# Title I

## 1AC

### 1AC — Inherency

#### Contention 1 — Inherency

#### Federal Title I regulations fail in the status quo – the Every Student Succeeds Act does not ensure equal educational opportunities for students

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

Equality concepts have remained embedded in the Elementary and Secondary Education Act since its inception. The ESSA retains some of those concepts, but its current regulatory scheme drastically narrows the ways in which equality principles apply. The result is a regulatory regime that promotes, at best, random equality that really cannot be properly deemed equality at all.

The ESSA’s random equality manifests itself in several respects: the states’ weighting of tests, accountability standards, and consequences for failure. These facets will vary from state to state, and even from district to district within a state. The resources that students have to meet testing, graduation, and other expectations will also vary considerably, with almost no limit on gross inequalities. The ESSA, similarly, will do almost nothing to ensure that students have access to adequate resources. By not demanding broad equality or adequacy (in outputs or inputs), the ESSA leaves the students’ education and states’ expectations for what students do with that education to random chance.

1. The Random Weight of Tests

On its face, the ESSA retains the NCLB’s theory of standardized testing as a means to further equality.242 However, the NCLB’s theory of furthering equity and closing achievement gaps proved false, if not counterproductive.243 Ironically, the ESSA maintains a high-level symbolic commitment to NCLB-style testing, but puts forth an accountability scheme that makes the testing regime unpredictable. In other words, rather than tackle the flaws in the NCLB’s premises, the ESSA obscures them through randomness.

As discussed above, under the ESSA, states have enormous flexibility in the amount of weight they assign to particular tests and to student achievement factors overall. Not only does this flexibility permit an individual state to minimize the weight it assigns, but it also allows every state to do something different.244 One state might make student proficiency tests the dominant measure of student achievement while another state uses student growth.245

And regardless of the approach a state takes, states can assign significantly different weights to tests and other student achievement measures. A state might, for instance, assign test results 95 percent in their accountability metric and any number of non-test factors 5 percent or less collectively.246 Another state might assign test results 60 percent in its accountability metric while assigning 40 percent to softer factors, such as student engagement, teacher engagement, and school climate.247 With a number of options, states will have the ability to manipulate their accountability systems so as to produce desired outcomes.248

None of the foregoing means to suggest that testing is an effective means to promote equal education opportunity or that some optimum weight should be afforded to test results. The point here is that the ESSA maintains the NCLB’s notion that there is merit to testing and accountability, but undermines its own premise. If testing and accountability are plausible tools for achieving equality, leaving states’ testing regimes to random variability undermines equality. Rather than tracking a single proficiency standard as in the NCLB, the ESSA affords disadvantaged students educational opportunities that more closely track the approach of their home state rather than any mandate in statute. In this respect, the ESSA does little to continue the Elementary and Secondary Education Act’s historic mission to promote improvements in academic achievement for disadvantaged students.

2. Limited Accountability

The ESSA compounds this testing flexibility problem with its permissive approach to states’ obligation to assist struggling schools and students. The vast majority of lowperforming schools and students will fly well under the ESSA’s regulatory radar, and those who do not may believe they have been randomly targeted. State intervention pursuant to the ESSA will be more akin to a lightning strike than a predictable consequence of a well-designed accountability scheme.249

The complex and multifactor achievement weighing systems that states adopt will make it hard to predict where any given school falls in the system from year to year. More importantly, only a very small fraction of schools—those in the bottom 5 percent in achievement or with graduations rates below 66 percent—will actually be subject to sanctions.250 Consistently poor performance in the bottom 25 percent of schools in the state would not make the odds of sanctions predictable or likely. Even a school that was in the bottom 5 percent one year could easily fall outside of it the next.

Some would argue that minimizing sanctions is the very point, as the NCLB foolishly punished too many schools.251 That point has merit. The majority of our schools and students perform at levels as high as any others in the world.252 The NCLB incorrectly labeled many of them as failures and targeted them for reform. The ESSA wildly overcorrects this problem, replacing a regulatory system that treated nearly all schools as failures with a system that treats almost all as de facto successes. In effect, the ESSA holds almost no schools accountable. Herein lies the problem.

Regardless of which schools ultimately fall into the group that receives intervention and support, the hard truth is that schools outside that group can continue their current practices, even if that means doing a poor job educating their students.253 Whether a student in a given state or school receives ESSA intervention and support depends not on whether the school is offering adequate or equal education, but on whether the student attends a school randomly identified by the state’s performance weighting system. Moreover, a school randomly slated for improvement in one state’s weighting system could just as easily receive no support if another state’s system applied.

3. Unchecked Resource Inequality

The randomized guarantee of output equality might be mitigated or cured if instead the ESSA’s goal was to ensure equal inputs and resources. Equal inputs are easier to achieve than equal outputs. Equal inputs, if implemented properly, may also be a better indicator of equal educational opportunity than raw outcomes.254 An initial premise of the Elementary and Secondary Education Act was exactly that—to provide supplemental resources to disadvantaged students to bring their educational outcomes closer to that of their peers.255 The ESSA drifts further away from this focus on inputs. In conjunction with the prior Section, this means that the ESSA assures equality in neither inputs nor outputs.

Some of the fault lies with historical holdovers. The Elementary and Secondary Education Act has long contained a provision requiring comparable resources between Title I and non-Title I schools. In practice, however, nothing of the sort has been required in recent decades. During the early 1970s, the Elementary and Secondary Education Act and its implementing regulations required that expenditures at Title I schools be within 5 percent of the expenditures at other schools within their district.256 That number was later changed to 10 percent and eventually abandoned altogether.257

In place of numerical measures of equality, recent versions of the Elementary and Secondary Education Act have required that Title I schools merely be “substantially comparable” to other schools in the district, based on school services “as a whole.”258 This vague and forgiving standard has not required meaningful equity between schools for some time. In addition, the comparability requirement does not apply across district lines, even though the largest funding inequalities exist between school districts. The Elementary and Secondary Education Act has never purported to address interdistrict inequality and the ESSA does nothing to change this or any other significant equity demand. Instead, the ESSA retains the blunt statutory provision that “[n]othing in this subchapter shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.”259

Embedded in these weak equity standards is an even bigger and more troubling loophole for teacher salaries. Teacher salaries regularly comprise 80 to 90 percent of school budgets.260 In the past few iterations of the Elementary and Secondary Education Act, schools’ total expenditures for teacher salaries have been exempted from analysis. Rather than examine salary expenditures, the Elementary and Secondary Education Act has asked two questions: (1) whether there is a uniform salary schedule across the district, and (2) whether staffing ratios are roughly similar. In other words, so long as schools have similar student-teacher ratios and all first-year teachers, for instance, are equally compensated, the Elementary and Secondary Education Act treats the schools as substantially comparable.

This standard completely ignores the fact that the teaching staffs at schools often look entirely different in terms of quality. Under the Elementary and Secondary Education Act, a district could assign all first-year teachers to a high-poverty school and all teachers with advanced degrees, national certifications, and several years of experience to a school serving predominantly middle-income students. This alone would likely create not only a huge quality gap between schools but also a huge funding gap. A uniform salary schedule that dictates much higher salaries for highly credentialed teachers would net hundreds of thousands of dollars in additional expenditures at the middle-income school. Yet, under the Elementary and Secondary Education Act’s weak equity standards and teacher loophole, this quality and funding gap is entirely permissible.

Data reveals that districts regularly exploit this loophole. Schools serving large percentages of low-income and minority students are wildly unequal in their ability to attract, compensate, and retain quality teachers.261 On average, poor and minority students are exposed to inexperienced, uncredentialed, and unqualified teachers at twice the rate as other students.262 The financial consequences of this unequal distribution follow automatically. The Department of Education indicates that in districts with twenty or more schools, 72 percent of school districts spend less on teacher salaries in Title I schools less than in non-Title I schools in the district, with an average gap of over $2,500 per teacher.263 A separate study found that states and local districts would need to allocate $6.83 billion nationally to close the funding gap created by teacher salaries.264

That the ESSA continues these lax equity standards and loopholes is remarkable. Scholars, policy reports, the media, the U.S. Government Accountability Office, and even the Department of Education itself have emphasized how ineffectual the Elementary and Secondary Education Act has been in ensuring equal treatment in school expenditures in recent years.265 Secretary John King recently remarked, “The current system is not fair. . . . ‘What we see, as we look around the country, is districts where they’re actually spending significantly more in their non-Title I schools than they’re spending in their Title I schools.’”266 A host of studies also demonstrate that access to quality teachers may have the largest impact on student achievement of any factor.267 For that reason, the Department of Education recently emphasized that unequal access to teachers may violate Title VI’s prohibition on racial discrimination.268 Yet, the ESSA ignored both issues of funding and teacher inequalities.

In some respects, the ESSA asks even less than the NCLB in regard to equity. The ESSA relaxes both the maintenance of effort standard and the prohibition on supplanting local funds.269 Weakening these standards makes it easier for districts to mask their unequal funding practices. With fewer limits on how federal dollars are spent, districts can use federal dollars to fill the local funding deficits that districts create through their own fiscal policies.270 Districts might even expand funding inequalities and deficits in local expenditures because they have more flexibility with federal funds. As Part III.B will detail, Secretary King sought to block this eventuality through regulation but faced congressional rebuke for doing so.271

The one potential exception to the ESSA’s disregard for equity is its set of requirements for schools in the bottom 5 percent of a state’s performance metric. The ESSA requires that districts examine resource inequities in those schools to determine whether they contribute to the school’s poor performance.272 While an improvement upon the NCLB, this measure is extremely limited. The provision only applies to inequities between schools in an individual district even though the most significant resource inequities exist between districts.273 For instance, a 2015 study found that half of the nation’s states funded education at a lower level in districts serving predominantly lowincome students than in other districts—and the gap was often shocking.274 In Nevada, for example, expenditures in high-need districts were only 48 percent of those in lowneed districts.275 The ESSA ignores this inequality, notwithstanding its well-documented prevalence.

Even if resource inequality were only a problem within districts, this new ESSA provision would do little to address it because it applies to such a small subset of schools. Equally problematic, the provision does not actually require that districts close the inequities they find; it only requires they assess them.276 Thus, the ESSA does not mandate a remedy for serious resource inequalities, even when districts find them. In short, this new provision ignores the most glaring problem of inter-district resource inequity and focuses instead on the smaller problem of intra-district inequity. But even then, it does no more than occasionally ask that a few districts consider the problem.

4. Unaddressed Student Needs

Certain levels of inequity might be tolerable if states guaranteed minimum resource levels that ensured all students still received a quality education. Arguably, the important question is whether districts serving predominantly low-income students have the resources they need, not whether suburban schools outspend them. Data suggests, however, that states’ funding practices are just as problematic in terms of adequacy as they are in terms of equity. Yet, the ESSA neither prohibits these practices, nor supplies the federal resources necessary to meet student needs when states cannot or will not. All relevant data points indicate that student need has risen and is not being met.

The number and percentage of poor students and other special-need populations attending public school have increased in recent years.277 But over the past decade, states’ ability or willingness to meet student need has declined. As detailed above, states are funding education at significantly lower levels than just a few years ago, and the districts hurt the most are often those with high concentrations of student poverty.278 Cuts were so deep and sustained over the past decade that social science suggests the result will be longterm achievement deficits for students who attended school during this period.279

NCLB waivers cut short any check the NCLB testing regime might have placed on this academic outcome,280 and no other aspect of the Elementary and Secondary Education Act placed any meaningful limit on resource adequacy concerns.281 Against this backdrop, Congress had every reason to include adequacy metrics in the ESSA, but it did nothing.282 The other—and politically easier—option would have been for the ESSA to fund more basic resources. In fact, as part of the economic stimulus package, the federal government had done just that during the first years of the recession, giving the states funds to prevent massive teacher layoffs and budget shortfalls.283

The ESSA, however, did almost nothing to ensure adequacy moving forward. First, whereas the NCLB substantially increased federal funding for low-income students, the ESSA leaves funding flat. Second, the ESSA does nothing to improve the way existing funds target student need. Instead, the ESSA continues a pattern of distributing federal funds by happenstance. This happenstance distribution is a product of ill-conceived weights in the funding formula for district size, states with small student populations, and poverty concentrations.284 Some of these factors counteract one another and others are simply based on false assumptions.285 The overly broad distribution of federal funds is a product of the fact that a district only needs 2 percent poverty to receive Title I funds, a threshold that nearly every district in the nation meets. 286

As a result of the formulas, federal funds that might otherwise meet the need of high-poverty districts go to predominantly middle-income and wealthy districts. A recent study found that “20 percent of all Title I money for poor students—$2.6 billion—ends up in school districts with a higher proportion of wealthy families.”287 For instance, the “Montgomery County Schools in Maryland, an[] elite suburb outside Washington, get nearly $26 million [in Title I funding], despite a child poverty rate of 8.4 percent.”288 Moreover, the average per-pupil Title I allotment for wealthier districts is larger than that of schools with the highest poverty levels.289 A similar phenomenon occurs across state lines, with the wealthiest states receiving the largest per-pupil grants.290

5. Incoherence of Retreating on Both Inputs and Outputs

Underlying the ESSA’s flat and random funding, on the one hand, and its permissive accountability standards, on the other, is a deeply conflicted set of premises that reveal how unpredictable equality will be under the ESSA. The ESSA’s highest-level premise is that outcome equality can be achieved without input equality, which is problematic in itself. The ESSA pushes that premise to the extreme in several respects. First, the ESSA offers no clear definition of outcome equality.291 Thus, if output equality is the goal, it is a goal without meaningful parameters. A more forgiving reading of the Act suggests that the ESSA offers a rough outline for states to define equal outcomes themselves, but such an outline would still be of little import given the next point.

Second, regardless of how the ESSA defines equality, it lacks mechanisms to achieve equality on a broad scale. The Act requires states to set academic standards and goals, but the Act’s accountability system reveals that most schools need not meet them. Save the exceptional few, schools that fail to meet these goals will not suffer any consequences and will not be expected to take any corrective action. Even among those that must act, the ESSA takes few positions on what that action should be.292 In these respects, the ESSA’s accountability system is more akin to a monitoring system that, at best, picks out a small subset of schools for further scrutiny and assumes that monitoring outcomes alone will further equality. But given that the NCLB demonstrated that even strict accountability for all schools was insufficient to achieve equal outcomes,293 the ESSA’s premise of monitoring outcomes to further equality is wishful thinking.

Third, the ESSA’s willingness to largely ignore input equality and adequacy assumes that inputs are of limited relevance to student outcomes. The precise connection between inputs and outcomes is surely complex and subject to disagreement, but courts and scholars consistently agree that spending money wisely matters to education outcomes. 294 A 1996 review of all relevant school funding studies found that per-pupil expenditures “show strong and consistent relations with achievement. . . . In addition, resource variables that attempt to describe the quality of teachers (teacher ability, teacher education, and teacher experience) show very strong relations with student achievement.”295 The precise effect of funding may differ based on how funds are allocated, but “a broad range of resources [are] positively related to student outcomes, with effect sizes large enough to suggest that moderate increases in spending may be associated with significant increases in achievement.”296 Recent studies have confirmed these findings.297 Most notably, based on three decades of data, a 2016 study found that a 20 percent increase in per-pupil funding, if maintained over time, results in low-income students completing almost a full additional year of education.298 That additional learning eliminates two-thirds of the gap in outcomes between low- and middle-income students.299

At worst, the ESSA’s failure to address resource inequity is a rejection of this body of research. At best, the ESSA concedes the importance of resources but unrealistically hopes that states will voluntarily address adequacy and equity problems. If the NCLB’s rigid accountability did not prompt states to address funding problems, there is little reason to believe the ESSA’s minimal accountability system will prompt a better result. In effect, leaving resource equity and adequacy to voluntary state action is to abandon resource equity and adequacy, even if the ESSA does not explicitly state as much.

The abandonment of federal leadership on both inputs and outputs turns the Elementary and Secondary Education Act on its historical head. The Elementary and Secondary Education Act was originally enacted and, for decades, maintained on the notion that certain communities and states would not do what is necessary to provide appropriate educational opportunities for disadvantaged students.300 The ESSA contradicts this mission and premise by placing near-complete responsibility for equitable and adequate inputs and outputs in the hands of state and local actors. Either the initial premise or the ESSA’s current implementation is incorrect. If the former, one must question whether a justification for continuing the Elementary and Secondary Education Act exists. If the latter, one must question whether the ESSA is a legitimate extension of the Elementary and Secondary Education Act and, if not, what independent justifications exist for the ESSA.

