

Money, Not Race, Fuels New Push to Buoy Schools

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For several years, two lawyers intent on helping black children do as well in school as white children had a kind of roadshow: Michael A. Rebell would describe the recent successes of state-court litigation, forcing more financing for poor children's schools, as a matter of basic equity. But James Ryan would argue that integration was the best approach.

"We'd do these panels and discussions, and he'd say equity lawsuits were a cop-out, that integration is the only way to address the racial gap," said Mr. Rebell, executive director of the Campaign for Educational Equity at Teachers College at Columbia University. "I'd say funding is important because money matters. It doesn't guarantee good educational outcomes, but without it you can almost guarantee there won't be good outcomes."

Even before the Supreme Court this week limited districts' options for integrating schools, the push to improve the nation's public schools had turned, increasingly, on money.

"Although a lot of districts talk about racial integration at the local level, I actually think that, at the state and national level, race-mixing was already an antiquated issue," said Chester E. Finn Jr., president of the Thomas B. Fordham Institute. "At the state and national level, the discussion has to do with money and the achievement gap."

Nationwide, minority parents in struggling school districts have skirted the debate over racial integration and pushed instead for more money for their children's schools, in lawsuits demanding that states give poor districts more resources.

"A lot of black folks say, 'Give us the resources, give us the money, we're tired of chasing white folks, and we don't need integrated schools to have good education,'" said Ted Shaw, president of the NAACP Legal Defense and Educational Fund Inc. "It's hard to tell how much of that is weariness and cynicism with respect to efforts to get racially integrated schools, and I can understand that."

Experts of every political persuasion agree that the achievement gap — the disparity between white children and black children's educational achievement — is the biggest problem in American education. And just about every recent educational innovation, whether vouchers, the No Child Left Behind Act or school-financing lawsuits, was designed with an eye to closing that gap.

With *Brown v. Board of Education*, in 1954, integration was the big hope for equal achievement. But housing in the United States is so racially cloistered that despite the *Brown* decision, American schools are becoming ever more segregated. And in many urban districts, public schools have so few white students that integration is simply out of the question.

So education reformers began going to court to claim that states were violating their own constitutional guarantees of equal protection or skimping on the financing required for an adequate education — an argument that has become easier to back up with the expansion of state testing and standards.

Most recently, some districts have turned to socioeconomic integration, a trend that may be accelerated by the new court ruling, said Mr. Ryan, the University of Virginia law professor Mr. Rebell used to debate.

“Districts that have been worrying about racial integration may think more about economic integration,” said Mr. Ryan, who remains skeptical that money alone does much to help schools. “I wouldn’t say money is irrelevant, and I understand why people focus on school funding, but until you address the problem of segregation of poor kids, it’s wishful thinking to expect the money to translate into accomplishment.”

Since 1973, when the Supreme Court ruled that equal access to education was not a fundamental right under the federal Constitution, such cases have moved to state courts and been heard in almost every state.

“It’s turned out to be the most extensive area of constitutional development by the state courts,” Mr. Rebell said. “At first, they were equity cases, saying the situation wasn’t fair under state constitutions’ equal protection clauses. But starting in 1989, they’ve been adequacy cases, saying the schools weren’t delivering funding for the education the state guarantees.”

In many cases, judges have been impressed with graphic evidence of inadequate facilities for poor students, whether the Alabama students who had to use outhouses or the New York students required to pass a laboratory-science exam to graduate, when their high schools had no functioning laboratory.

Most of the suits have been successful, Mr. Rebell said, giving poor schools billions more in state money. Litigation in Kansas brought \$755 million in state aid; in Arkansas, it brought \$400 million in operating aid and \$850 million in capital funds. Next month, New York City will get the first installment of what will ultimately be \$3 billion annually in added state educational aid.

Fiscal-equity litigation and integration need not be either-or propositions, many parents say, but some say integration is the secondary concern. “The parents, bottom line, want to make sure these kids get a good education, even if it is in segregated schools because of the areas in which you live,” said Councilman Robert Jackson of New York City, a plaintiff in New York’s fiscal-equity case.

As a practical matter, lawyers say, fiscal-equity cases, like the Abbott litigation in New Jersey, are increasingly important as other tools to address racial inequities are cut off. Such cases, said David G. Sciarra, executive director of the Education Law Center, the nonprofit group leading the litigation, are “literally the primary tool that we have, right now, on the ground.

“The minimum we can do,” he said, “is make sure that these children in these high-poverty, high-minority schools, which are mostly concentrated in our cities, have at least the resources that our children in our suburban schools get.”

Mr. Shaw said he supported school-financing litigation and the newer efforts for socioeconomic integration of schools — although neither fully addressed the issues of race.

“If they’re sincere, I’ll take it, but I do not concede that it is a complete and absolute substitute for addressing the problem of racial segregation,” he said. “I continue to believe, apparently against the grain, that if we have a problem with race in this country, as we do, we ought to be able to address it forthrightly.”