection, among others. It is also important to underscore the role that the private sector can play in strengthening the capacities of families to raise healthy and competent children, particularly through supportive workplace policies (such as paid parental leave, support for breastfeeding, and flexible work hours to attend school activities and medical visits).’<sup>12</sup>

### *Restructure the Financing of Education*

‘One approach is to *offer tax credits to families investing in primary and secondary education*. These policies could take the form of a tax-deferred savings account. One such existing policy is the Coverdell Education Savings Accounts Program. These accounts allow families to save up to \$2,000 annually, which may be spent tax-free on qualified educational expenses from primary and secondary schools (in addition to higher education institutions). Take-up of these accounts has been quite low, and high income families are more likely to take advantage of these accounts than poorer families (Dynarski 2004). If properly targeted towards low income families, however, these accounts could be a powerful force towards leveling the school quality gradient. Congress has also considered, though not yet enacted, proposals to provide refundable tax credits for primary and secondary school expenses. For instance, the Hope Plus Scholarship Act of 2003 proposed expanding the Hope Scholarship to apply to primary and secondary school expenses. Both of these policies would not only encourage low-income families to invest in their children's education but also foster competition among schools that might itself raise quality.

‘Another approach is to *use tax credits to invest directly in low income areas*. There are a number of place-based federal tax policies in current law. For instance, the New Markets Tax Credit (NMTC) Program was established as part of the Community Renewal Tax Relief Act of 2000 and authorized the Treasury to allocate tax credits to Community Development Entities. These credits were allocated in four rounds of competitive bidding, with the most recent round in 2010; many of the transactions were used to better the economic standing of distressed communities (Rubin and Stankiewicz 2005). To date, the program has made 495 awards totaling \$26 billion. Many banks and financial companies are using these credits to fund charter schools. To the extent that these schools offer children from lower SES backgrounds access to higher quality education, the NMTC program may have substantial impacts on poverty and inequality in the long run. Another example is the Empowerment Zone Program, which designates businesses in high-poverty areas for employment credits and low-cost loan eligibility. This program started in 1994 with 6 zones; the program has since expanded to more than 40 cities nationwide. Similar programs, targeted at charter schools in high-poverty areas, could increase school quality in the lowest performing districts.

‘The most ambitious approach to tackling the problems raised in this study is to *change the tax base used to finance primary education in the United States completely*. For instance, one might consider financing schools via state-level income taxes rather than property taxes and having states allocate money uniformly across school districts. While such reforms may raise many other challenges in implementation, our

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<sup>12</sup> Dr. Jack P. Shonkoff, Dr. Andrew S. Garner, The Committee on Psychosocial Aspects of Child and Family Health, Committee on Early Childhood, Adoption, and Dependent Care, and Section on Developmental and Behavioral Pediatrics, ‘The Lifelong Effects of Early Childhood Adversity and Toxic Stress,’ *American Academy of Pediatrics*, 2012, p.240; <http://pediatrics.aappublications.org/content/pediatrics/early/2011/12/21/peds.2011-2663.full.pdf>

results suggest that such systemic changes are likely to have the largest impacts on inequality in the long run.<sup>13</sup>

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<sup>13</sup> Raj Chetty and John Friedman, *Does Local Tax Financing of Public Schools Perpetuate Inequality?*, Harvard University and NBER, [http://www.rajchetty.com/chettyfiles/proptax\\_nta.pdf](http://www.rajchetty.com/chettyfiles/proptax_nta.pdf)