### 1AC — Inequality Advantage

#### Contention \_\_\_ — Inequality Advantage

#### First, lack of equality impairs access to an adequate education for poor and minority students.

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education,” 130 Harv. L. Rev. 185, November, l/n)ww

Racial minorities more often experience a wide range of disadvantages within schools. These disadvantages are evident in the teacher quality that many minority students receive. Latino and African American students are approximately twice as likely as their white or Asian peers to attend schools with over twenty percent of the teachers in their first year of teaching, n144 and students attending schools with high concentrations of minority students are twice as likely to be assigned to new teachers. n145 Indeed, "[b]y every measure of qualifications -- certification, subject-matter background, pedagogical training, selectivity of college attended, test scores, or experience -- less-qualified teachers are found in schools serving greater numbers of [\*207] low-income and minority students." n146 These disparities in teacher quality adversely affect the achievement of minority and low-income students. n147

Minority students also typically experience greater access to vocational and remedial courses and less access to challenging academic classes, rigorous curricula, and courses that prepare students for college. n148 Remedial courses often are geared toward lower-level cognitive skills and prepare students for low-status jobs, while more rigorous curricula yield higher-order skills and prepare students with the skills that the "global knowledge economy" n149 demands. n150 Although there has been a significant increase in the number of African American and Hispanic students taking at least one AP exam, n151 African American and American Indian students are more likely to attend high schools without a complete AP program, with complete defined as offering at least one AP class in science, mathematics, social science, and English. n152 In addition, the College Board, which administers AP Exams, found that African American students who graduated in 2013 were "the most underrepresented group in AP classrooms and in the population of successful AP Exam takers." n153 Only 57% of African American students and 67% of Hispanic students enjoy access to the complete range of science and math courses offered, while 81% of Asian students and 71% of white students enjoy such access. n154 More college counseling is provided to students in rigorous courses, such as [\*208] students in honors, AP, or college preparatory courses. n155 Given the weighting of advanced courses and the complexities of the college application process, these disparities hinder the application and entrance of minority students into colleges and universities.

Minority students also experience higher rates of suspension and expulsion, as well as more exposure to safety concerns in their schools, such as gangs and weapons. Although 42.8% of African American students and 21.9% of Hispanic students have been suspended, only 15.6% of white students have been suspended. n156 Even though only 1% of white students have been expelled, 12.8% of African American students have been expelled. n157 African American and Hispanic students are more than twice as likely to attend a school where gangs are present, with 37.6% of African American and 36.1% of Hispanic students attending such schools compared to 16% of white students. n158 African American and Hispanic students are more likely to be threatened or injured with a weapon in school than white students are. n159 These discipline and safety factors create more difficult learning environments for many African American and Hispanic students in ways that can adversely influence their focus on academic achievement.

Nationally, districts that educate the most minority students receive approximately $ 2000 less per pupil than districts that serve the fewest minority students. n160 However, funding disparities vary significantly between states, with eighteen states providing significantly less funding to districts that serve the most minority students while fourteen states provide more money to districts that serve the most minority students. n161 A research consensus has emerged that money matters for education because of the influential resources that it can purchase, n162 and the longstanding debate over whether money matters has shifted to how money should be spent most efficiently to improve student achievement. n163 In addition, research by Professors C. Kirabo [\*209] Jackson, Rucker C. Johnson, and Claudia Persico reveals that increases in funding can result in significant increases in education and earnings as well as reductions in adult poverty. n164 Furthermore, minority students make up a disproportionate share of many large school districts that experience limited access to textbooks, overcrowding, and poorly maintained facilities. n165

High-poverty learning environments also provide additional disadvantages for a disproportionate number of minority students. Only 7.64% of white students attended high-poverty schools in 2014, while 42.62% of minority students attended such schools. n166 High-poverty learning environments consistently perform worse than other schools and often lack effective teachers, adequate resources, appropriate class sizes, and motivated and engaged parents, as well as other factors that improve student achievement. n167 Such environments also are affected by a host of out-of-school challenges such as higher crime rates, inadequate healthcare, greater mobility, and more instability within the home. n168 High-poverty schools exert a negative influence on student achievement independent of a student's socioeconomic status. n169 These educational opportunity gaps play a substantial role in creating and sustaining the racial achievement gap. n170 While some students are educated in schools that far surpass state learning standards, others are relegated to opportunities that emphasize the basics and teaching to the test. n171 These disparities in opportunity will lead many white and affluent students to higher-order thinking skills while many poor and minority students are left to basic, rote thinking and test preparation. n172 Leading education scholar Professor Linda Darling-Hammond summarizes the connection well, noting that "when the evidence is examined, it is clear that educational outcomes for these [minority] students are at least as much a function of their unequal access to key educational [\*210] resources, both inside and outside of school, as they are a function of race, class, or culture." n173

Most selective institutions continue to rely on the standardized SAT or ACT. n174 On the SAT, a substantial racial gap exists in all three subject areas. n175 More importantly, the size of the SAT achievement gap has remained relatively stable from 1986-1987 to 2013-2014. n176 On the ACT, a far lower percentage of African American and Hispanic students met the ACT college readiness benchmark, as compared to white or Asian students on math, science, English, and reading. n177 The test score gap on the ACT also has remained relatively stable for the last decade. n178 College entrance exam disparities are unsurprising given the persistence of the gap in elementary and secondary achievement scores. n179 Overall, African American and Latino applicants face [\*211] many more hurdles to successful entrance to higher education than whites. n180

#### Second, rigorous studies confirm that inequality kills via structural violence.

BEZRUCHKA ’14 (Stephen; Faculty in the Departments of Health Services and Global Health – University of Washington, “Inequality Kills,” from Divided: The Perils of our Growing Inequality, edited by Johnston, D., https://depts.washington.edu/eqhlth/pages/BezruchkaInequalityKillsBkPubInfo14.pdf)ww

Differences in mortality rates are not just a statistical concern— they reflect suffering and pain for very real individuals and families. The higher mortality in the United States is an example of what Paul Farmer, the noted physician and anthropologist, calls structural violence. The forty-seven infant deaths occur every day because of the way society in the United States is structured, resulting in our health status being that of a middle-income country, not a rich country.

There is growing evidence that the factor most responsible for the relatively poor health in the United States is the vast and rising inequality in wealth and income that we not only tolerate, but resist changing. Inequality is the central element, the upstream cause of the social disadvantage described in the IOM report. A political system that fosters inequality limits the attainment of health.

The claim that economic inequality is a major reason for our poor health requires that several standard criteria for claiming causality are satisfied: the results are confirmed by many different studies by different investigators over different time periods; there is a dose-response relationship, meaning more inequality leads to worse health; no other contending explanation is posited; and the relationship is biologically plausible, with likely mechanisms through which inequality works. The field of study called stress biology of social comparisons is one such way inequality acts. Those studies confirm that all the criteria for linking inequality to poorer health are met, concluding that the extent of inequality in society reflects the range of caring and sharing, with more unequal populations sharing less. Those who are poorer struggle to be accepted in society and the rich also suffer its effects.

A recent Harvard study estimated that about one death in three in this country results from our very high income inequality. Inequality kills through structural violence. There is no smoking gun with this form of violence, which simply produces a lethally large social and economic gap between rich and poor.

If we face the grim reality of our failure to support the health of the public in the United States, it’s critical to identify approaches to change the system that isn’t working. The last part of the IOM report lays out ideas for what to do, saying that we know enough to act without requiring more research. Their call to action is the need to alert the public to our alarmingly low relative health status and stimulate a national discussion about it.

#### Third, allowing structural violence to continue is unethical.

ANSELL ’17 (David A., MD, MPH; Associate Provost – Rush University, Michael E. Kelly, MD Presidential Professor – Department of Internal Medicine – Rush Medical College and Senior Vice President – System Integration – Rush University Medical Center, The Death Gap: How Inequality Kills, p. 7-10)ww

Structural Violence

It is easy to look at Windora’s brain attack through the lens of biology. Her diet, her lifestyle, and her innate biology all led to this moment when her brain is being suffocated by a blood clot in a cerebral artery. But what if it was not just biology that caused her stroke?

There are many different kinds of violence. Some are obvious: punches, attacks, gunshots, explosions. These are the kinds of interpersonal violence that we tend to hear about in the news. Other kinds of violence are intimate and emotional.

But the deadliest and most thoroughgoing kind of violence is woven into the fabric of American society. It exists when some groups have more access to goods, resources, and opportunities than other groups, including health and life itself. This violence delivers specific blows against particular bodies in particular neighborhoods. This unequal advantage and violence is built into the very rules that govern our society. In the absence of this violence, large numbers of Americans would be able to live fuller and longer lives.

This kind of violence is called structural violence, because it is embedded in the very laws, policies, and rules that govern day-to-day life.8 It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others. This inequity of advantage is not a result of the individual’s personal abilities but is built into the systems that govern society. Often it is a product of racism, gender, and income inequality. The diseases and premature mortality that Windora and many of my patients experienced were, in the words of Dr. Paul Farmer, “biological reflections of social fault lines.”9 As a result of these fault lines, a disproportional burden of illness, suffering, and premature mortality falls on certain neighborhoods, like Windora’s. Structural violence can overwhelm an individual’s ability to live a free, unfettered, healthy life.

As I ran to evaluate Windora, I knew that her stroke was caused in part by lifelong exposure to suffering, racism, and economic deprivation. Worse, the poverty of West Humboldt Park that contributed to her illness is directly and inextricably related to the massive concentration of wealth and power in other neighborhoods just miles away in Chicago’s Gold Coast and suburbs. That concentration of wealth could not have occurred without laws, policies, and practices that favored some at the expense of others. Those laws, policies, and practices could not have been passed or enforced if access to political and economic power had not been concentrated in the hands of a few. Yet these political and economic structures have become so firmly entrenched (in habits, social relations, economic arrangements, institutional practices, law, and policy) that they have become part of the matrix of American society. The rules that govern day-to-day life were written to benefit a small elite at the expense of people like Windora and her family. These rules and structures are powerful destructive forces. The same structures that render life predictable, secure, comfortable, and pleasant for many destroy the lives of others like Windora through suffering, poverty, ill health, and violence. These structures are neither natural nor neutral.

The results of structural violence can be very specific. In Windora’s case, stroke precursors like chronic stress, poverty, and uncontrolled hypertension run rampant in neighborhoods like hers. Windora’s illness was caused by neither her cultural traits nor the failure of her will. Her stroke was caused in part by inequity. She is one of the lucky ones, though, because even while structural violence ravages her neighborhood, it also abets the concentration of expensive stroke- intervention services in certain wealthy teaching hospitals like mine. If I can get to her in time, we can still help her.

Income Inequality and Life Inequality

Of course, Windora is not the only person struggling on account of structural violence. Countless neighborhoods nationwide are suffering from it, and people are dying needlessly young as a result. The magnitude of this excess mortality is mind-boggling. In 2009 my friend Dr. Steve Whitman asked a simple question, “How many extra black people died in Chicago each year, just because they do not have the same health outcomes as white Chicagoans?” When the Chicago Sun-Times got wind of his results, it ran them on the front page in bold white letters on a black background: “HEALTH CARE GAP KILLS 3200 Black Chicagoans and the Gap is Growing.” The paper styled the headline to look like the declaration of war that it should have been.

In fact, we did find ourselves at war not long ago, when almost 3,000 Americans were killed. That was September 11, 2001. That tragedy propelled the country to war. Yet when it comes to the premature deaths of urban Americans, no disaster area has been declared. No federal troops have been called up. No acts of Congress have been passed. Yet this disaster is even worse: those 3,200 black people were in Chicago alone, in just one year. Nationwide each year, more than 60,000 black people die prematurely because of inequality.10

While blacks suffer the most from this, it is not just an issue of racism, though racism has been a unique and powerful transmitter of violence in America for over four hundred years.11 Beyond racism, poverty and income inequality perpetuated by exploitative market capitalism are singular agents of transmission of disease and early death. As a result, there is a new and alarming pattern of declining life expectancy among white Americans as well. Deaths from drug overdoses in young white Americans ages 25 to 34 have exploded to levels not seen since the AIDS epidemic. This generation is the first since the Vietnam War era to experience higher death rates than the prior generation.12 White Americans ages 45 to 54 have experienced skyrocketing premature death rates as well, something not seen in any other developed nation.13 White men in some Appalachian towns live on average twenty years less than white men a half-day’s drive away in the suburbs of Washington, DC. Men in McDowell County, West Virginia, can look forward to a life expectancy only slightly better than that of Haitians.14

But those statistics reflect averages, and every death from structural violence is a person. When these illnesses and deaths are occurring one at a time in neighborhoods that society has decided not to care about—neighborhoods populated by poor, black, or brown people—they seem easy to overlook, especially if you are among the fortunate few who are doing incredibly well. The tide of prosperity in America has lifted some boats while others have swamped. Paul Farmer, the physician-anthropologist who founded Partners in Health, an international human rights agency, reflects on the juxtaposition of “unprecedented bounty and untold penury”: “It stands to reason that as beneficiaries of growing inequality, we do not like to be reminded of misery of squalor and failure. Our popular culture provides us with no shortage of anesthesia.”15

That people suffer and die prematurely because of inequality is wrong. It is wrong from an ethical perspective. It is wrong from a fairness perspective. And it is wrong because we have the means to fix it.

#### Finally, the cumulative effects of structural violence are comparatively greater than and a motivating factor for global conflict.

GILLIGAN ‘97 (James; Director of the Center for the Study of Violence – Harvard Medical School, Violence: Reflections on a National Epidemic p. 195-6)ww

The 14 to 18 million deaths a year caused by structural violence compare with about 100,000 deaths per year from armed conflict. Comparing this frequency of deaths from structural violence to the frequency of those caused by major military and political violence, such as World War II (an estimated 49 million military and civilian deaths, including those caused by genocide – or about eight million per year, 1939-1945), the Indonesian massacre of 1965-66 (perhaps 575,000 deaths), the Vietnam war (possibly two million, 1954-1973), and even a hypothetical nuclear exchange between the U.S. and the U.S.S.R. (232 million), it was clear that even war cannot begin to compare with structural violence, which continues year after year. In other words, every fifteen years, on the average, as many people die because of relative poverty as would be killed in a nuclear war that caused 232 million deaths; and every single year, two to three times as many people die from poverty throughout the world as were killed by the Nazi genocide of the Jews over a six-year period. This is, in effect, the equivalent of an ongoing, unending, in fact accelerating, thermonuclear war, or genocide, perpetrated on the weak and poor every year of every decade, throughout the world. Structural violence is also the main cause of behavioral violence on a socially and epidemiologically significant scale (from homicide and suicide to war and genocide). The question as to which of the two forms of violence – structural or behavioral – is more important, dangerous, or lethal is moot, for they are inextricably related to each other, as cause to effect.

