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K-12 Educational Funding, One of America's Adaptive Challenges

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The United States Constitution leaves the responsibility of providing K-12 education to the states. All of the states, within their state constitutions, include some type of provision related to education and define, in some manner, the state's role in providing that education (McCarthy and Deignan, 1982). Although each state may address K-12 funding differently, the expectation is the same. Parents, administrators, teachers, and legislators want students to meet a rigorous set of educational standards. In order to meet these standards, appropriate funds are needed to support the learning environments that students operate in.

According to the U.S. Department of Education (2005) total taxpayer investment for the 2004-2005 school year was approximately \$536 billion. Taxpayer spending on education comes primarily from local and state levels of government. In the U.S. Department of Education's (2005) analysis of the 2004-2005 school year, 45.6 percent of funding came from state governments, 37.1 percent from local governments, and 8.3 percent from the Federal government; the remaining 9 percent came from other sources. As one can imagine, this level of spending makes education one of the largest budget items for most states (Smith and Petterson, 2002). This particular level of spending also identifies the United States as a world leader in education investment (U.S. Department of Education, 2005).

At first glance the expenditures on education appear impressive, that is, until the American public is asked to rank their satisfaction with the quality of K-12 education. In an August 2010 Gallup poll 88 percent of Americans identified that they were less than completely satisfied with the K-12 education that students receive (Gallup, 2010). One could argue, based on this data that it seems reasonable that this level of dissatisfaction is closely intertwined with how K-12 education is funded. This notion is supported by the history of U.S. court cases that have focused on educational funding and the opportunities that funding provides.

Over the last 120 years there have been three eras that have helped to define the nature of educational funding. These eras include "separate, but equal," equity, and adequacy. Regardless of the era, the lawsuits that have been filed are brought about over the failure, perceived or actual, of school systems to provide expected levels of educational opportunities to students. Although the name has changed throughout the three eras, the problem of K-12 educational funding still exists with us today.

The Eras of Educational Funding

In June, 1892, Homer Plessy, a black man, attempted to board a rail car that was designated for whites only. When confronted on the matter, Plessy refused to leave the white-only car and was arrested and jailed for the incident. Plessy's argument before the court was that his rights under the Thirteenth and Fourteenth Amendments were denied. Plessy's case ultimately made it to the U.S. Supreme Court. In *Plessy v. Ferguson* (1896) the U.S. Supreme Court upheld, in a 7 to 1 decision, the idea that Plessy's rights were not denied because "separate, but equal" accommodations existed on the railway. Although the ruling was meant primarily for private businesses the idea of "separate, but equal" would be the standing rule in education for the next 58 years.

In May, 1954, the U.S. Supreme Court made their decision for the case *Brown v. Board of Education* (1954). In this case, black parents tried to enroll their school-aged children into local public schools that were recognized as all-white. Due to the “separate, but equal” outcome in *Plessy v. Ferguson* (1896), black children went to separate schools in order to attain their education. When Oliver Brown’s daughter was denied admission to the white-only school, a lawsuit began to develop. Mr. Brown was not the only plaintiff in the case; twelve other black parents used a similar approach. Each parent attempted to enroll their children (who were black) in a white-only school and, like Brown, were rejected. In coordination with the NAACP, a lawsuit was eventually filed. The U.S. Supreme Court’s decision in *Brown v. Board of Education* would become a cornerstone of the civil rights’ era; the court determined that the idea of “separate, but equal” was unconstitutional and that the ruling in *Plessy v. Ferguson* (1896) had no further place in American education.

Building on the outcome of *Brown v. Board of Education* (1954) and the changes that were taking place from the civil rights acts, the appearance of educational funding cases based on equity began to appear before the courts. The equity movement was based on the idea that all students have the right to equal educational opportunities (McFadden, 2006). Two cases that characterize the equity era include *San Antonio v. Rodriguez* (1973) and *Serrano v. Priest* (1971). Although these cases resulted in different outcomes, the arguments used for both cases characterize the equity cases that the states were facing.

San Antonio v. Rodriguez (1973) was a lawsuit brought forth by a parent association on behalf of the members’ school-aged children. The lawsuit argued that the method of funding in Texas violated the students’ rights under the equal protection clause. The argument that the plaintiffs’ put forward was that education was a fundamental right and that students in wealthier school districts were afforded better opportunities. *Serrano v. Priest* (1971) was a similar case that was brought forth and reviewed by the California Supreme Court. In the *Serrano* case the plaintiffs argued that California’s method for funding public education failed to meet the equal protection clause. The failure existed because of the funding disparities between districts. Although the arguments for both cases were fundamentally the same, the outcome for each case was different. In *Serrano v. Priest* (1971) the California Supreme Court ruled in the plaintiff’s favor while in *San Antonio v. Rodriguez* (1973) the state of Texas (defendant) won. Hoff (2004) notes this discrepancy by noting that equity cases which appeared in the courts during the 1970s and 1980s saw an outcome that typically went in the states’ (normally identified as the defendant) favor about two-thirds of the time.