## Leaders Notes

### Part One: Why America's Schools Have a Money Problem

1. How would you feel as a parent about decisions to send your child to a less resourced school?
  - a. Help make this personal.
  - b. For reference: Separation of white and minority students has increased since 1988. Experienced, better-paid teachers cluster in schools with the most privileged students, a phenomenon that quietly channels public money away from schools in poverty-prone areas.<sup>14</sup>
  - c. For reference: 'Public school resegregation is a "national horror hidden in plain view," writes former educator turned public education activist Kozol (*Savage Inequalities, Amazing Grace*). Kozol visited 60 schools in 11 states over a five-year period and finds, despite the promise of Brown v. Board of Education, many schools serving black and Hispanic children are spiraling backward to the pre-Brown era. These schools lack the basics: clean classrooms, hallways and restrooms; up-to-date books in good condition; and appropriate laboratory supplies. Teachers and administrators eschew creative coursework for rote learning to meet testing and accountability mandates, thereby "embracing a pedagogy of direct command and absolute control" usually found in "penal institutions and drug rehabilitation programs." As always, Kozol presents sharp and poignant portraits of the indignities vulnerable individuals endure. "You have all the things and we do not have all the things," one eight-year-old Bronx boy wrote the author.<sup>15</sup>
2. Why does New York have a state-wide funding model? How did that happen? And is it effective?
3. What do you think about the Christian motivations behind the Old Deluder Satan Act in Massachusetts in 1647?
  - a. Fascinating that Christians were behind public education! Many Protestants want to give up on public education today.
  - b. And their motivation included a spiritual one: widespread literacy so people could read the Bible.
4. Did you find Thurgood Marshall's dissent compelling in *San Antonio Independent School District v. Rodriguez*? He said, 'I cannot accept such an emasculation of the Equal Protection Clause in the context of this case.'
  - a. Section 1 of the Fourteenth Amendment, also called the Equal Protection Clause, says: 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction *the equal protection of the laws*.' The key question is whether equal education is part of 'equal protection of the laws.'
  - b. Historian Mark A. Noll, himself an evangelical Christian, says that the Fourteenth Amendment (along with the Thirteenth and Fifteenth) were relatively overlooked by the Supreme Court, and even opposed, because of racial segregation. 'The combination of religion and race that ended Reconstruction profoundly affected the nation's politics, and for a very long time. The "redemption" of the white South represented, in the first

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<sup>14</sup> Summarized from Paul Hill and Kacey Guin, co-authors of the University of Washington study published in the journal *Education Policy Analysis Archives*, October 2003

<sup>15</sup> From the Publishers Weekly review of Jonathan Kozol's book *Shame of the Nation: The Restoration of Apartheid Schooling in America*, Crown Publishing: 2005. Initial Report of the United States to the United Nations Committee on the Elimination of Racial Discrimination," September 2000, p.18 says, "Largely because of the persistence of residential segregation and so-called "white-flight" from the public school systems in many larger urban areas, minorities often attend comparatively under-funded (and thus lower quality) primary and secondary schools. Thus minority children are often less prepared to compete for slots in competitive universities and jobs. While efforts to dismantle segregation in our nation's schools have enjoyed some success, segregation remains a problem both in and among our schools, especially given rollbacks in affirmative action programs.'

- instance, a functional repeal of the Fourteenth and Fifteenth amendments. American citizens were widely and repeatedly denied their rights without due process of law.’<sup>16</sup>
- c. ‘But already in 1873 the Supreme Court ruled in *The Slaughter House Cases* that the “privileges or immunities” guaranteed to all citizens by the Fourteenth Amendment had to be construed very narrowly.’<sup>17</sup>
  5. How did the *Brown v. Board of Education* ruling lose all its power? Another Supreme Court case in 1974 called *Milliken v. Bradley* ruled that desegregation was not okay at the school district level, but was okay at the state level.
    - a. Desegregation, ‘in the sense of dismantling a dual school system,’ did not require ‘any particular racial balance in each school, grade or classroom.’ The Court also emphasized the importance of local control over the operation of schools.
    - b. Justice William Douglas dissented: ‘Today’s decision ... means that there is no violation of the Equal Protection Clause though the schools are segregated by race and though the black schools are not only separate but inferior... Michigan by one device or another has over the years created black school districts and white school districts, the task of equity is to provide a unitary system for the affected area where, as here, the State washes its hands of its own creations.’
    - c. Liberal legal historian Lawrence Friedman claimed that the impact of *Milliken* was: ‘The world was made safe for white flight. White suburbs were secure in their grassy enclaves .... Official, legal segregation indeed was dead; but what replaced it was a deeper, more profound segregation ... Tens of thousands of black children attend schools that are all black, schools where they never see a white face; and they live massed in ghettos which are also entirely black.’<sup>18</sup>
  6. What’s the impact of poverty on child development? It’s not just a situational thing about your neighborhood, or a nurture thing about your parents.
    - a. The stress from poverty takes a toll. ‘In August, *Science* published a landmark study concluding that poverty, itself, hurts our ability to make decisions about school, finances, and life, imposing a mental burden similar to losing 13 IQ points.’<sup>19</sup>
    - b. There is an epigenetic effect. Trauma can be passed down. ‘The children of people who have experienced extremely traumatic events are more likely to develop mental health problems. And new research shows this is because experiencing trauma leads to changes in the sperm. These changes can cause a man’s children to develop bipolar disorder and are so strong they can even influence the man’s grandchildren. Psychologists have long known that traumatic experiences can induce behavioural disorders that are passed down from one generation to the next. However, they are only just beginning to understand how this happens.’<sup>20</sup>
    - c. Poverty impacts nutrition and development. ‘Several scientific studies indicate that poverty, in addition to impacting your day-to-day life, has major effects on the brain as well. A 2013 study published in *Science* looked at any relation between poverty and overall cognitive function. In comparing sugar cane farmers both before and after harvest, the researchers found that, with the financial security of selling crops, the farmers made better decisions than farmers before the harvest. Another study looked at physical brain development and poverty. Published recently in *Nature Neuroscience*, the study looked at brain images of nearly 1,100 children, adolescents, and young adults in the U.S. The researchers found differences in the brains of children in the lowest income bracket when compared with those in the higher bracket, even when controlling for