### 1AC — Competitiveness Advantage

#### Contention \_\_\_ — Competitiveness Advantage

#### First, the social costs of an inequitable education system contribute extensively to the national debt.

ROBINSON ’12 (Kimberly Jenkins; Professor of Law – University of Richmond, “The Past, Present, and Future of Equal Educational Opportunity: A Call for a New Theory of Education Federalism,” 79 U. Chi. L. Rev. 427, Winter, l/n)ww

Equal educational opportunity remains elusive within the United States. The nation's education landscape reveals that too often students' backgrounds and where they live determine the quality of educational opportunities that they receive. n1 Although most within the United States profess a strong commitment to equal opportunity and to providing everyone access to an excellent education, substantial and influential disparities in school quality are commonplace. n2 Our nation is home to many substandard schools attended disproportionately by poor and minority schoolchildren and these schools offer students inferior educational, career, and postsecondary opportunities when compared to the opportunities [\*428] provided to students in many affluent and majority white schools. n3 Many schoolchildren receive educational opportunities that do not prepare them to succeed in postsecondary education or work. n4 Many students also are more likely to attend school with those who look like themselves than with those from different racial or ethnic backgrounds and thus leave school without the tools that they will need to engage effectively in the diverse world in which they will live. n5 For example, the average white student attends a school in which approximately 83 percent of the students are white, while the average minority student attends a majority-minority school, and approximately one-third of black and Latino students attend schools that are 90 to 100 percent minority. n6

Our nation also obtains poor outcomes from our education system. Approximately 30 percent of high school students fail to graduate from high school on time, and blacks and Hispanics fail to finish high school and fail to finish on time at higher rates than whites. n7 Furthermore, graduation rates for high school are falling rather than rising. n8 In 2009, approximately 25 percent of twelfth graders that were tested n9 did not read at a basic level on the National Assessment of Educational Progress (NAEP). n10 NAEP reading scores for twelfth graders have declined overall since 1992, and the racial achievement gap in reading has not improved since 1992. n11 Similarly, approximately 36 percent of the tested twelfth graders scored below basic on the NAEP mathematics assessment. n12 [\*429] Although twelfth grade math scores have improved since 2005, the racial achievement gap in math has remained the same. n13

Schoolchildren in substandard schools and their families are not the only ones that experience and live with the harmful effects of the current inequities in our nation's schools. Research establishes that the nation pays a high price tag for substandard schools. n14 For instance, the nation loses $ 156 billion in tax and income revenues over the lifetime of each annual cohort of eighteen-year-old high school students who fail to graduate from high school. n15 Similarly, the nation experiences higher health care costs for its substantial high school dropout rate because "each and every annual cohort of high school dropouts represents a cost of $ 23 billion in public funds and $ 110 billion in forfeited health and longevity." n16 The nation would save $ 1.4 billion annually from reduced criminal activity by raising the high school completion rate by 1 percent for males between ages twenty and sixty. n17 Improving educational attainment for high school graduates also could save between $ 7.9 and $ 10.8 billion in welfare assistance, food stamps, and housing assistance. n18 Therefore, investments in reducing educational inequities and increasing educational attainment would not only create a more just and equitable society and enhance the ability of individuals to reach their full potential, it also would yield substantial benefits and revenue savings to the nation at a time when it is struggling to reduce the national debt. Improving educational opportunities and outcomes also would increase participation in the political process and civic involvement. n19

#### Second, expansion of the national debt slows economic growth and undermines US influence in the world – it undermines structural resiliency and creates crises.

HAASS ’17 (Richard; President – Council on Foreign Relations, “A Country in Disarray,” in Part III, Section 12 of A World in Disarray: American Foreign Policy and the Crisis of the Old Order)ww

All of which brings me to the debt problem. What makes this issue particularly difficult is that it is part of a class of what I would describe as slow-motion crises. Climate change is another. Slow-motion crises are just that: phenomena or processes that are under way and have potentially substantial or even devastating consequences that will kick in gradually or, even if suddenly at some point, only after the passage of considerable time. They are thus unlike an infectious disease outbreak or a financial collapse. 5

There is both good and bad news in this. The good news is that to a large degree we know where things are heading. We also have time to do something about it. We can see the iceberg in our path, and there is ample time to turn the ship around. The bad news is that slow-motion crises generate little or no sense of priority but rather tend to promote complacency. The temptation is to put them aside, to focus on today’s crisis, and to allow the urgent to take precedence over the important. The problem with this is that not only will we forfeit the opportunity to prevent a crisis from materializing, but we will also deny ourselves those remedies that are not severe. The medical equivalent would be to ignore the symptoms in a patient when the sickness was relatively easy to treat and to do something only when it became life-threatening.

The problem is fairly straightforward. According to The 2016 Long-Term Budget Outlook of the Congressional Budget Office and the CBO’s January 2016 ten-year Budget and Economic Outlook: 2016 to 2026, the public debt of the United States is fast approaching $14 trillion. 6 It now is equal to roughly 75 percent of GDP and in a decade will rise to between 80 and 90 percent of GDP. Depending upon spending and revenue assumptions, it is a question of when and not if the amount of debt comes to exceed or far exceed GDP. This could well happen by 2030. The cost of servicing the debt will begin to rise rapidly, consuming an ever-larger percentage of GDP and federal spending.

Some contend that this analysis of U.S. debt is too negative. 7 They tend to predict higher revenues, continued low interest rates, and larger than expected cost savings in the medical domain. Such a future is of course possible, but so too is a worse than expected future based on slower growth, higher rates, higher than expected medical costs owing to a larger aging population, and much higher than imagined costs associated with adapting to the many effects of climate change.

The causes of the debt problem are somewhat more controversial but still fairly straightforward. Although the federal deficit is considerably lower than it was five years ago, it is once again increasing, due to greatly increased spending (in particular on entitlements) and low rates of economic growth. Some would say that taxes, or rather the lack of them, are to blame as well, but U.S. corporate rates are high by global standards and individual rates are not conspicuously low.

All things being equal, the problem will not only not fix itself but will grow worse. There are two reasons. First, the principal driver of spending increases, spending on entitlements such as Medicare, Medicaid, and Social Security, will likely become more and not less of a factor as Americans retire in large numbers and live longer lives. Second, interest rates are near historic lows and are far more likely to rise than fall over future decades. Specific projections as to the size of the debt and what it will cost to finance necessarily vary depending on assumptions regarding economic growth, spending, taxation, inflation, and interest rates, but the trend is clear, and the trend is not our friend. Nor is time.

The strategic consequences of growing indebtedness are many and worrisome. The need to finance the debt will absorb an ever-increasing number of dollars and an ever-increasing share of the U.S. budget. This will mean that proportionately fewer resources will be available for national security, including defense, intelligence, homeland security, and foreign assistance. There will as well be fewer dollars available for discretionary domestic programs ranging from education and infrastructure modernization to scientific research and law enforcement. What this portends is an increasingly sharp and destructive debate over guns versus butter while the two fastest-growing parts of the budget, debt service and entitlements, remain largely off-limits.

Mounting debt will raise questions around the world about the United States. U.S. inability to deal with its debt challenge will detract from the appeal of the American political and economic model. It will make others less likely to want to emulate the United States and more wary of depending on it as it will raise questions about this country’s ability to come together and take difficult decisions. The result will be a world less democratic and increasingly less deferential to U.S. concerns in matters of security. To some extent this is already happening; U.S. failure to deal with its debt promises to accelerate a worrisome evolution.

Mounting debt will leave the United States more vulnerable than it should be to the whims of markets and the machinations of governments. Already nearly half of U.S. public debt is held by foreigners, with China one of the two largest lenders. It is of course possible that China will be constrained by its stake in not seeing its own huge pool of dollars lose its value and by its need for the United States to continue to buy its exports. The result, according to this line of thinking, is the financial equivalent of nuclear deterrence. This may be true, but I for one am not sanguine that China would not decide to slow or stop accumulating U.S. debt as a signal of displeasure or even to sell debt amid, say, a crisis over Taiwan or one involving its claims in the South or East China seas. In such circumstances, Chinese leaders might well judge it to be worth paying a financial price to protect what they viewed as their vital national interests. Interestingly, it was American threats aimed at the pound sterling that more than anything else persuaded a British government that was fearful of the need to devalue its currency to back off its ill-fated venture to regain control of the Suez Canal in 1956.

Mounting debt could absorb funds that could otherwise be usefully invested at home or abroad. This will in turn depress already modest levels of economic growth. Making matters worse is that high levels of debt and debt financing will increase concerns about the government’s willingness to maintain the dollar’s value or, worse yet, meet its obligations. This will cause foreigners in particular to demand high returns on their loans, something that will increase the cost of debt financing and further crowd out other spending and depress growth. This is a vicious, not a virtuous, cycle. Mounting debt limits American flexibility and resilience. There is no way of stating in the abstract what constitutes the right level of debt for the country or knowing with precision what level is sustainable. But the United States does not want to make high levels of debt the new normal, if only because it removes flexibility if, for example, there were to be another financial crisis that required largescale fiscal stimulus or a major national security challenge that demanded a costly response. Keeping debt levels low enough to allow for a surge without triggering a debt crisis seems to be a prudent hedge and, as is the case with preventive medicine or insurance, worth paying a reasonable premium for.

Let me just add one more prediction. Mounting debt will hasten the demise of the dollar as the world’s reserve currency. This will happen due to loss of confidence in U.S. financial management and the related concern that what the United States will need to do to finance its debt will be at odds with what it should be doing to manage the domestic and, indirectly, world economy. It is possible that such a move away from the dollar would have happened were it not for the EU’s problems and China not being prepared to free up the yuan. Granted, there is no alternative to the dollar on the immediate horizon, but the United States cannot depend forever on the weaknesses and errors of others, and a postdollar world will be both more costly (as it will require the United States to move in and out of other currencies) and one of less leverage when it comes to imposing dollar-related sanctions. 8

#### Third, this results in military retrenchment and global great power conflict.

KHALILZAD ’11 (Zalmay; Former US ambassador to Afghanistan, Iraq, and the UN and director of policy planning at the Defense Department from 1990 to 1992, “The Economy and National Security,” National Review, 2/8, http://www.nationalreview.com/article/259024/economy-and-national-security-zalmay-khalilzad)ww

Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally.

Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments.

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation.

The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.

American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.

#### Finally, resolving inequality of education would solve for the nation’s debt.

EDLEY and CUÉLLAR ’13 (Christopher, Jr. and Mariano-Florentino; Co-Chairs – The Equity and Excellence Commission, “Fore Each and Every Child,” https://www2.ed.gov/about/bdscomm/list/eec/equity-excellence-commission-report.pdf)ww

Today, far too many U.S. students—the future labor force—are no longer competitive with students across the developed world. In the OECD’s Programme for International Student Assessment (PISA) rankings for 2009, the United States was 27th in math (not counting states or provinces that were ranked separately from their country).6

In terms of “advanced” performance on math, 16 countries produced twice as many high-achievers per capita as the United States. Indeed, in mathematics, only one in four of America’s 52 million K-12 students is performing on par today with the average student in the highest-performing school systems in the world—which are now in Singapore, Hong Kong, Finland, Taiwan and South Korea.7

If we accept this level of performance, we will find our economy on a low-growth path, because over the past half-century, the economies of countries with higher math and science skills have grown faster than those with lower-skilled populations.8 We will also erode our country’s ability to deliver on its promise of equal opportunity for all its people.

Imagine what we could achieve if we made American public schools competitive with those of a higher-performing country such as Canada in mathematics (which means scoring approximately 40 points higher on PISA tests) over the next 20 years. As our higher-skill-level students entered the labor force, they would produce a faster-growing economy. How much faster? The potential is stunning. The improvement in our GDP over the next 80 years would exceed a present value of $70 trillion.9

That’s equivalent to an average 20 percent boost in income for every U.S. worker each year over his or her entire career. This would generate enough revenue to solve the U.S. debt problem that is the object of so much current debate.

While the exact level of U.S. performance as compared to other countries may vary somewhat across international assessments,11 what remains clear is the nation continues to face a significant problem of inequality. We face this challenge as our public schools undertake to educate an enormously diverse student population in a country with rapidly changing demographics. In 2009, more than 39 percent of our public school students were African American or Hispanic—up from 33 percent just a decade earlier. In 11 states, non-Hispanic white students were already a minority, a trend that is likely to continue as the Hispanic populations in a number of states continue to rise.12

Yet when it comes to our country’s ability to close the achievement gap between students from different demographic groups, our record is dismal. In math, the average African American eighth-grader is performing at the 19th percentile of white students.13 The average Hispanic student is at the 26th percentile. In this age in which skills are dominant in the labor market, we are relegating a large and growing portion of our population to bleak economic futures. Concerns about disparities in income distribution will, with these basic realities, be an everpresent element of the U.S. future. The opposite side of the same coin is the huge loss to the American economy and to our future economic well-being from failing to develop fully the human potential of our population.

Consider, for example, the consequences of addressing the achievement gap between white students, on the one hand, and African American and Hispanic students, on the other. If, on average, African American and Hispanic students performed academically at the level currently achieved by white students, overall student performance for the United States would rise from below the developed-country average to a respectable position ahead, for example, of Australia and Germany. If Hispanic and African American student performance grew to be comparable to white performance and remained there over the next 80 years, the historical evidence indicates that the impact would be staggering—adding some $50 trillion (in present value terms) to our economy.18 This amount constitutes more than three times the size of our current GDP and represents the income that we forgo by not ensuring equity for all of our students. In fact, simply achieving a 90 percent graduation rate for students of color would add as much as $6.6 billion in annual earnings to the American economy.19

Our education system, legally desegregated more than a half century ago, is ever more segregated by wealth and income, and often again by race. Ten million students in America’s poorest communities20—and millions more African American, Latino, Asian American, Pacific Islander, American Indian and Alaska Native students who are not poor—are having their lives unjustly and irredeemably blighted by a system that consigns them to the lowest-performing teachers, the most run-down facilities, and academic expectations and opportunities considerably lower than what we expect of other students. These vestiges of segregation, discrimination and inequality are unfinished business for our nation.

Admittedly, many of these disadvantaged students enter school far behind their more advantaged peers. But instead of getting deadly serious about remedying that fact—by making sure such students are in high-quality early childhood and pre-K programs, attend schools staffed with teachers and leaders who have the skills and knowledge to help each student reach high standards, get after-school counseling or tutorial assistance or the eyeglasses they need to see the smart board—the current American system exacerbates the problem by giving these children less of everything that makes a difference in education. As a result, we take the extraordinary diversity—including linguistic backgrounds and familial relationships—that should be our strategic advantage in the international economy and squander it.

Given that low-income students, English-language learners and students of color together form a majority of our young people and the fastest-growing population in the nation—and that America’s future economic and civic vitality depends on their success in an age of global competition—this practice is not only unjust but also unwise.

### 1AC — Plan Text

#### Thus, the plan —

#### The United States federal government should phase in regulations requiring states to provide proportionally larger resources to low-income schools and substantially increase funding to assist states in meeting these goals.

### 1AC — Solvency

#### Contention \_\_\_ — Solvency

#### First, federal regulation of educational equality motivates states to act by creating ‘race to the top’ incentives

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

B. Adopt a Multi-Prong Approach to Achieving Equity

The Elementary and Secondary Education Act should set strict equity requirements but offer states the ability to transition to full equity and the progressive funding outlined above over time. To immediately require absolute resource equality in the context of widespread and deep inequality would create circumstances like those that produced the NCLB waivers. The NCLB set unrealistic student achievement requirements and included no contingency plan to keep schools on track when they failed to meet them.354 Restructuring school funding is more realistic than moving all students to full proficiency, but as school finance litigation has shown, restructuring funding is far more politically challenging at the state and local levels. 355

Title IX of the Education Amendments of 1974 offers a compelling alternate model through which the federal government could consistently and progressively phase states toward equity. When Congress passed Title IX, females were formally excluded from certain educational institutions and systematically discriminated against in others.356 Over the past four decades, Title IX has eliminated most forms of sex-segregated education and has drastically closed opportunity gaps elsewhere.357 For example, in 1971, only 7 percent of females participated in high school athletics.358 By 2007, more than 40 percent were participating.359 This represents a 940 percent increase in the number of female athletes.360

Title IX did not achieve these results by simply demanding absolute equality at the outset. Instead, Title IX has prompted progress in athletics through an interesting three-part standard. A school can demonstrate compliance with Title IX’s equal opportunity mandate by making one of three showings: (1) athletic opportunities for males and females are substantially proportionate to their enrollment numbers; (2) the school has a history and continuing practice of expanding opportunities for the underrepresented group, even though opportunities are not currently proportionate; or (3) “the interests and abilities of the members of [the underrepresented] sex have been fully and effectively accommodated by the present program.”361 The first prong is obviously demanding and almost no institutions can meet it, but the second and third prongs provide realistic standards to continually move schools toward the ultimate goal of equality.362

The Elementary and Secondary Education Act could adopt an analogous multi-prong standard that sets fixed requirements of varying difficulty. The first prong would set an absolute requirement that states provide schools serving higher percentages of low-income students with the proportionately larger supplemental resources they require. This standard would apply both within and between school districts. Based on current data, not a single state in the nation would have consistently met this standard in recent years. Since 2010, only three states—Minnesota, Utah, and Ohio—have hit this mark more than once.363 At the other end of the spectrum, roughly half of the states fund high-need districts at lower levels than districts that are predominantly middle income and wealthy.364 A requirement that states fund schools serving larger percentages of low-income students at proportionately higher levels would set a goal that is within the immediate reach of only a few states.

