

POSITIONS ON EDUCATION

By Richard Duffee

A) Education in general

Education as a whole is not under-funded in the US. But it is not funded as a genuinely public system; instead it is funded as though it were partially private. Using property tax as a basis for funding allows wealthy districts with high property values to raise more money using low mill rates than poor districts can raise using high mill rates. Consequently landowners in prosperous areas get their children a bargain in education while people in areas of low property value get poor education even when paying taxes at higher rates. The lead case is *San Antonio v. Rodriguez*, 411 US 1 (1973). Rehnquist constructed a meretricious argument to defeat the constitutional need to fund education by any means other than local property tax. In dissent, Justice Marshall roundly refuted each of Rehnquist's arguments. But the majority would not admit that education was a constitutional right; they said, however, that it might be a state right. Consequently analogous suits were brought in 38 states alleging that under state constitutions, there is a right for equitably funded education. Results have varied widely.

I believe *San Antonio* was wrongly decided. Mr. Rodriguez should have won. I would work for legislation to overturn the effect of *San Antonio*.

The US scores so far below other developed countries on educational tests because most of those countries, like France and Germany, fund education nationally and equally for all students according to their performance on tests. The law of diminishing returns states that the benefit from any expenditure is inversely proportional to the log of the income level of the expenditure. This means two things: 1) the more a person has, the more further expenditures are wasted, while the less a person has, the more benefits expenditures tend to yield. 2) The increase in benefit as one approaches the bottom is extremely rapid, while as one approaches the top, the benefits of increases become negligible. I conclude that the most basic reason US education is so poor is that we spend our education money where it does the least good—on people who already have what they need—while spending very little where it would do the most good—on people who do not have the opportunity to educate themselves. As a society, we pay a very high price for the greed, stupidity, and anti-social attitudes that drive us to this inequity.

Regarding Connecticut in particular, I would apply the same principle insofar as it can be applied: I would fund all public education equally from income tax, using state tax until federal tax can be used that way. This is a double application of the principle: 1) funding at the same level everywhere is preferable to high funding in rich districts and low funding in poor districts because, per unit spent, the benefits are higher the lower the base line; and 2) the law of diminishing returns implies that progressive taxation is always preferable to flat taxation, let alone regressive taxation—which property tax often is.

The next issue is within schools. I have taught in a number of them. I have never been in a suburban high school where it was not evident that more resources were offered to the students with wealthier parents than were offered to those with poorer parents. The wealthy always have more social pressure on their side in any public institution. It should be the duty of school administrators to resist the continuous temptation to treat wealthier students better and poorer students worse.

B) Charter schools

Charter schools are a way for the state to evade the legal obligations of public schools. Charter schools can prevent the formation of unions by treating teachers as day laborers. They do this by giving teachers phony contracts that say “This is an at-will agreement terminable by either party at any time with or without cause.” Because the schools have no commitments to the teachers, the teachers have no commitment to the schools. In a charter school I know, 8 of 11 teachers were fired or left within one year and one position had five teachers in 16 months. Consequently students experience no consistency and feel no security.

Charter schools do not need to fulfill the same obligations to students that public schools must. They don’t have to have gymnasiums, libraries, auditoriums, music rooms, art rooms, theatres, science laboratories, language classes, or texts.

Charter schools are used for students public schools don’t want to teach. In Fairfield County public schools, middle class students with special needs are often quickly diagnosed, and some appropriate changes are made. But this does not happen with students from poor families whose parents are intimidated by the school. Consequently poor students with special needs are treated as disciplinary problems and become alienated from the school. It is largely these students who are eventually referred to Charter Schools once the criminal justice system finds they are joining gangs.

If school administrators treated poor students as carefully as rich students—rather than waiting for the parental pressure that does not arise—Charter schools would not appear as necessary holding pens for children who have just received 7 to 9 years of inappropriate schooling.