As introduced earlier, the adequacy era started in the late 1980s and the 1989 Kentucky case of *Rose v. Council for Better Education* (1989) is often seen as the case that ignited the adequacy movement (Smith and Pettersen, 2002). Adequacy cases are characterized by the argument that a given state is not meeting its constitutional responsibilities. Alternatively put, if the state’s constitution requires that K-12 children meet a certain level of education, but that testing data collected on students shows they are not “proficient” at that level, then the state can be viewed as not providing adequate funding for K-12 education. The argument used in the 1989 Kentucky case is characteristic of the cases that have been seen during the adequacy era. In this case the Kentucky Supreme Court found that the entire Kentucky education system was unconstitutional and the court directed the state to develop new education standards and then to build the needed education system to accomplish those standards with adequate funding. McFadden (2006) identifies that between the Kentucky case and 2006, 26 other states were faced with adequacy cases, either through their Appellate or Supreme Courts. Of those 26

cases, 21 cases were decided in favor of additional or increased state funding (McFadden, 2006).

Hoff (2004) provides us with a few reasons why adequacy cases may have been more successful. The first reason was that the standards-based reform efforts (No Child Left Behind) placed the need for data collection at the forefront. Without data collection, there is no way for schools to determine if students are meeting the standards. Hoff (2004) also identifies that more emerging research that helps to identify how schools can improve student achievement has occurred. These two factors coupled with an understanding from the courts that the states are responsible for ensuring a rigorous education presented all of the pieces to the puzzle and held states responsible for providing more “adequate” funding to accomplish the educational standards.

Models Used to Answer the Adequacy Question

McDonald, Hughes, and Ritter (2004) identify four models that help to define adequacy. These four models include professional judgment, historical spending, successful schools, and econometric. Each of these models has their advantages and their disadvantages. Also, each approach may be based on inputs or outputs, depending on how the term adequate is viewed.

The professional judgment model is known for its simplicity (Smith and Pettersen, 2002). “In this approach, a group of education ‘experts’ (teachers, administrators and policymakers) creates a list of criteria needed to meet education standards” (Smith and Pettersen, 2002, p. 3). The professional judgment model can be based on both inputs and outputs to produce an appropriate plan (McDonald, Hughes, and Ritter, 2004). The major drawback to the professional judgment model is that people may disagree on the criteria or on what it will take to accomplish the criteria. This drawback is minimized when differing opinions are relatively close, but if opinions are drastically different, using this model will present major challenges.

The historical spending model focuses on financial input and looks at the spending that may have been provided in previous years to determine current or future year spending (McDonald, Hughes, and Ritter, 2004). The advantage to this plan is that it is an adjustment from a previous plan, and not an entirely new plan. Adjustments to the model can be made for inflation or for the inclusion of additional educational goals. Unfortunately, if previous spending was insufficient, future spending may also be insufficient; this is the major drawback of using the historical spending model (McDonald, Hughes, and Ritter, 2004).

The successful school model, “looks at all schools or school districts in the state and identifies the ones that are meeting standards... the amount of money these schools are spending becomes the adequate funding level for the state” (Smith and Petersen, 2002, n.p.). The successful school model is linked mainly to educational outcomes and is characterized as viewing outputs to determine an adequate funding level (McDonald, Hughes, and Ritter, 2004). One criticism of the successful school model is that it may be based on the review of a few standards versus looking at all of the requirements of a good education (Smith and Pettersen, 2002). Smith and Pettersen (2002) note that another criticism of the successful school model is that it does not necessarily take into consideration the differences in student demographics from one school to the next; meaning, to determine a successful schools by funding alone without considering any student characteristics presents a flawed approach.

According to Smith and Pettersen (2002) the econometric or advanced statistical model is the most

complex model to use. The econometric model uses advanced statistical techniques to determine the resources needed to meet a particular level of output (student achievement). Smith and Pettersen (2002) identify that one drawback to this model is in its complexity: that those who use the model may have difficulty understanding it. "The advanced statistical model, although not easy to understand, is becoming more refined and holds the promise of delivering accurate estimates of the cost of education adequacy" (Smith and Pettersen, 2002, p. 6).

Adaptive Challenge

Having established a background on K-12 education funding accompanied by a brief look at the funding models associated with the adequacy funding era, the next task is to identify why inadequate, or even inequitable funding for K-12 education exists. This task will be accomplished using the work introduced by Heifetz and Linsky (2002). Although Heifetz and Linsky (2002) provide many tools to help individuals performing leadership, the concept that will be used here is their evaluation of the two types of problems that leaders typically encounter. Heifetz and Linsky (2002) refer to these problems as technical problems and adaptive challenges.