The second equality prong could provide the remaining states interim relief while still pushing them to make progress. Like Title IX’s progress standard, states and districts with a history and continuing practice of closing funding gaps and moving toward the required supplemental funding for high-need schools would be exempted from the absolute equality requirement. The exact amount of progress necessary to comply each year could be set at any number of levels but, at the very least, should demand that states currently funding low-income districts at levels lower than other districts eliminate those gaps within five years.365 Once a state eliminates this raw funding gap, prong two might require that states demonstrate at least a 2 percent increase in funding for high-need districts relative to other districts each year. Under this standard, a state doing the bare minimum would still have twenty years to meet the absolute requirement of prong one but like under Title IX, the state would have a clear and realistic path to reaching the equality goal.

The concept of resource equality, like that of proportional athletic participation by gender, will prove controversial. Some states, districts, and policymakers will contest money’s relevance to educational opportunity and the precise goal of prong one.366 To address these concerns, a third prong could provide an entirely distinct metric of equality: one based on academic achievement. States and districts would be allowed to demonstrate that, regardless of the resources low-income students receive, their low-income students achieve at levels reasonably representative of equal educational opportunity. A state or district could make this showing if their low-income students meet one of two benchmarks: (1) achieve at a level equal to or above the national average for low-income students, or (2) make one year’s worth of academic progress during the past school year. Both of these showings would be based on the National Assessment of Educational Progress (NAEP), the national benchmark for academic achievement.367

This third prong would serve several important ends without repeating the past mistakes of the NCLB and prior versions of the Elementary and Secondary Education Act. First, it concedes that while resources are the primary criterion of educational opportunity, resources are not an infallible measure. In some circumstances, other measures may be more valid. Local variations and the numerous soft and hard variables that interact with resources may make resources less important than they otherwise would be.368 When states and districts can point to another relatively reliable indicator of equal educational opportunity, the Elementary and Secondary Education Act will respect it. This is analogous to Title IX’s “accommodation of interest standard,” which concedes that some women may be less interested than men in sports and that meeting students’ interests can be sufficient.369

A prong directed at student achievement provides some level of continuity with prior federal policy but would work far differently than the NCLB’s or the ESSA’s. On the one hand, this third prong would maintain the relevance of tests, their potentially conclusive effect, and the important role the play in research and data analysis. On the other hand, relying on NAEP scores would eliminate the possibility of local variation and the incentive to manipulate state tests, both of which can render test results meaningless.370 Similarly, benchmarking low-income students’ performance against a national average or a year’s worth of progress would eliminate unrealistic achievement goals like those found in the NCLB. Instead, these benchmarks would take into account the fact that low-income students are not similarly situated to other students.371

However, a standard that compares low-income students to each other could be construed as setting low expectations for low-income students.372 In practice, it would be quite the opposite. With the first two equality prongs driving up educational opportunity for low-income students nationally, those students’ achievement should increase as well.373 Thus, states and districts that seek to demonstrate compliance through student achievement will be comparing their students’ test scores with those of low-income students whom we would expect to achieve at higher levels. Comparative analysis of this sort eliminates subjective judgments about proficiency374 and instead uses a real-world measure of the achievement that results when low-income students are afforded appropriate supplemental resources.

More concerning is the possibility that too many states and districts would opt for third-prong compliance, thereby minimizing the aforementioned upward effects of comparative analysis across states. However, the states and districts that would find this prong most attractive are those whose low-income students are already performing above average.375 Those with below-average achievement would still be forced to improve either their achievement or their resource equity, and improvement on either metric would presumably drive up average national achievement. In turn, this would incentivize states to “race to the top” in student achievement or, when unsuccessful, strive toward resource equity under the first two prongs.

While aggressive, this three-prong approach would also minimize the perception that the federal government is treating states and local authorities unfairly. States and districts that fail to meet any of the prongs would not be sympathetic victims of federal intrusion.376 To the contrary, they would be prime examples of states and districts that warrant reprimand. They would have continued to underfinance their schools and produce poor student outcomes despite receiving significant federal funding. They could not claim that they distributed federal funds fairly and it simply did not work. Nor could they claim that their students were performing well notwithstanding resources.

In sum, this three-pronged approach to equity manages a careful balance among competing views and practical limitations. It keeps absolute resource equality at the forefront, but recognizes that achieving it requires a mutually reinforcing set of interim progress measures. Equally important, it labels states and districts—not the federal government—as the villain upon failure to comply with its standards.

#### Second, federal funding ensures state compliance – it generates the necessary leverage and capacity to induce change.

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

A. Increase the Federal Investment in Education

The federal financial stake in education should substantially increase and move states toward delivering low-income students the full supplemental funding necessary to provide adequate educational opportunities. Estimates suggest that for low-income students to achieve at levels comparable to their peers, they require 30 to 60 percent more resources than those necessary for middle-income students.. 333 The federal government has officially pegged 40 percent as the appropriate supplement.334 States are far from meeting this standard and, as Part III.A. demonstrates, are regressing in many locations.

Skeptics primarily ask why the federal government should take on a larger financial commitment in an area traditionally of state concern and control. And relatedly, why not simply demand that states meet appropriate resource goals themselves? The answer to these concerns is threefold. First, some states appear to lack the resources to fund education adequately and equitably.335 Ironically, a few states fund education roughly equally across districts, but the actual funding level itself is relatively low.336 These states lag far behind the national average in terms of fiscal capacity.337 They devote a greater percentage of their states’ overall wealth to education, but because they are poor states, their extra effort still generates relatively low levels of education funding. 338 As one study found, the greatest funding inequities are between poor and rich states, not within individual states. 339

Second, many states with relatively high fiscal capacity have taken very little initiative in equalizing education.340 These states may fund education at relatively high levels, but funding can be wildly unequal across districts. In other words, many states fall into two different camps: one with a commitment to equity but no capacity for adequacy, and another with the capacity for adequacy but no commitment to equity. As Josh Weishart explained, adequacy and equity are interconnected, and one cannot realistically be achieved without the other.341

Third, helping low-capacity states necessarily requires federal assistance and motivating high-capacity states necessarily requires federal leverage. The federal government cannot get either for nothing. Both involve substantial additional money— enough to make the deal enticing for states. While Congress plausibly could demand more equity and adequacy from states pursuant to its congressional powers under the Fourteenth Amendment, 342 such authority has not been substantiated by courts or even remotely recognized by politicians. This leaves Congress’s power under the Elementary and Secondary Education Act. As spending legislation, Congress can only secure states’ consent to conditions in exchange for money.343 Congress and President Bush clearly understood this relationship in passing the NCLB, as the NCLB drastically expanded the federal role in education but only in exchange for a major increase in federal funding.344 If Congress is to further equity and adequacy through the Elementary and Secondary Education Act in the future, it must do the same again.

The federal government has the capacity to make this investment with relatively little effort. The current outlays for the Elementary and Secondary Education Act hover around $25 billion a year345—a miniscule number compared to the $938 billion in annual spending on health care.346 Federal spending on education altogether, which includes far more than just the Elementary and Secondary Education Act, is about 3 percent of the federal budget and is roughly equivalent to transportation or scientific research spending.347 In recent years, Congress has demonstrated the willingness to inject new funds into education to address short-term agendas. During the recession, Congress appropriated $4.3 billion to fund education innovation grants to states.348 Congress made an even bigger appropriation of $53.6 billion to cover the states’ budget shortfalls during the recession and to prevent massive teacher layoffs.349 Toward that end, Congress appropriated $53.6 billion with almost no strings attached.350

An annual federal investment of $45 billion, rather than the current $15 billion, would be enough to ensure that low-income students, particularly those attending schools with concentrated poverty, receive the additional funds they need.351 These federal funds alone, if properly targeted, would amount to a 20 percent supplement for low-income students and would put states halfway to the goal of a 40 percent supplement.352 This $12.5 billion investment would afford the federal government the leverage to demand that states appropriately weight their funding formulas to meet the needs of disadvantaged students.353 At that point, existing and new Title I funds and state remediation could combine to provide a 40 percent supplement for low-income students. Equally important, these federal funds would create the leverage and capacity the federal government needs for states to comply with the equity provisions outlined in the following sections.

#### Finally, federal statutory duty to increase Title I funding is the only sustainable way to guarantee funding. The federal signal is vital to overcoming shifting state and local political coalitions that will undermine funding over time.

Hinson ‘15 – lawyer; JD at the University of Michigan; former researcher for the Southern Poverty Law Center (Elizabeth, “Mainstreaming Equality in Federal Budgeting: Addressing Educational Inequities With Regard to the States” v20 issue 2, <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1044&context=mjrl> italics in original

The next challenge for the United States federal government is to commit funds where fiscal formulas are devised. With the existence of a statutory duty, this budgeting is more likely to occur. Historically, a lack of resources has been the main cause of failed efforts to solve funding gaps between the poorest and wealthiest school districts.173 It is left to policymakers’ imaginations what successes might have been if programs had been fully funded. Thus, the creation of a duty becomes both the most essential ingredient and the most essential commitment of the federal government in establishing a mainstreaming equality scheme for school funding. Current policies that are a part of the No Child Left Behind Act and most other state funding schemes function as mere policy guidelines. Absent a formal duty to fund, these guidelines fall short in application. The United States is susceptible to ideological differences in its party system at the federal, state, and local levels. When considering the politics of local school districts, it becomes even more apparent that whatever funding scheme is implemented must be one that will overcome flux and change in both national and state political leadership and also in local school leadership.

Northern Ireland chose the mainstreaming mechanism embodied in its Section 75 statutory duty precisely because it would be durable through different political arrangements.174 Northern Ireland’s statutory duty requires public authorities to regard the need to promote equality of opportunity between: (1) persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; (2) men and women generally; (3) persons with a disability and persons without; (4) persons with dependents and persons without.175 This statutory equality duty has implications for elementary and secondary education in Northern Ireland, as it applies to all public authorities, including the Department of Education.176 Each public authority is required to produce an Equality Scheme, outlining how they will implement Section 75.177 These schemes identify areas of concern, including those where equality-impact assessments will occur.178 For example, one such equality-impact assessment reviewing education curriculum found the lack of an explicit requirement to address racial equality issues in statutory curriculum and those findings were later factored into the curriculum review, which ultimately informed the content of the new statutory curriculum.179

A similar delineation of areas for impact assessments would allow for regular measurements of equity and adequacy for specific groups and for the effects of interlocking forms of disadvantage. Congress would regularly assess the effect of policies on layered disadvantage, focusing on the mechanisms and processes that deprive students of advantages otherwise available to those who are a part of the mainstream. Targeting layered disadvantage would function similarly to the policy of the New Targeted Social Need (New TSN) in Northern Ireland, which performs in addition to the mainstreaming equality provisions of Section 75 of the Northern Ireland Act of 1998.180 Targeted social need (TSN) has been used in policies throughout the United Kingdom in order to counteract the divide of resources and jobs between the regions, as the South is much more prosperous than the North.181 In efforts to counteract the effects of such a divide, financial allocations have been budgeted based on indicators such as regional income, employment ratios, health deprivation and disability, education, skills and training, housing, geographical access to services, and child poverty.182 While such factors may be useful to Congressional assessments and budgeting formulas, factoring educational disadvantage in the United States must also encompass circumstances of cultural isolation and the ability to compete.183 Other indicators might include national origin, race, ethnicity, or gender based on gaps evidenced in assessment outcomes of these characteristics. Indicators should also consider interstate disparities, as well as economic stagnation as controlled by local circumstances, whether in the form of lack of industry, employment, chronic population imprisonment and low education levels. Poverty must not be thought of as a mere lack of resources, conditions and amenities, as originally defined in Title I, but also in terms of the extent of deprivation which leads *in effect* to people being excluded from mainstream society.

Studies show that there can be no effective enforcement of a mainstreaming scheme without a statutory duty.184 In fact, most mainstreaming schemes have failed without the provision of an enforcement mechanism.185 Methods of enforcement may include a detailed statutory scheme, outlining for public authorities specific timelines and guidelines for implementation of the funding scheme and detailed instructions for implementation in related regulations. In addition, the U.S. Department of Education or other enforcement body, along with a congressional committee, would monitor the implementation of the legislation and its effectiveness. For example, Section 75 of the Northern Ireland Act of 1998 created the Equality Commission.186 Schedule 9 of the Act outlines the specific roles of the Equality Commission, specifying that the Commission is to offer advice on and review the effectiveness of the duties:

The Equality Commission for Northern Ireland shall— keep under review the effectiveness of the duties imposed by section 75;

offer advice to public authorities and others in connection with those duties; and

carry out the functions conferred on it by the following provisions of this Schedule.187

The enforcement body for the U.S. scheme would also report to Congress in a consultative capacity on the implementation and effects of the funding scheme. When the enforcement body suspects that a public authority has not carried out its duty under the statute, it may investigate.188 Congress may also consider employing a consultative element similar to that used in Section 75 as a means by which Congress can accept recommendations and reports from policy organizations also evaluating the effectiveness of the funding scheme. Specifically, Paragraph 5 of Section 9 requires:

[b]efore submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission—

(a) representatives of persons likely to be affected by the scheme; and

(b) such other persons as may be specified in the directions.189

Congress may additionally provide a provision of grants to consultative policy groups so that the study of the implementation of the mainstreaming funding scheme across the states may be monitored and studied.190 This is an essential element in the funding scheme because a detailed understanding and engagement with all communities is necessary to ensure all indicators listed within the funding scheme carry the adequate number of dollars to each student no matter the student’s county or region in the United States. Moreover, continual assessment and re-assessment of indicators of disadvantage and evaluations of layered disadvantage will be required in order to ensure that student needs are adequately met.

Amid wide reports that funds for the federal Title I program have been insufficient to improve student achievement in identified schools under the No Child Left Behind Act,191 and the accompanying lawsuits in various states, it is imperative that Congress commit to a mainstreaming equality funding scheme for public education. Congress should also consider increasing the amount it already contributes to public education in order to counteract some of the fiscal inefficiencies at the local level and the opposition by state taxpayers to allow redistribution of funds between wealthy and poor school districts. Currently, less than eight percent of funding for public elementary and secondary education comes from the federal government.192 In designing a statutory duty for mainstreaming equality and the consequent allocation of targeted funds, Congress should prioritize interstate disparities, disbursing federal funds among the states in order to concentrate funds on a national basis and to combat interstate disparities. Funds would then also be disbursed according to a new formula which, unlike the current Title I-A formula, would target funds based on new definitions of layered disadvantage, as outlined above. The implementation must be effective, and thus the statute must also allow and fund a sufficient number of staff at the state education agencies to oversee the implementation of this specialized mainstreaming scheme.

CONCLUSION

Congress required that ESEA maintain a balance between federal power and local responsibility in order to pass both houses in a post-Brown political environment. Yet for decades since, this concept of local control has undermined the very intent of the Congressional legislation and has at the same time justified the wide disparities caused by local property taxes. State high courts that have invalidated property-tax finance systems properly held that expenditure disparities create wealth-based differences in educational opportunities. While the legislative responses to these decisions have given poor districts more revenue in order to reduce spending variations and enrich educational programs, some of the modified funding formulas do not ensure that substantive change will occur due to other obstacles at the local level.

Title I’s provision for state coordination to serve disadvantaged populations has little force of its own because even if states have the resources for such coordination, their participation is at their own election.193 The statute does not mandate that states receiving Title I funds use those funds to serve low-income students in specific ways, but rather, the statute permits various uses for the funds and uses general terms such as “provide services.”194 In many cases, states work at different capacities in terms of implementing the systems required to enforce the federal legislation. Again, these frustrations often go to inadequate funding and insufficient human resources. Due to tensions over local control, other state education agencies are still reluctant to intrude too much in local schools, even low-performing ones.195

A new approach is required to combat the paralysis of poverty originally targeted by Title I legislation in 1965. However, the United States must reevaluate its definition of poverty and acknowledge that poverty in the United States is intricately linked to disadvantage as it relates to race and class and other discriminatory systems.196 A federal mainstreaming equality school funding scheme will create a moral imperative and mission at the federal level. The funding scheme will contribute the lion’s share of funding to those schools serving students categorized as disadvantaged. States will receive weighted funds based on this disadvantage, of which one consideration would be interstate disparities. To ensure fair interstate disbursement federal funds should be disbursed within states based on each individual schools’ assessed disadvantage rather than disadvantage by school district due to the extreme disparities which often exist within districts. This method will require school districts to change their budgeting methods. Instead of reporting district spending based on district averages and average per pupil expenditures, school districts will report actual spending for each school. As a result, targeted federal funds will arrive not at schools with already rich resources, such as veteran and high-paid teachers, but in the accounts of the most needy institutions. Through the implementation of a mainstreaming school funding scheme based on layered disadvantage and its multiplicative effects, long-time disparities between public schools in the United States may at last be countered and corrected.

