A Big Step Backwards on Education Finance

John Yinger*

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("Court Leaves Thousands of Kids Behind")

On June 25, the Appellate Division, First Department, of the New York State Supreme Court declared that a middle-school education in one of the State’s lowest performing school districts is all that is guaranteed by the State Constitution. All residents of New York State should be terrified by the implications of this misguided decision.

In many other states around the nation, courts have declared that an adequate education is one sufficient to give every student the tools needed to succeed in today’s competitive society. State supreme courts in Kentucky and Texas, for example, have set high standards for all schools, and policy makers in these two states have responded by dramatically boosting financial support for the neediest school districts. The widely cited 1989 Kentucky Supreme Court decision concluded that the state’s education system should give students a wide range of “capacities” including “sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization,” “sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation,” and “sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.”

In contrast, New York’s recent court ruling concludes that “the skills required to enable a person to obtain employment, vote, and serve on a jury are imparted between grades 8 and 9.” Moreover, the court says, “Society needs workers at all levels, the majority of which may very well be low level.” This is, of course, a self-fulfilling prophecy. Limiting the State’s financial
obligation to ensuring the minimal educational standard advocated by this court will relegate a large share of the students in New York City and other underfunded districts to minimum-wage jobs. This standard will also result in citizens with minimal understanding of the complex issues they will confront as jurors and voters. Surely the Empire State can do better than this.

In other states around the nation, courts and public officials have also recognized that a high concentration of students from poor families or otherwise “at risk” raises the cost of providing an adequate education, as defined by a performance standard. A 1998 decision by the highest court in New Jersey required the state to pay for a variety of extra programs, including pre-K programs and whole-school reform, in urban districts with many at-risk students. Earlier this year the Governor of New Jersey set up a commission to make certain that the state meets the court’s requirements. Maryland recently passed a plan devoting extensive extra funding to schools where at-risk students are concentrated. Texas explicitly adjusts its state aid for the higher cost of living in some school districts, and adjustments for the higher cost of at-risk students are included in recent state-aid reforms in Kansas, Kentucky, Michigan, and Texas.

In New York, the recent court decision recognizes that “City students’ lower test results in comparison with the rest of the State are largely the result of demographic factors, such as poverty, high crime neighborhoods, single parent or dysfunctional homes, homes where English is not spoken.” The court also declares that “the pedagogic system should be geared toward such students,” but it then parts company with other states by rejecting the argument that a concentration of at-risk students raises the cost of education. Here again, the court has much too narrow a view of the State’s financial obligations. Moreover, instead of being concerned about the high dropout rate in New York City, which is accepted by educators as an indication of poor school performance, the court declares “nor can the State be faulted if students do not avail themselves of the opportunities presented.” Apparently this court, unlike courts and policy makers around the nation, does not think that constitutional requirements have anything to do with educational performance.
The court’s confusion about the high cost of at-risk students is accompanied by an invalid argument about the cost of teachers. “Plaintiffs’ claim that it costs more to educate students in New York City than elsewhere in the state is based, to a large extent, on a cost of living index which factors in salaries of non-educators, and is thus irrelevant to the cost of educating a student.” As many other states have recognized, however, the market for teachers is not insulated from the rest of the labor market and a school district’s ability to attract teachers clearly depends on the salaries offered in alternative occupations.

New York State is clearly in danger of being left behind, with an educational system that produces tens of thousands of young people who are not prepared for the demands of jobs and citizenship in the 21st century. We hope that New York’s highest court reverses the misguided opinion of June 25th. But even if it does not, elected officials in New York State still have the ability to build an education finance system that supports high student performance in every school district. Instead of giving more state aid or property tax breaks to wealthy school districts that do not need the help, it is time for New York State to follow the lead of other states and implement an educational finance system that recognizes the high cost of educating at-risk students and brings all districts up to a high performance standard.

*John Yinger teaches at the Maxwell School, Syracuse University. Papers presented at his conference on state aid to education.

Address: Center for Policy Research, Eggers Hall, Syracuse University, Syracuse, New York 13244. Email:jyinger@maxwell.syr.edu