Technical problems are problems that can be solved using current knowledge and resources. Solving a technical problem simply requires the expenditure of time, money, or effort, coupled with an individual's current knowledge and provided with some direction, by someone in authority, to accomplish the task. Examples of technical problems include changing the oil in a car, performing an audit of financial statements, or putting together the resources for a military deployment. Each of these examples requires no additional knowledge when done by an individual who has been directed to do such activities and has been trained to do them. Once they have been directed to perform these tasks, they expend the time, money, or effort to do them. This, by no means, is to say that technical problems are not important, because they certainly can be, but that performing them is routine and does not require anyone to engage in a paradigmatic shift in order to accomplish the task.

Adaptive challenges, on the other hand, are quite different from technical problems. Heifetz and Linsky (2002) characterize adaptive challenges as complex issues that cannot be solved by simply using current knowledge. Instead, adaptive challenges can only be solved after a change in thinking occurs regarding the challenge; to redefine the nature of the challenge being faced. Another characteristic of adaptive challenges is that the individuals who are involved with the adaptive challenge must be the ones to change their thinking and take on the work; adaptive challenges are not solved by those in authority (Heifetz and Linsky, 2002). This differs from technical problems, as technical problems look for those in authority to direct how the problem will be solved. The most common source of leadership failure, according to Heifetz and Linsky (2002), is when people "treat adaptive challenges like technical problems" (p. 14). This means that if one goes about trying to solve adaptive challenges with the expenditure of time, money, or effort, along with current knowledge, a failed outcome will be achieved and the problem will persist.

The problems of K-12 education funding have persisted. Although we have labeled the problem differently throughout the years, the problem nevertheless persists. This persistence could stem from attempts to solve the adaptive challenge of funding through technical means. Moreover, the use of the court system will be reviewed and the solutions that have been employed will be identified as technical solutions.

Consider the judicial process in relation to technical problems and adaptive challenges. In order for individuals to change their thinking on an issue they must engage in collaboration with others. Also, adaptive challenges must be solved by the individuals who are facing the challenge. In the case of educational funding, this would include parents, administrators, teachers, and legislators. After considering these requirements, it becomes clear that the courts are not meant to help solve adaptive challenges, but instead, can really only work with technical problems. This is even seen in cases that involve mediation. When two sides meet to mediate their differences, individual points are decided in one parties favor or the other, there is no big picture solution that reached where the issue as a whole is considered.

Also, by their nature, the court system is meant to interpret current laws and apply these interpretations to cases. These laws, like technical problems, are based on current understandings of how things work. Granted, laws do change; the case of *Brown v. Board of Education* (1954) exemplifies this, but the change that is made is typically identified by the process of labeling a previous ruling as unconstitutional; meaning, the idea or concept being changed was simply incorrectly interpreted to begin with, not necessarily that a completely new way of thinking was required. The court system can also be viewed as representing technical solutions by their nature of authority. Technical problems are resolved by authority figures and, again, adaptive challenges can only be solved by those facing the challenge.

Another reason that using the courts for determining educational financing can be seen as being treated like a technical problem is by the courts ruling to apply more resources to education spending. Smith and Pettersen (2002) note that the Wyoming Supreme court ruled in 1996 for funding that averaged about \$6050 per student. This was a significantly increased amount from previous years. Hoff (2004) notes a similar outcome in New York, when New York City was ordered to increase their school operating budget by \$5.6 billion dollars. What outcomes like these represent is the thinking that by increasing resources the problem will be fixed.

The last argument to make with respect to K12 education funding and the judicial process is that, as Hoff (2005) points out, there is some question as to the courts authority in mandating increased funding. Funding for K12 operations is a process that is normally handled through the legislative process and not the judicial process. Although there has been success in adequacy funding cases, the mindset is that the courts alone can resolve the problem. Heifetz and Linsky (2002) point out that those in authority normally relegate resources in technical problems. It is this relegating that the courts are trying to accomplish, but as Moore (2010) argues, “simply put, courts can do no more” (p. 547). The courts have a limit on their ability to affect legislative funding.

In summary, we have been treating the adaptive challenge of educational funding with technical solutions. Although there may be those who argue that the courts have been helping to define the issue, the court system cannot solve the problem. The gap between the educational opportunities we expect our students to receive and the level at which they are proficient have yet to be on the same page. In order to solve the K-12 educational funding dilemma, we must remove the option for educational funding to be addressed in the courts and place it back into the hands of the parents, administrators, teachers and legislators who are facing the dilemma. Only when this is done will we be heading in a direction where a solution can be found.

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