## 2AC — Inherency

### Extend: “Current Title I Formulas Increase Inequality”

#### Current regulations create a patchwork system that fails to achieve equality

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

This Article is the first to offer a comprehensive analysis and critique of the ESSA. It demonstrates that although the ESSA commits to equality on its face, it does the opposite in practice. First, the ESSA affords states wide latitude on student performance, accountability, and school reform. Broad state discretion opens the door to fifty disparate state systems, none of which ensure equality. Second, the ESSA directly weakens two existing equity standards and ignores a loophole that exempts 80 percent of school expenditures from equity analysis. Third, the ESSA leaves federal funding flat, eliminating the possibility that additional resources will offset the inequalities that the foregoing provisions permit. These changes to federal education law are so out of character that they beg the question of why the federal government is even involved in education.

#### ESSA allows states to develop disparate systems with no accountability

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

The ESSA reverses the federal role in education and returns nearly full discretion to the states.8 Although state discretion in some contexts can ensure an appropriate balance of state and federal power,9 state discretion on issues of educational equality for disadvantaged students has proven particularly corrosive in the past. Most prominently, states and local districts vigorously resisted school integration for at least two decades following Brown v. Board of Education. In fact, this very resistance made the Elementary and Secondary Education Act of 1965 necessary.11 State resistance to equality, however, extends well beyond desegregation. Over the last decade, states have significantly cut education funding and have refused to reinstate funding even as their economies improved.12 The effects of these cuts often have hit low-income and minority school districts hardest.13 This regression marks a troubling new era in which states are willing to actively disregard their duty under state constitutions to deliver equal educational opportunities.14

Although complete discretion allows states to adapt solutions to local needs, it also allows states to ignore the Elementary and Secondary Education Act’s historical mission of equal opportunity and supplemental resources for low-income students. The ESSA’s framework will, in effect, make equal educational opportunity a random occurrence rather than a legal guarantee. First, the ESSA grants states nearly unfettered discretion to create school performance systems and set goals. States are largely free to weight test results and soft variables however they see fit.

With this discretion, as many as fifty disparate state systems could follow. Second, even assuming states adopt reasonable performance systems, the ESSA does not specify the remedies or interventions that states must implement when schools underperform.16 Third, the ESSA undermines principles that have long stood at the center of the Elementary and Secondary Education Act’s mission to ensure equal access to resources.17 In particular, the ESSA weakens two equity standards18 and leaves a significant loophole in a third one that, in effect, exempts 80 percent of school expenditures from equity analyses. 19 To make matters worse, Congress did not include any significant increases in federal funding and instead afforded states more discretion in spending existing funds.20

This random and uncertain approach to equality ultimately will render the ESSA an incoherent extension of the Elementary and Secondary Education Act. During the past half century, the Elementary and Secondary Education Act has embraced differing theories of how best to achieve equal educational opportunity. The early decades focused most heavily on educational inputs, whereas recent decades focused more on educational outcomes.21 But no reauthorization of the Elementary and Secondary Education Act has ever fundamentally abandoned both inputs and outputs as levers for equality—until the ESSA. Without one of those commitments, the ESSA undermines its own raison d’être: improving education for low-income students by providing federal resources where states fall short.22 In place of this historical premise, the ESSA provides that states should decide the level of resources students receive and the standards to which they aspire. It removes the federal government from education at the cost of equal education for lowincome students.

#### Best case is that the status quo will take decades to reduce educational inequality

Reardon 16 - Sean F. Reardon is a professor of education at Stanford; Jane Waldfogel is a professor of social work at Columbia; and Daphna Bassok is an associate professor of education at the University of Virginia. (New York Times, “The Good News About Educational Inequality, 8/28,https://www.nytimes.com/2016/08/28/opinion/sunday/the-good-news-about-educational-inequality.html

As encouraging as this new evidence is, we have a long way to go. Poor children still enter kindergarten nearly a year behind their richer peers. Even if school readiness gaps continue to narrow at the rate they did between 1998 and 2010, it would take another 60 to 110 years for them to be completely eliminated.

Changes in parenting are not going to be sufficient to sustain or speed this progress, although more paid leave would help. Economic inequality still constrains poor children's horizons. Low-income and middle-class parents still struggle to find affordable, high-quality preschools. The elementary, middle and high schools that rich and poor students attend differ markedly in resources and quality. And it isn't clear that the recent reductions in school readiness gaps will automatically translate into greater equality in high school, college and beyond. If we don't do something about these larger problems, the progress we have made toward equality in early childhood may prove only a brief respite from ever-widening educational inequality. "Goodnight Moon," for all its charm and power, is no substitute for comprehensive social policy.

#### Title I’s funding formulas favor wealthier districts, and the comparability, maintenance of effort, and supplement-not-supplant standards are unenforced

Black, 15 – professor of law at the University of South Carolina (Derek, “Leveraging Federal Funding for Equity and Integration” THE ENDURING LEGACY OF RODRIGUEZ: CREATING NEW PATHWAYS TO EQUAL EDUCATIONAL OPPORTUNITY, ed: Robinson and Ogletree, p. 231-232)

The Federal Disregard for Inequitable State Practices

While Congress exacerbates inequality and fails to meet student need, states are nor innocent. School finance victories in more than half of the states demonstrate many states' complacent and willful violations of students' rights to equal and adequate educational opportunities. States that have escaped liability are often no better; their courts simply have been unwilling to hold them accountable. The point here is not to detail these state failures but to point out how Congress is complicit in these violations. As David Sciarra recently characterized the relationship, Congress is the "great enabler."27 He and various others point out, during its bailout of state education systems during the recession of 2008, that Congress gave state education systems billions of dollars but then, in the face of blatant violations, did not enforce the equity rules put in place for those funds.28 This one-time failure, however, comes as no surprise considering that the previous three decades of ESEA enforcement were marked by a virtual absence of any equity standards to even enforce.

Current Title I standards are so flexible that they do not prevent states and school districts from reducing their own education funds and replacing them with federal funds. The problem arises both from changes to the standards themselves and underenforcement of those standards. First, Title I includes a maintenance of effort standard that is designed to prevent states and districts from drawing down their local expenditures on education.29 But the numerical benchmark in the current maintenance of effort standard no longer provides any real check on school budgets. The current maintenance of effort standard only requires that school districts maintain their funding at 90 percent of the previous year. Because the federal government provides less than 10 percent of educational funds, it would not be very hard for a district to subvert the standard's purpose, particularly if a district drew down its funds and replaced them with federal funds over a two- or three-year period.

The prohibition on supplanting funds is designed to prevent this, but the U.S. Department of Education has stopped enforcing the requirement. In the department's defense, the prohibition on supplanting funds requires speculation regarding future budgets and is labor intensive to monitor. Finding that those tasked with enforcing the standard are understandably confused by it, a 2003 GAO report recommended eliminating the supplement-not-supplant standard altogether, concluding that the more effective solution to state manipulation of federal funding would be to tighten the maintenance of effort standard.30 In the meantime, evidence suggests that some states and districts have taken advantage of the lax maintenance of effort standard and the department's underenforcement of the supplanting prohibition. A study of Texas and Colorado schools, for instance, found that "federal and other categorical funds, which were intended to provide additional opportunities, are used to fill in for inequitable distribution of foundational funds.”31 In other words, states and school districts were funding schools unequally and using federal funds to hide it.

The practical ineffectiveness of the supplement-not-supplant and maintenance of effort standards could largely be overcome if Title I included strict equity requirements. Like other standards, however, Title I’s comparability standards are currently meaningless. Its regulations initially required that per-pupil funding at Title I schools be within 5 percent of non-Title I schools in the same district. Title I’s statutory language now explicitly rejects this requirement, stating that "nothing in this subchapter shall be construed to mandate equalized spending per pupil for a state, local education agency, or school."32 Title I, at best, expresses a symbolic commitment to equity with its general indication that "services . .. taken as a whole" at Title I schools must be “comparable" to those at non-Title I schools.33 But the absence of any numerical benchmark for comparability leaves too much to interpretation and renders enforcement practically impossible.

Even if these standards were subject to strict construction and enforcement, they are robbed of any potential vitality by Title I’s major exemptions and limitations. First, the comparability standards do not apply at all between school districts; rather, the current standards apply only within school districts. Yet, the largest inequities exist between districts, not within them. By limiting the comparability standards to within districts, our national funding gap for high-poverty districts of nearly $1,000 per pupil and gaps in excess of $2,000 per pupil in the worst offending stares evades all scrutiny.

Second, within districts, the largest portions of school budgets are exempt from even meeting the weak requirement of substantial comparability. Title I exempts teacher salaries from comparability analysis, even though teacher salaries regularly account for 80 to 90 percent of school budgets.34 To be deemed comparable in regard to teacher salaries, a school district need only maintain a single salary schedule that applies to all schools in the district.35 Yet, real inequities arise not from variations in salary schedules but from the unequal distribution of teachers among schools. Under Title Is comparability standard, all of the twenty-year teachers with advanced degrees in a district could be placed at a single school and all the first-year teachers at an- other without violating comparability. Assume that a district had two elementary schools with twenty-five teachers at each school, that the salary gap between the experienced teachers and the new teachers was $30,000, and that half of the district's teachers were highly experienced. If the district assigned seventeen of its of twenty-five experienced teachers to one school, the district would have created a $270,000 funding gap between the schools, and Title I would call it "comparable" because the teachers at both schools were compensated on the same salary schedule. While this scenario may seem far-fetched, data indicates that it is a prevailing reality.36

Although not as significant in terms of money, central administration expenditures—such as gifted and talented, tutoring, and prekindergarten programs—also evade scrutiny because school districts generally fund these programs out of their central budgets rather than through individual school budgets.'7 Consequently, school districts are free to distribute these funds and programs among their schools any way they see fit. The result is two- fold. First, high-end programs for the "top" students are disproportionately available at middle-income schools. Students in high-poverty schools may still have the opportunity to participate in those programs, but their participation may require more personal initiative and come with higher transportation and time commitment burdens. Second, when middle-income schools see the success of supplemental Title I programs at other schools, they can petition their central administration to fund similar programs at their schools. This is not to suggest that middle-income schools should be deprived of these programs but that a district should be prohibited from pushing the cost of special programs for high-poverty schools onto the federal government while, at the same time, using local funds to supply those same programs at other schools. The result is that rather than receiving extra resources, high-poverty schools need federal money just to break even with other schools. In summary, Title I entirely ignores the most significant resource inequities, which occur between school districts, and sanctions the inequities that occur within districts by exempting the most important expenditures and permitting wide variances for the others.

#### Existing Title I formulas fuel inequities – the wealthiest schools receive the most funds

Hinson, 15 – lawyer; JD at the University of Michigan; former researcher for the Southern Poverty Law Center (Elizabeth, “Mainstreaming Equality in Federal Budgeting: Addressing Educational Inequities With Regard to the States” v20 issue 2, <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1044&context=mjrl>

Components of the Title I funding formula limit the impact of the targeting provisions. Most of the funds allocated for Title I are allocated to school districts through the funding formula in Part A of the law.20 The Title I-A formula consists of four distinct components, each with different eligibility requirements.21 The Basic Grants component distributes funds to almost all school districts in the country, whereas the other three components—Concentration Grants, Targeted Assistance Grants, and Education Finance Incentive Grants (EFIGs)—distribute funds only to districts with somewhat higher concentrations or numbers of low-income children.22 The primary factor used in all the formula components is the number of low-income children residing in each school district.23 Another important factor is the average state per pupil expenditure, which has the effect of channeling more dollars per low-income child to districts in states with high average per pupil expenditure and fewer dollars to districts in states with low average per pupil expenditure.24 The U.S. Department of Education’s national assessment of Title I, published in 2007, has noted that the use of average state per pupil expenditures in the Title I formula may be another factor limiting the impact of the targeting provisions.25 Since many high-poverty districts are in low-spending states, such as Mississippi, Alabama, or Louisiana, the per pupil expenditure factor could blunt the impact of the targeting provisions.26

The EFIG component of the formula allocates funds first to states, and then sub-allocates those funds to districts within states.27 While the sub-allocations to districts are weighted based on concentrations of child poverty, the initial allocation to the state is not weighted.28 Meaning, the concentration of these dollars only occurs within states and not among them. In effect, this component cannot concentrate funds nationally.

In a final illustration of the funding scheme’s limitations, Title I allows school districts to use average salary figures when comparing expenditures among schools and reporting those expenditures to the government.29 Due to the averaging of costs instead of reflecting the actual cost of salaries and budgets for each school, there is a transfer of funds from the less to the more advantaged school districts.30 Further, school districts divide budgets into portions that can be assigned readily to schools.31 Expenses for teachers and principals are allocated to the individual schools where those teachers and principals work.32 These expenses “typically make up more than 80 percent of each school’s allotment.”33 High-poverty schools may appear to receive the same basic education resources as low-poverty schools within a single school district when in fact they do not. Some of those monies are diverted to higher-salaried teachers at other schools because public school budgets do not reflect the actual cost of salaries and budgets.34 In effect, not all federal dollars make it to the children they were designed to help.35

This Article argues that because the United States has included no measure on the effects of disadvantages such as race, ethnicity, national origin, and cultural isolation, and no measure on child poverty, in both the ESEA and the NCLB Title I funding scheme, the United States has failed to address educational funding inequities in public schools. More specifically, this Article suggests that if socioeconomic redistribution of target funds were based on layered disadvantages and patterns of interstate disparities in funding, the outcomes reported in the present-day would likely reflect the goals of the Title I framers. Students in the United States are likely to benefit from a mainstreaming equality funding scheme as applied to the educational funding in Title I, or similar education funding legislation. Mainstreaming equality schemes require that public bodies assess the impact of their policies on equality of opportunity and monitor any adverse impact on the promotion of equality of opportunity.36

This Article defends the thesis that Congress should implement a mainstreaming equality scheme as to school funding, define beneficiary groups based on characteristics additional to socioeconomic status, and consider interstate disparities, in order to eradicate educational inequities affecting the most disadvantaged students in the United States. Part I argues that efforts to combat the paralysis of disadvantaged groups have failed and that regardless of socioeconomic indicators, schools continue to fail student populations of color, thus making socioeconomic criteria alone ineffective to counteract inequities. Part II considers methodology for conducting mainstreaming, arguing that the goals and performance indicators in Title I or similar legislation should be directed towards measuring social impact and effectiveness among specifically defined groups based on layered disadvantage, which considers race, class, and other factors, and its multiplicative effects.

## 2AC — Inequality Advantage

### Extend: “Structural Violence Impacts”

#### Deaths from structural violence are greater every year than from wars – changing laws that facilitate inequality is vital

Ansell, 17 - David A. Ansell, Senior Vice President, Associate Provost for Community Health Equity, and Michael E. Kelly Professor of Medicine at Rush University Medical Center (The Death Gap: How Inequality Kills, p. 7-10)

There are many different kinds of violence. Some are obvious: punches, attacks, gunshots, explosions. These are the kinds of inter- personal violence that we tend to hear about in the news. Other kinds of violence are intimate and emotional.

But the deadliest and most thoroughgoing kind of violence is woven into the fabric of American society. It exists when some groups have more access to goods, resources, and opportunities than other groups, including health and life itself. This violence delivers specific blows against particular bodies in particular neighborhoods. This unequal advantage and violence is built into the very rules that govern our society. In the absence of this violence, large numbers of Americans would be able to live fuller and longer lives.

This kind of violence is called structural violence, because it is embedded in the very laws, policies, and rules that govern day-to- day life.8 It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others. This inequity of advantage is not a result of the individuals personal abilities but is built into the systems that govern society. Often it is a product of racism, gender, and income inequality. The diseases and premature mortality that Windora and many of my patients experienced were, in the words of Dr. Paul Farmer, "biological reflections of social fault lines."9 As a result of these fault lines, a disproportional burden of illness, suffering, and premature mortality falls on certain neighborhoods, like Windora's. Structural violence can overwhelm an individual's ability to live a free, unfettered, healthy life.