<sup>16</sup> Mark A. Noll, *God and Race in American Politics: A Short History* (Princeton: Princeton University Press, 2008), p.90

<sup>17</sup> Ibid, p.97

<sup>18</sup> Lawrence M. Friedman, *American Law in the Twentieth Century*, New Haven: Yale University Press, 2002, p.296

<sup>19</sup> Derek Thomson, ‘Your Brain on Poverty: Why Poor People Seem to Make Bad Decisions,’ *The Atlantic*, November 22, 2013; <http://www.theatlantic.com/business/archive/2013/11/your-brain-on-poverty-why-poor-people-seem-to-make-bad-decisions/281780/>

<sup>20</sup> Emma Innes, ‘How the Trauma of Life Is Passed Down in SPERM, Affecting the Mental Health of Future Generations,’ *Daily Mail UK*, April 23, 2014; <http://www.dailymail.co.uk/health/article-2611317/How-trauma-life-passed-SPERM-affecting-mental-health-future-generations.html>



ethnic background. People who lived on less than \$25,000 per year had as much as 6 percent less surface area in regions of their brain that control language and decision-making.’<sup>21</sup>

### *Part Two: A Comparative Look at a Phase in the Biblical Story*

Restate: The purpose of reflecting on Scripture in comparison to other quotations is to reflect on where our beliefs come from. If you are standing in the biblical tradition and story, then this is a good place to think through what that story says about valuing every child. If you do not stand personally in the biblical tradition, please take this not as authoritative but as informative and maybe inspirational. Recall the lesson of Genesis 1 – 11: every human being is created in the image of God.

1. Look at this passage through the lens of someone who has ‘bought up’ lots of land from his neighbors. Is this fair or unfair?
  - a. It’s unfair if we think that land is reducible to a ‘thing.’
  - b. It’s unfair if we think that God has no right to invest in every child.
2. Now look at this passage through the lens of a child who had become homeless because his grandparents had been mentally ill, and his parents had become alcoholics. Is this fair or unfair? In what sense?
  - a. It’s unfair since the child had no choice in parents or grandparents. There’s nothing that that child did to deserve that inheritance.
3. Now look at this passage from God’s perspective, and God’s desire to invest in every child. In the biblical story, God had placed Adam and Eve in a garden land. If all had gone well, they would have had many descendants who spread the garden and shared it. How is this practice in Leviticus 25 designed to remind the Israelites that they were all God’s children?
  - a. In Israel, God gave Himself space to retell the story He most loved: humanity in the garden.
  - b. If Adam and Eve had never fallen into sin, the world would have been something like this. Every new child would inherit their portion of the garden land.
4. What about the quotations about residential segregation? We will explore that more in the next session. But that’s an introduction to how we expect public schooling to make up for racist residential segregation. It cannot do that.

### *Part Three: Action Steps*

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<sup>21</sup> Trace Dominguez, ‘How Poverty Changes Your Brain,’ *Test Tube*, April 22, 2015; <https://testtube.com/dnews/how-poverty-changes-your-brain/>; see also Christopher Bergland, ‘Social Disadvantage Creates Genetic Wear and Tear,’ *Psychology Today*, April 16, 2014; <https://www.psychologytoday.com/blog/the-athletes-way/201404/social-disadvantage-creates-genetic-wear-and-tear>