As I ran to evaluate Windora, I knew that her stroke was caused in part by lifelong exposure to suffering, racism, and economic deprivation. Worse, the poverty of West Humboldt Park that contributed to her illness is directly and inextricably related to the massive concentration of wealth and power in other neighborhoods just miles away in Chicago's Gold Coast and suburbs. That concentration of wealth could not have occurred without laws, policies, and practices that favored some at the expense of others. Those laws, policies, and practices could not have been passed or enforced if access to political and economic power had not been concentrated in the hands of a few. Yet these political and economic structures have become so firmly entrenched (in habits, social relations, economic arrangements, institutional practices, law, and policy) that they have become part of the matrix of American society. The rules that govern day-to-day life were written to benefit a small elite at the expense of people like Windora and her family. These rules and structures are powerful destructive forces. The same structures that render life predictable, secure, comfortable, and pleasant for many destroy the lives of others like Windora through suffering, poverty, ill health, and violence. These structures are neither natural nor neutral.

The results of structural violence can be very specific. In Windora's case, stroke precursors like chronic stress, poverty, and uncontrolled hypertension run rampant in neighborhoods like hers. Windora's ill- ness was caused by neither her cultural traits nor the failure of her will. Her stroke was caused in part by inequity. She is one of the lucky ones, though, because even while structural violence ravages her neighbor- hood, it also abets the concentration of expensive stroke-intervention services in certain wealthy teaching hospitals like mine. If I can get to her in time, we can still help her.

Income Inequality and Life Inequality

Of course, Windora is not the only person struggling on account of structural violence. Countless neighborhoods nationwide are suffering from it, and people are dying needlessly young as a result. The mag- nitude of this excess mortality is mind-boggling. In 2009 my friend Dr. Steve Whitman asked a simple question, "How many extra black people died in Chicago each year, just because they do not have the same health outcomes as white Chicagoans?" When the Chicago Sun- Times got wind of his results, it ran them on the front page in bold white letters on a black background: "health care gap kills 3200 Black Chicagoans and the Gap is Growing." The paper styled the head- line to look like the declaration of war that it should have been. In fact, we did find ourselves at war not long ago, when almost 3,000 Americans were killed. That was September 11,2001. That tragedy propelled the country to war. Yet when it comes to the premature deaths of urban Americans, no disaster area has been declared. No federal troops have been called up. No acts of Congress have been passed. Yet this disaster is even worse: those 3,200 black people were in Chicago alone, in just one year. Nationwide each year, more than 60,000 black people die prematurely because of inequality.10

While blacks suffer the most from this, it is not just an issue of racism, though racism has been a unique and powerful transmitter of violence in America for over four hundred years.11 Beyond racism, poverty and income inequality perpetuated by exploitative market capitalism are singular agents of transmission of disease and early death. As a result, there is a new and alarming pattern of declining life expectancy among white Americans as well. Deaths from drug overdoses in young white Americans ages 25 to 34 have exploded to levels not seen since the AIDS epidemic. This generation is the first since the Vietnam War era to experience higher death rates than the prior generation.12 White Americans ages 45 to 54 have experienced skyrocketing premature death rates as well, something not seen in any other developed na- tion.13 White men in some Appalachian towns live on average twenty years less than white men a half-day's drive away in the suburbs of Washington, DC. Men in McDowell County, West Virginia, can look forward to a life expectancy only slightly better than that of Haitians.14

But those statistics reflect averages, and every death from structural violence is a person. When these illnesses and deaths are occurring one at a time in neighborhoods that society has decided not to care about—neighborhoods populated by poor, black, or brown people— they seem easy to overlook, especially if you are among the fortunate few who are doing incredibly well. The tide of prosperity in America has lifted some boats while others have swamped. Paul Farmer, the physician-anthropologist who founded Partners in Health, an inter- national human rights agency, reflects on the juxtaposition of "unprecedented bounty and untold penury": "It stands to reason that as beneficiaries of growing inequality, we do not like to be reminded of misery of squalor and failure. Our popular culture provides us with no shortage of anesthesia."15

That people suffer and die prematurely because of inequality is wrong. It is wrong from an ethical perspective. It is wrong from a fair- ness perspective. And it is wrong because we have the means to fix it.

#### Structural violence is skyrocketing as inequality deepens – policy change focused on concentrated poverty is the key to reversing it

Ansell, 17 - David A. Ansell, Senior Vice President, Associate Provost for Community Health Equity, and Michael E. Kelly Professor of Medicine at Rush University Medical Center (The Death Gap: How Inequality Kills, p. 194-198)

The Chicago Transit Authority Blue Line train has a stop just in front of my hospital. The life expectancy around the Blue Line stop in Chicago's Loop, just east of Rush University Hospital, is 85 years. Three stops down the Blue Line from Rush is Mr. M's neighborhood, where life expectancy plummets to less than 69. No measured assessment of the health conditions in America's neighborhoods could fail to connect the marginalized existence of so many and the economic structures and racial discrimination that have enriched many at the expense of the poor. Even if you don't agree that structural violence is the root cause of our neighborhood ills, there can be no doubt that something is dreadfully wrong. Neighborhood and life conditions have deteriorated to the point where they drive patients like Mr. M to madness and, worse, suicide.

And yet we are anesthetized by these neighborhood conditions. We have tolerated the wickedness of inequity as if it were a natural condition of a modern capitalist society. We avert our gaze so we do not have to endure the jarring emotional dissonance created by the juxtaposition of great wealth and mammoth poverty. Despite the evidence that structural violence inflicts terrible psychological stress on the poor, the City of Chicago's Health Department closed its mental health clinics a few years ago.5 At the same time, Chicago's jails and emergency rooms overflow with the mentally ill. Under what measure of fairness and justice can this be justified?

Concentrated poverty and distress are mushrooming in the United States. For those on the short end of the wealth stick, the system is rigged. The negative impact of structural violence has skyrocketed as jobs, opportunities, and wealth have deserted more and more American neighborhoods in the twenty-first century. The United States now boasts more high- poverty neighborhoods in any time since the 1960s.6 Since 2000, the number of people living in high- poverty ghettos and slums nearly doubled, from 7.2 million to 13.8 million, while poverty became more densely concentrated. More than one in four African Americans and more than one in three Latinos now live in neighborhoods of extreme poverty. Contrast this to white America. One in thirteen white Americans lives in this concentrated poverty—nothing to celebrate, but disproportionate to the US black and Latino experience.7

Because white poverty is more dispersed than black and Latino poverty, the death gaps within the white community can be difficult to discern. While white America experiences better health overall than black America, some neighborhoods in white America are not inoculated against the impact of structural violence. A11 analysis by the Washington Post found that since 2000, American white women have been dying at higher rates expiring in their 30s, 40s, and 50s, an invisible crisis driven by the impact of postglobalization job loss on small-town America. In one of the hardest-hit groups—rural white women in their late 40s—the death rate has risen by 30 percent. As life has evolved in rural America, as jobs have been dispatched overseas, as poverty has swelled, more white men and women are dying prematurely.

A greater proportion of Americans lived in poverty in 2015—a staggering 45 million—than in the late 1960s. Children are the hardest hit, with almost half of them below five years old living in poverty.8 Chicago is an epicenter for child distress, with the highest child poverty rate in the nation. While black and Latino men have been imprisoned at unprecedented rates, black women and their children have faced an epidemic of evictions because of poverty and racism.9 The wealth gap between whites and minorities is the largest it has been since 1989.10 The wealth gap for single women in America is even starker. Single black and Hispanic women have a median wealth of $100 and $120 respectively; the median for single white women is $41,500. Nearly half of all single black and Hispanic women have zero or negative wealth, meaning that their debts exceed their total assets. These statistics demonstrate graphic inequity, but we should not forget that the preponderance of poverty in the United States is among whites.11

We have performed enough analyses. There are no more observations or judgments to make. If we were studying the impact of structural violence on health and longevity in a randomized clinical trial, the experiment would have been halted long ago on ethical grounds. It is time to act. It is time for healing.

Act

We can act on behalf of the poor. We can choose to neither objectify nor dismiss their experiences. We can insist on and pursue their right for health and longevity. We can speak up against structural violence. We can demand political and policy solutions to mitigate or eliminate the structures that impart violence. We can advocate for a fair and equitable health-care system organized around the precept of health as a human right. We can expect our institutions to do more to serve the interests of America's high-poverty communities and their residents. We can expect our leaders and policy makers to hold all our institutions to greater accountability for the lives of the poor. Finally, we can act personally to preferentially serve the poor.

To speak against the forces of structural violence- racism; economic exploitation; mass incarceration; the lack of safety, good education, and decent-paying jobs—requires us to make the invisible visible. That means we have to acknowledge and address the distress in our high-hardship communities. We can seek to understand all the ways in which racial and anti-poor bias is explicitly and implicitly built into our institutions and then work to overcome these biases. To act against structural violence first requires us to expose the conditions that curtail life and hasten death in our midst.

### They Say: “No Inequity”

#### Educational inequality is increasing

COHEN ’17 (David; Politico, “Global report sees rise in inequality in U.S.” 1/15, http://www.politico.com/story/2017/01/inequality-economy-united-states-233642)

Economic inequality is increasing across the globe, including in the United States, according to a report by the World Economic Forum.

The Inclusive Growth and Development Report 2017, released early Monday in Europe in anticipation of this week's meeting of the World Economic Forum, also said median per capita income fell by 2.4 percent among people in the world's richest nations and that growth in those nations slowed to a crawl.

The figures reflected the years 2008-13, roughly equal to President Barack Obama's first term in office.

The report ranked nations with an Inclusive Development Index designed to determine whether economic gains largely benefited the country's wealthiest people or whether the growth was spread among the larger population. The United States ranked 23rd out of the nation's most advanced economies in that regard, one spot above Japan.

According to the report, the United States ranked 29th out of 30 in net income inequality, 29th in wealth inequality and 28th in poverty rate. The U.S. did, however, rank No. 4 in median income.

Other countries that were cited as faring poorly when it came to inclusiveness included Brazil, Ireland, Mexico, Nigeria and South Africa.

The top five advanced nations in the Inclusive Development Index were Norway, Luxembourg, Switzerland, Iceland and Denmark — European nations all considerably more homogenous than the United States. Top-ranked Norway, according to the report, "saw living standards rise by 10.6% over 2008-13 while the economy grew only 0.5%."

In the report, the World Economic Forum said it was "proposing a shift in economic policy priorities to respond more effectively to the insecurity and inequality accompanying technological change and globalization."

The wide-ranging report graded countries on an assortment of social and economic indicators.

Among the world's 30 most-advanced economies, the United States ranked first overall in a handful of categories including small business ownership. America was No. 4 in labor productivity, 12th in employment percentage, 20th in education and skills, and 28th in life expectancy.

A separate analysis by Oxfam released Monday in Davos contended that eight men own as much as wealth as half the people on Earth combined. Their list: Bill Gates, Warren Buffett, Jeff Bezos, Mark Zuckerberg, Larry Ellison, Michael Bloomberg, Carlos Slim and Amancio Ortega.

The annual meeting of the World Economic Forum in Davos, Switzerland, starts Tuesday.

### They Say: “Other Factors Cause Inequality” (General)

#### Education is an important determinant of inequality even if other causes exist

ROBINSON ’13 (Kimberly Jenkins; Professor of Law – University of Richmond, “The High Cost of Education Federalism,” 48 Wake Forest L. Rev. 287, Spring, l/n)ww

This Article will show the consistent ways that the current understanding of education federalism within the United States has hindered three of the major reform efforts to promote a more equitable distribution of educational opportunity: school desegregation, school finance litigation, and, most recently, NCLB. In exploring how education federalism has undermined these efforts, this Article adds to the understanding of other scholars who have critiqued these reforms n16 and examined why the nation has [\*291] failed to guarantee equal educational opportunity. n17 For example, scholars have argued that the failure to undertake earnest efforts to achieve equal educational opportunity is caused by a variety of factors, including the lack of political will to accomplish this goal, [\*292] the domination of suburban influences over education politics, and the failure of the United States to create a social welfare system that addresses the social and economic barriers that impede the achievement of many poor and minority students. n18 In a past work, I also explored some of the reasons that these efforts have failed to ensure equal educational opportunity. n19 In light of this literature, education federalism undoubtedly is not the only factor that has influenced the nation's inability to ensure equal educational opportunity. Nevertheless, it is important to understand the consistent ways in which education federalism has contributed to the ineffectiveness of efforts to ensure equal educational opportunity as scholars propose new avenues to achieve this paramount goal. In addition, in both past and future work, I argue that the nation should consider embracing a new framework for education federalism that would enable the nation to more effectively achieve its goals for public schools. n20 Understanding how education federalism has hindered past reforms is an essential part of exploring how education federalism should be reshaped.

#### Even if funding isn’t the only problem, it’s still important

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism,” 27 Stan. L. & Pol'y Rev 201, l/n)ww

In focusing on how the federal government could lead states to maintain funding systems that promote equity and excellence, I am under no illusion that financial disparities are the sole cause of disparities in educational opportunity and mediocre educational outcomes. n47 A variety of resources exist that money simply cannot buy. n48 For instance, there is strong research evidence that middle-income peers can exert a positive influence on achievement, while lower expectations and motivation are often found in schools where a majority of the children come from low-income households. n49 School cultures that yield productive outcomes for children also are essential, as are out-of-school supports that address impactful disadvantages in health care, nutrition, and early childhood education. n50 Therefore, while a path toward equitable school funding that supports excellent schools is being developed, greater and more consistent socioeconomic integration of students, n51 reforms that encourage positive school cultures, increasing supports for disadvantaged children, n52 as well as an array of additional reforms, n53 must remain on the reform agenda. [\*210] With these caveats, I turn to a discussion of the principal funding deficiencies that contribute to inequitable and substandard educational outcomes.

#### The plan is important even if other factors exist

ROBINSON ’15 (Kimberly Jenkins; Professor of Law – University of Richmond, “Disrupting Education Federalism,” 92 Wash. U. L. Rev. 959, l/n)ww

The nation's approach to education federalism - which I define as a balance of power between the federal, state and local governments that emphasizes substantial state autonomy over education - has played a significant and influential role in undermining federal reforms that have attempted to address disparities in educational opportunity. n11 In a recent article, I examined how the nation's approach to education federalism served as one of the principal obstacles to three of the most comprehensive federal attempts to advance equal educational opportunity: school desegregation, federal school finance litigation, and the No Child Left [\*963] Behind Act. n12 Although some contend that these decisions and results are driven more by a lack of political will rather than education federalism, n13 the consistency with which federalism has arisen as a real or imagined obstacle to reforms aimed at ensuring equal educational opportunity suggests that it is a significant contributing factor even if other factors also adversely influenced these reforms.

### They Say: “Achievement Gap Decreasing Now”

#### Education inequality is rampant — the achievement gap is increasing.

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education,” 130 Harv. L. Rev. 185, November, l/n)ww

Educational opportunities within the United States are not distributed equally, rationally, or fairly. Instead, zip codes, socioeconomic status, race, and geography often define whether a child receives a world-class education or a substandard one. n139 Opportunity gaps leave many students behind as the economy moves away from low-skill jobs and toward jobs that require higher-order thinking. n140 In addition, the United States pays a high cost for the low-quality education that it provides to many children. These costs often take the form of higher health care spending, lost income and tax revenues, increased housing and welfare assistance, greater crime, and less civic participation, n141 as [\*206] well as a failure to prepare students adequately for military service n142 and to protect our security interests. n143

### They Say: “Education Doesn’t Solve Inequality”

#### Education is critical to employment and overall economic opportunity--- statistics show a direct correlation between the three

Meanes, 16 – Partner @Thompson Coburn, LLP; President @ National Bar Association 2014-15. J.D., University of Iowa; M.A., Clark Atlanta University; B.A., Monmouth College (Pamela J., “SCHOOL INEQUALITY: CHALLENGES AND SOLUTIONS: Allen Chair Issue 2016: SCHOOL DISCIPLINE POLICIES: EQUITY IN AMERICAN EDUCATION: THE INTERSECTION OF RACE, CLASS, AND EDUCATION,” University of Richmond Law Review, 3/16, Lexis, 50 U. Rich. L. Rev. 1075)//JLE

I. An Education Creates Economic Opportunity

"Education, then, beyond all other devices of human origin, is the great equalizer of the conditions of men ... ." n11

- Horace Mann The importance of an education is manifest in its ability to open up opportunities for students. In 2014, the U.S. Department of Labor Bureau of Labor Statistics released a report analyzing the earnings and unem-ployment rates of individuals with different levels of educational attainment. n12 These statistics provide insight into the importance of equal access to education in the U.S. economy. In 2014, the unemployment rate for college gradu-ates holding a professional degree was 1.9%. n13 The unemployment rate for college graduates holding a bachelor's degree was 3.5%. n14 For [\*1078] individuals who earned a high school diploma and then either completed some college coursework or discontinued their education, the unemployment rate was 6%. n15 And 9% of high school drop-outs were unemployed. n16

The statistics are clear: young individuals who have not completed high school are two-and-a-half times more likely to be unemployed than college graduates. And those same young individuals are more than four times as likely to be unemployed than college graduates holding a professional degree.

What does that mean in terms of economic opportunity? The same Department of Labor statistics paint a bleak picture. The median weekly earnings for college graduates holding a professional degree in 2014 was $ 1639; n17 for college graduates holding a bachelor's degree, the median was $ 1101; n18 for a young worker who earned a high school diploma and then joined the work force, the median was $ 668; n19 and for a worker who had failed to earn a high school diploma, the median was $ 488. n20

So a worker who failed to complete high school had a median weekly income of less than half of that of a college graduate holding a bachelor's degree, and less than one-third of that of a college graduate holding a professional de-gree.

The correlation between education and economic opportunity is direct and clear. Education leads to economic power and opportunity. Conversely, a lack of education is tied directly to high unemployment rates, lower pay, and drastically reduced economic opportunity.

#### Lower education reinforces poverty

Imoukhuede, 14 – Professor of Law, Nova Southeastern University - Shepard Broad Law Center (Areto, “Education Rights and the New Due Process” 47 Ind. L. Rev, <http://nsuworks.nova.edu/cgi/viewcontent.cgi?article=1060&context=law_facarticles>

Irrespective of the overall or average adequacy of the U.S. education system, one point that is not in serious debate is the woeful race and wealth-based inequities in public education.34 Sadly, Julius Chambers’ statement regarding race, poverty and education is as true today as it was back in 1987:

In America. . . the quality and quantity of education that children receive remain tied to the race and economic status of their family. Many black and poor children, through no fault of their own, continue to be deprived of training in even the most basic skills, such as reading, writing and arithmetic. This deprivation works a profound and lifelong injury to these neglected youths, and cripples their ability to participate in political and economic life. . . . . The United States is often romantically portrayed as a meritocracy. Yet, the continuing poverty of a disproportionate number of black children, their increasing isolation in largely segregated school systems, and the resistance of white citizens both to full integration and to adequate funding of all school districts, have perpetuated a system in which the potential achievement of a child is highly correlated with the race and economic status of his parents.35

More recently, education scholar, Linda Darling-Hammond’s research demonstrates that if anything, the racial inequities in education have only worsened. 36

In 2011, the four-year high school graduation rate remains stagnant at about 70 percent; the achievement gap between minority and White students in reading and math is larger than it was in 1988; and U.S. performance on international tests has continued to drop… . . . . . . . In the U.S., the impact of socio-economic factors on student performance is almost double what it is in Canada. . . . . In the U.S., White and Asian students score just above the average for the European OECD nations in each subject area, but African-American and Hispanic students – many of whom are in highly segregated schools that lack qualified teachers and up-to-date materials – score so much lower that the national average plummets to the bottom tier. Thus, the poor U.S. standing is substantially a product of unequal access to the kind of intellectually challenging learning measured on these international assessments.37

### They Say: “Other Factors Cause Inequality” (Race)

#### Access to school resources is as likely to affect a student’s academic outcome as other factors

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “Fisher’s Cautionary Tale and the Urgent Need for Equal Access to an Excellent Education,” 130 Harv. L. Rev. 185, November, l/n)ww

High-poverty learning environments also provide additional disadvantages for a disproportionate number of minority students. Only 7.64% of white students attended high-poverty schools in 2014, while 42.62% of minority students attended such schools. n166 High-poverty learning environments consistently perform worse than other schools and often lack effective teachers, adequate resources, appropriate class sizes, and motivated and engaged parents, as well as other factors that improve student achievement. n167 Such environments also are affected by a host of out-of-school challenges such as higher crime rates, inadequate healthcare, greater mobility, and more instability within the home. n168 High-poverty schools exert a negative influence on student achievement independent of a student's socioeconomic status. n169 These educational opportunity gaps play a substantial role in creating and sustaining the racial achievement gap. n170 While some students are educated in schools that far surpass state learning standards, others are relegated to opportunities that emphasize the basics and teaching to the test. n171 These disparities in opportunity will lead many white and affluent students to higher-order thinking skills while many poor and minority students are left to basic, rote thinking and test preparation. n172 Leading education scholar Professor Linda Darling-Hammond summarizes the connection well, noting that "when the evidence is examined, it is clear that educational outcomes for these [minority] students are at least as much a function of their unequal access to key educational [\*210] resources, both inside and outside of school, as they are a function of race, class, or culture." n173

#### Low income schools are more determinant of outcome than race

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

This Article proposes three steps to cure the ESSA’s flaws and further the Elementary and Secondary Education Act’s original mission. First, the Elementary and Secondary Education Act must, in the short term, mandate that states fund schools serving predominantly low-income students at a level equal to or higher than other schools and, in the long term, that they fund such schools at proportionately higher levels. One of the most consistent findings of the past fifty years is that attending a school serving high concentrations of low-income students negatively affects educational outcomes—regardless of a student’s individual race or socioeconomic status.30 An equity mandate would also incentivize states to deconcentrate poverty and thereby minimize the number of instances they would need to afford schools proportionately more funds. Curing funding inequalities between schools, however, may be out of immediate reach for most states. Therefore, Congress should afford states a transition period to incrementally progress toward those goals or, in the alternative, allow states to demonstrate that their low-income students are achieving at appropriate levels notwithstanding unequal resource allocations.

### They Say: “States Are Solving Now”

#### Not all states will act

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

It is safe to say that not all states will seize the opportunity that ESSA provides. Some will charge ahead, learning, adapting, and improving. The aggregation and sharing of knowledge via democratic experimentalism may accelerate their progress. But, as has been the case in every reform movement before, other states will not move. Just as states varied tremendously in their response to the more prescriptive requirements of NCLB, some will undoubtedly change as little as they can under ESSA.

### They Say: “Can’t Solve All Inequality”

#### Solving all inequality isn’t what’s important – merely creating the space for upward mobility is key

HAASS ’17 (Richard; President – Council on Foreign Relations, “A Country in Disarray,” in Part III, Section 12 of A World in Disarray: American Foreign Policy and the Crisis of the Old Order)ww

Education is a recurring theme when it comes to what the United States must focus on to put its domestic house in order. It is critical for economic growth, for assisting those workers hurt by trade and technological changes, and for attacking inequality. Much is being said and written about the danger of inequality. Yes, inequality is growing, but the real problem is not that a few are extraordinarily wealthy, but that many are poor and not seeing their living standards or prospects improve. The policy prescription is not to try to reduce inequality per se through massive subsidies and new taxes intended to redistribute wealth. This will surely fail, and any transfer of wealth will not increase the capacity of recipients to be productive but will decrease the productivity of those who are. Rather, the aim must be to make upward mobility a reality. This will come about only if there is more access to quality education, not just for young people but for all citizens as they go through their lives. The alternative, a country increasingly defined by class, would lead to lower economic growth and higher social friction, in turn producing more populism in American politics and less support for the sort of foreign policy that is required if this era is to be one of more stability than not.

## 2AC — Competitiveness Advantage

### They Say: “Education Not Key to Competitiveness”

#### Educational inequality is the vital internal link – no other action will have as large of an effect. Robust studies confirm the economic benefits of the plan

Lynch 15 [Robert G. Lynch, Ph.D., State University of New York at Stony Brook, Professor of Economics at Washington College, January 2015, "The Economic and Fiscal Consequences of Improving U.S. Educational Outcomes," Washington Center for Equitable Growth, http://equitablegrowth.org/wp-content/uploads/2015/02/10153405/0115-ach-gap-report.pdf]//Rank

This study addresses a key challenge confronting the United States—how to promote both widely shared and faster economic growth. It does so by analyzing and describing the effects of raising educational achievement, especially for those not at the top of the economic ladder. The results of this analysis, which are consistent with a large body of research across a variety of academic disciplines, demonstrate that improving the education of future workers accelerates economic growth and can promote more equal opportunity over the long run. The result: stronger, more broadly shared economic growth, which in turn raises national income and increases government revenue, providing the means by which to invest in improving our economic future.

Since the early 1970s, economic growth in the United States has been relatively slow and income inequality has risen rapidly. Over this same period, income growth has been so sluggish and unevenly distributed that families on the bottom and middle rungs of the income ladder experienced stagnating or declining incomes even as earnings among those at the top increased sharply. In contrast, the years immediately following World War II and continuing into the early 1970s were characterized by relatively rapid and broadly shared growth. Those at the top earned substantially more than those across the middle and bottom of the income spectrum, but high, middle, and low-income earners all saw their incomes grow at about the same rate.

A restoration, then, of the economic growth pattern that characterized the first three post-war decades would result in both greater and more widely shared economic growth—equitable growth. In order to address this key challenge confronting the United States, this study empirically quantifies the economic and tax benefits of raising the educational achievement of children from less advantaged socioeconomic backgrounds. In general, there are large gaps in the educational outcomes among children from families with lower and higher socioeconomic status. These gaps contribute to subsequent economic inequality, with the relatively poor performance of children from lower socioeconomic backgrounds reducing U.S. economic growth. Thus, closing income or class-based educational gaps would promote faster and more widely shared economic growth.

The study shows the consequences of raising the educational achievement of children from the bottom three quarters of families who are most socioeconomically disadvantaged to more closely match those of children born into the top quarter of families. Observing the impact of three different scenarios that all have 2015 as their starting date, the analysis quantifies various outcomes over the next 35 years—to 2050, when the pressure of supporting the retired baby boomers will have largely abated—and over the next 60 years—to 2075, when the benefits of narrowing achievement gaps under the three scenarios will have been fully phased in.

Specifically, the study quantifies how much greater U.S. economic growth (measured by gross domestic product, or GDP, the total value of goods and services produced in our economy) and tax revenues would be. The analysis also assesses the reductions in economic inequality that result from the narrowing of education gaps. In all three scenarios we use the 2012 scores on the Programme for International Student Assessment, or PISA, math and science achievement tests as our indicator of academic achievement.1

For each scenario, a simulation model is used to estimate the economic effects of potential policy reforms that raise U.S. PISA scores—effects that improve the educational achievement of U.S. children and reduce disparities in educational outcomes among them. The results of this modeling suggest the extent to which appropriate policies could enhance economic growth, raise tax revenue, and reduce economic inequality. (See the Methodology section on page 45 for details on the simulation model and data used in this report.)

In the first and most modest scenario, we examine the consequences of simply raising the educational achievement of U.S. children so that it matches, instead of lags behind, the average of the 34 economically advanced nations who are members of the Organisation for Economic Co-operation and Development. Specifically, we raise the achievement scores of U.S. children from the bottom three quartiles of disadvantaged families just enough so that the national average educational achievement of all U.S. children on the PISA tests matches the average educational achievement of children from the OECD nations. This raises the combined U.S. math and science PISA score from 978 to 995 (the OECD average) and improves the nation’s relative ranking from 24th to 19th best out of the 34 OECD nations, or roughly to the middle of the pack on par with France. (See Table 1, and for a complete breakdown by OECD member country see table 6 on page 29.)

In the second, middle-range scenario, we explore the effects of raising the achievement of U.S. children to match that of the children of our neighbors to the immediate north in Canada. This adjustment lifts the combined U.S. math and science PISA score from 978 to 1044 (the Canadian average) and improves the nation’s relative ranking from 24th to 7th, tied with Canada.

In the third and most ambitious scenario, the economic consequences of completely closing educational achievement gaps between U.S. children from lower and higher socioeconomic backgrounds are estimated. In particular, the PISA test scores of the bottom three quartiles of socioeconomically disadvantaged U.S. children are raised so that they match the PISA test scores of the most advantaged quartile of U.S. children. This increases the combined U.S. math and science score to 1,080 and raises the U.S. academic standing to third best among the OECD countries, behind only South Korea and Japan.

The paper then summarizes the reductions in disparities in educational outcomes under each of the three scenarios. It reports the gap in outcomes on the PISA tests scores between children in the top and bottom quartile of family socioeconomic status as a percentage of the average PISA score. (See Table 2.)

Under scenario one, the education gap is reduced from 18.6 percent to 16 percent, and the U.S. ranking on equity improves from 21st to 11th out of the 34 OECD nations. Under the second scenario, the gap falls to 13.2 percent and the U.S. ranking rises to 6th. The third scenario completely closes the educational achievement gap between students from different socioeconomic background, and the United States ranks first among the OECD countries in the equality of educational outcomes.

The paper then demonstrates how the reduction in educational achievement gaps in the United States translates into stronger economic growth over the next 35 years and 60 years. Tables 3 and 4 summarize the economic consequences of raising academic achievement and narrowing educational achievement gaps.

Under scenario one, the inflation-adjusted size of the U.S. economy in 2050 would be 1.7 percent, or $678 billion, larger. The cumulative increase in real GDP (after factoring in inflation) between 2015 and 2050 would amount to $2.5 trillion in present value, or PV, the current dollar value that is equivalent to the future GDP increases calculated by the model, which allows for a comparison of future values of GDP to current values of GDP. 2 This amounts to an average of over $72 billion per year. The economic effects of raising and narrowing achievement gaps build upon themselves so that over time the growth consequences are increasingly magnified. By 2075, when the effects of policy reforms required to reach this first scenario are fully phased in, the U.S. economy would be 5.8 percent, or $4.1 trillion, larger than it would otherwise be, and the cumulative increase in GDP over the 60-year period from 2015 to 2075 would amount to $14 trillion in present value, an average of $234 billion per year.

If American children matched the academic achievement of Canadian kids, then economic growth would be significantly larger. In 2050 the U.S. economy would be 6.7 percent, or $2.7 trillion, larger. The cumulative increase in GDP between 2015 and 2050 would amount to nearly $10 trillion in present value, $285 billion on average per year. In 2075, the real U.S. GDP would be 24.5 percent, or $17.3 trillion, larger, and the cumulative increase between 2015 and 2075 would sum to over $57 trillion in present value GPD, an average of $956 billion per year.

Finally, if achievement gaps between children from different socioeconomic backgrounds were completely closed, then the U.S. economy would be 10 percent, or $4 trillion, larger in 2050. The cumulative increase in GDP by 2050 would amount to $14.7 trillion in present value, or $420 billion per annum. In 2075, once policy reforms have fully taken effect, the real U.S. GDP would be 37.7 percent, or $26.7 trillion, larger, and the cumulative increase in present value GDP over 60 years would sum to $86.5 trillion, an average of over $1.4 trillion per year.

These results demonstrate that investments targeted at raising academic achievement and narrowing achievement gaps generate large returns in the form of economic growth. The increases in present value economic growth described above suggest the size of potential policy investments that would pay for themselves in the form of growth over the next 60 years and beyond.

Narrowing or closing achievement gaps would also have significant positive consequences for future federal, state, and local revenues. Over the first 35 years, these would sum to $902 billion in PV federal, state, and local revenues under scenario one, $3.6 trillion under scenario two, and $5.3 trillion under scenario three. Over 60 years, the consequences would be significantly larger. Federal, state, and local revenues would sum to $5.2 trillion (scenario one), $21.5 trillion (scenario two), and $32.4 trillion (scenario three), all expressed in present value. (See Table 4.)

Thus, public policy investments that raised academic achievement as described under the three scenarios and that cost less than an average of $87 billion, $358 billion, and $540 billion over each of the next 60 years would more than pay for themselves in budgetary terms. To put these revenue figures in perspective, consider that the entire budget for the federal Department of Education in 2013 was $72 billion. Keep in mind, as well, that these revenue increases are not a function of tax rate increases. Instead they are the additional revenues that would accrue to governments because U.S. GDP would be larger and Americans would be earning more income and paying taxes on their additional income.

The increased growth and subsequent revenue increases will enable us to more easily sustain public retirement benefit programs such as Medicare and Social Security. Improving educational outcomes, for example, would lift Social Security tax contributions by $256 billion, $1 trillion, and nearly $1.5 trillion under the three scenarios by 2050.3 Similarly, Medicare tax revenues for the Hospital Insurance Fund would increase by $77 billion, $306 billion, and $452 billion under the three scenarios from 2015 to 2050, providing a substantial boost to Medicare solvency.4 Revenues for Social Security and Medicare would be substantially larger by 2075.

The benefits of closing educational achievement gaps also would reduce income inequality. These effects are calculated under the three scenarios for children who complete their schooling 20 years from the start of the necessary policy reforms (in 2035) because it is assumed that it takes 20 years for the academic reforms to be fully phased in. Children who complete their schooling prior to 2035 would experience only a part of the increase in lifetime earnings. (See Table 5.)

Under scenario one, the lifetime earnings of children from the bottom three quartiles of socioeconomic status would increase by an additional 4.3 percent. Under scenario two, all children would earn more, although the increases are smallest for children with the highest socioeconomic status and thus income inequality would be reduced. Finally, under the third scenario, the increase in lifetime earnings for children in the bottom three quartiles of socioeconomic status would be very large: 22 percent, 17 percent, and 9.3 percent respectively.

As explained in greater detail later in the report, these economic and tax benefit projections understate the impact of raising achievement gaps for at least four reasons. First, under scenarios one and three, they assume that educational achievement improvements are limited to children in the lower three quartiles of socioeconomic status, but in the real world policies that increase these children’s educational achievement are likely to improve all children’s achievement and further enhance growth.

Second, the model does not take into account any of the social benefits—such as better health outcomes—that are likely to occur as a result of educational improvement. Third, the model may be understating growth effects because it assumes that improvements in the educational achievement of children in the bottom three quartiles of socioeconomic status have the same impact on growth as do equal sized improvements in the educational achievement of the average child. Yet there is evidence that raising skills at the bottom improves growth more than raising skills at the top.5 Finally, the model does not calculate the potential positive effects on children born to future parents who, because of improved academic achievement, will have higher incomes and thus be able to provide them better educational opportunities.

If the model properly accounted for all of these factors, the benefits of improving educational achievement would be larger than those estimated in this study. Yet by a similar logic, the projections overstate the reductions in economic inequality. Helping the most disadvantaged students improve their educational outcomes will likely improve the educational outcomes of all children and thus raise the incomes of the most advantaged children as well as temper reductions in income inequality.

#### Education is vital to competitiveness

Klein and Rice, 12 – Joel I. Klein is CEO of the education division and executive vice president in the office of the chairman at News Corporation, where he also serves on the board of directors. Condoleezza Rice is a professor of political economy in the Graduate School of Business, the Thomas and Barbara Stephenson senior fellow on public policy at the Hoover Institution, and a professor of political science at Stanford University. (U.S. Education Reform and National Security, Independent Task Force Report of the Council on Foreign Relations, <https://www.cfr.org/report/us-education-reform-and-national-security>

The U.S. education system is not adequately preparing Americans to meet the demands of the global workforce.

When the U.S. government first measured educational attainment in 1947, only about half of Americans graduated from high school, compared to about 75 percent today.6 In the mid-twentieth century, it was possible to build a meaningful career without completing high school. Today, this is not the case: the gaps in income and achievement between those with and those without college degrees are large and growing (see Figure 1), as are the educational opportunities available to the children of parents with and without education.7

Economists and employers predict that in the coming years, a growing number of U.S. citizens will face unemployment because of disparities between the workforce’s education and skills and those needed by employers. Nobel Prize–winning economist Michael Spence recently explained that globalization is causing “growing disparities in income and employment across the U.S. economy, with highly educated workers enjoying more opportunities and workers with less education facing declining employment prospects and stagnant incomes.”8

International competition and the globalization of labor markets and trade require much higher education and skills if Americans are to keep pace. Poorly educated and semi-skilled Americans cannot expect to effectively compete for jobs against fellow U.S. citizens or global peers, and are left unable to fully participate in and contribute to society. This is particularly true as educational attainment and skills advance rapidly in emerging nations.

A highly educated workforce increases economic productivity and growth. This growth is necessary to finance everything else that makes the United States a desired place to live and a model for other countries. The opportunity of obtaining a top-rate education has historically attracted many immigrants to the United States from around the world. In turn, immigrant populations have contributed greatly to economic and social development in the United States. As a 2009 CFR-sponsored Independent Task Force report on U.S. Immigration Policy noted, “One of the central reasons the United States achieved and has been able to retain its position of global leadership is that it is constantly replenishing its pool of talent, not just with the ablest and hardest working from inside its borders, but with the best from around the world.”

Too many schools have failed to provide young citizens with the tools they need to contribute to U.S. competitiveness. This, coupled with an immigration system in need of reform, poses real threats to the prospects of citizens, constrains the growth of the U.S. talent pool, and limits innovation and economic competitiveness.

#### Inequality undermines competitiveness

ROBINSON ’15 (Kimberly Jenkins; Professor of Law – University of Richmond, “Disrupting Education Federalism,” 92 Wash. U. L. Rev. 959, l/n)ww

The harms from persistent and pervasive disparities in educational opportunity are not limited to schoolchildren, their families, and their communities. These disparities also harm nationwide interests in a strong economy and a just society. The United States needs to maintain international academic competitiveness to attract businesses and prevent the loss of jobs to other more educated nations. n130 Yet, international assessments reveal that the performance of U.S. students is often average or below average when compared to other countries, n131 which will make it difficult for U.S. students to compete successfully against students from many other nations. The Program for International Student Assessment (PISA), an international assessment of performance in math, reading and [\*981] science, was administered in 2012 to students in sixty-five education systems. n132 The results showed that the average U.S. student who participated scored average in reading and science literacy and below average in math literacy when compared to other countries in the Organisation for Economic Co-operation and Development. n133 Doctors Eric A. Hanushek, Paul E. Peterson and Ludger Woessman, professors of education at Stanford University, Harvard University and the University of Munich respectively, summarized the lackluster performance of U.S. students on international assessments in a 2013 book by noting that:

The evidence of international comparison is now clear. American students lag badly and pervasively. Our students lag behind students not just in Asia, but in Europe and other parts of the Americas. It is not just disadvantaged students or a group of weak students who lag, but also American students from advantaged backgrounds. Americans are badly underrepresented among the world's highest achievers. n134

Although some challenge such conclusions from international assessments as overblown and simplistic, n135 others conclude that these less than stellar outcomes indicate that the U.S.education system is failing to prepare many of its students to compete successfully for jobs with other students from around the world. n136

Research reveals that the long-term vigor of the U.S. economy will depend on the advanced skills that are typically provided in higher education and that are needed for upper-level technical occupations. n137 Although the U.S. higher education system historically has been considered world-class, the United States is facing substantial competition from other countries with their fast-growing higher education systems. n138 [\*982] As Thomas Bailey, Teachers College professor of economics and education, has summarized in his research:

Occupational forecasts, analyses of job content, trends in wages, and changes in international competition all point to an increasing need in the United States for workers with high-level skills. Achieving increases in skill levels will be difficult as long as current gaps in educational attainment based on income, race, and ethnicity remain. n139

In this environment, the U.S. economy and its competitiveness will be increasingly hindered by low college enrollment and completion rates for Hispanic and African American students who increasingly will make up a larger share of the workforce. n140 Many U.S. students cannot compete successfully with students from other developed countries, and the lower achievement of U.S. students could cause comparatively slow growth for the U.S. economy in the years to come. n141

#### Inequality in education costs the nation billions each year

ROBINSON ’13 (Kimberly Jenkins; Professor of Law – University of Richmond, “The High Cost of Education Federalism,” 48 Wake Forest L. Rev. 287, Spring, l/n)ww

Education federalism in the United States traditionally embraces state and local authority over education and a restricted federal role. n1 Even as the No Child Left Behind Act of 2001 ("NCLB") n2 expanded and transformed the federal role in education, the tradition of state and local control over education influenced key provisions within the statute. n3 Some praise the nation's long-standing approach to education federalism - which this Article defines as an emphasis on state and local control over education and a limited federal role - for its ability to foster local control of education, encourage experimentation, and promote a robust competition for excellence in education. n4 This approach to education [\*288] federalism also is praised for how it enables local communities to respond to local needs and promotes accountability. n5 The current structure of education federalism resembles the relationship between the national and state governments, and like that relationship, it seeks to capitalize on an array of viewpoints and methods regarding the most effective approaches to education. n6

Although the nation's current approach to education federalism undoubtedly generates some benefits, it also tolerates substantial inequitable disparities in educational opportunity both within and between states. n7 The reality of local control of education for many communities means the ability to control inadequate resources that provide many students substandard educational opportunities. n8 The [\*289] opportunity divide in American education continues to relegate far too many poor and minority schoolchildren to substandard educational opportunities. n9 These communities are left behind in the competition for educational excellence. n10 In addition, high-poverty schools, particularly those within urban school districts, regularly yield the worst academic outcomes. n11

[\*290] These disparities in educational opportunity hinder schools from fulfilling some of their essential national and institutional goals. Schools serve indispensable public functions within a democratic society: they prepare students to engage in the nation's political system in an intelligent and effective manner and transmit the fundamental societal values that a democratic government requires. n12 The nation also relies on its public schools as the principal institutional guarantor of equal opportunity within American society by serving as a mechanism to ensure that children are not hindered in attaining their dreams by their life circumstances. n13 Americans depend on schools to address the societal challenges created by social and economic inequality rather than creating the extensive social welfare networks that many industrialized countries have implemented. n14 The disparities in educational opportunity that relegate many poor and minority students to substandard schooling have hindered the ability of schools to serve these functions. Indeed, rather than solve these challenges, low graduation rates and substandard schools cost the United States billions of dollars each year in lost tax and income revenues, higher health care costs, food stamps, and welfare and housing assistance, to name a few of the costs. n15

### They Say: “No Impact to Competitiveness”

#### Education is vital to the US military

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism,” 27 Stan. L. & Pol'y Rev 201, l/n)ww

Another important cost of a gradual approach to federal influence over funding systems is that it will allow the current inequities in funding to continue to harm children. Tomorrow's jobs increasingly demand high-level skills. Higher skills and educational outcomes will be needed for employment and to maintain a good quality of life. n240 Yet, many disadvantaged students attend schools that employ less qualified and less effective teachers. n241 Such schools also educate students with greater mobility and more behavior and learning challenges. n242 Excellent schools are essential for those students to successfully enter college or the workforce and disadvantaged students also need the out-of-school supports that can address the challenges associated with poverty. n243

The harms of inadequate and inequitable funding for schools extend beyond individual students and families. The interests of the United States also are harmed by these challenges. National security is threatened by our inadequate education system, as documented by a task force report from the Council of Foreign Relations:

The Task Force members believe America's educational failures pose five distinct threats to national security: threats to economic growth and competitiveness, U.S. physical safety, intellectual property, U.S. global awareness, and U.S. unity and cohesion. The Task Force does not deny America's military might, but military might is no longer sufficient to guarantee security. Rather, national security today is closely linked with human capital, and the human capital of a nation is as strong or as weak as its public schools. n244

[\*240] The U.S. education system also is proving inadequate to prepare many individuals for military service, given that one in five students who seeks to enter the military is not academically prepared to do so. n245

#### Education ensures responsible global stewardship

HAASS ’17 (Richard; President – Council on Foreign Relations, “A Country in Disarray,” in Part III, Section 12 of A World in Disarray: American Foreign Policy and the Crisis of the Old Order)ww

Education is a recurring theme when it comes to what the United States must focus on to put its domestic house in order. It is critical for economic growth, for assisting those workers hurt by trade and technological changes, and for attacking inequality. Much is being said and written about the danger of inequality. Yes, inequality is growing, but the real problem is not that a few are extraordinarily wealthy, but that many are poor and not seeing their living standards or prospects improve. The policy prescription is not to try to reduce inequality per se through massive subsidies and new taxes intended to redistribute wealth. This will surely fail, and any transfer of wealth will not increase the capacity of recipients to be productive but will decrease the productivity of those who are. Rather, the aim must be to make upward mobility a reality. This will come about only if there is more access to quality education, not just for young people but for all citizens as they go through their lives. The alternative, a country increasingly defined by class, would lead to lower economic growth and higher social friction, in turn producing more populism in American politics and less support for the sort of foreign policy that is required if this era is to be one of more stability than not.

Education also merits mention in another sense. This book has argued that the world matters to Americans and the United States, and that what the United States chooses to do (and not to do) in the world matters in return. Understanding these realities and judging the policies being put forward requires a citizenry that is globally literate and that appreciates the potential benefits of global involvement and the potential risks that come from globalization as well as from either too much or too little involvement in the world—or, more accurately, from too much of the wrong kind of involvement and too little of the right kind. Including global civics as a matter of course in high school and college, offerings that made clear why the world matters and the choices that face the United States, would be a good investment in the country’s future.

#### Hegemony prevents great power war

BROOKA et al. ‘13 (Stephen G. Brooks, John Ikenberry, William Wohlforth, Brooks is Associate Professor of Government at Dartmouth College, Ikenberry is Albert G. Milbank Professor of Politics and International Affairs at Princeton University and Global Eminence Scholar at Kyung Hee University in Seoul. Wohlforth is Daniel Webster Professor of Government at Dartmouth College., February 2013, "Lean Forward: In Defense of American Engagement," Foreign Affairs, https://www.foreignaffairs.com/articles/united-states/2012-11-30/lean-forward)

Since the end of World War II, the United States has pursued a single grand strategy: deep engagement. In an effort to protect its security and prosperity, the country has promoted a liberal economic order and established close defense ties with partners in Europe, East Asia, and the Middle East. Its military bases cover the map, its ships patrol transit routes across the globe, and tens of thousands of its troops stand guard in allied countries such as Germany, Japan, and South Korea.¶ The details of U.S. foreign policy have differed from administration to administration, including the emphasis placed on democracy promotion and humanitarian goals, but for over 60 years, every president has agreed on the fundamental decision to remain deeply engaged in the world, even as the rationale for that strategy has shifted. During the Cold War, the United States' security commitments to Europe, East Asia, and the Middle East served primarily to prevent Soviet encroachment into the world's wealthiest and most resource-rich regions. Since the fall of the Soviet Union, the aim has become to make these same regions more secure, and thus less threatening to the United States, and to use these security partnerships to foster the cooperation necessary for a stable and open international order.¶ Now, more than ever, Washington might be tempted to abandon this grand strategy and pull back from the world. The rise of China is chipping away at the United States' preponderance of power, a budget crisis has put defense spending on the chopping block, and two long wars have left the U.S. military and public exhausted. Indeed, even as most politicians continue to assert their commitment to global leadership, a very different view has taken hold among scholars of international relations over the past decade: that the United States should minimize its overseas military presence, shed its security ties, and give up its efforts to lead the liberal international order.¶ Proponents of retrenchment argue that a globally engaged grand strategy wastes money by subsidizing the defense of well-off allies and generates resentment among foreign populations and governments. A more modest posture, they contend, would put an end to allies' free-riding and defuse anti-American sentiment. Even if allies did not take over every mission the United States now performs, most of these roles have nothing to do with U.S. security and only risk entrapping the United States in unnecessary wars. In short, those in this camp maintain that pulling back would not only save blood and treasure but also make the United States more secure.¶ They are wrong. In making their case, advocates of retrenchment overstate the costs of the current grand strategy and understate its benefits. In fact, the budgetary savings of lowering the United States' international profile are debatable, and there is little evidence to suggest that an internationally engaged America provokes other countries to balance against it, becomes overextended, or gets dragged into unnecessary wars.¶ The benefits of deep engagement, on the other hand, are legion. U.S. security commitments reduce competition in key regions and act as a check against potential rivals. They help maintain an open world economy and give Washington leverage in economic negotiations. And they make it easier for the United States to secure cooperation for combating a wide range of global threats. Were the United States to cede its global leadership role, it would forgo these proven upsides while exposing itself to the unprecedented downsides of a world in which the country was less secure, prosperous, and influential.¶ AN AFFORDABLE STRATEGY¶ Many advocates of retrenchment consider the United States' assertive global posture simply too expensive. The international relations scholar Christopher Layne, for example, has warned of the country's "ballooning budget deficits" and argued that "its strategic commitments exceed the resources available to support them." Calculating the savings of switching grand strategies, however, is not so simple, because it depends on the expenditures the current strategy demands and the amount required for its replacement -- numbers that are hard to pin down.¶ If the United States revoked all its security guarantees, brought home all its troops, shrank every branch of the military, and slashed its nuclear arsenal, it would save around $900 billion over ten years, according to Benjamin Friedman and Justin Logan of the Cato Institute. But few advocates of retrenchment endorse such a radical reduction; instead, most call for "restraint," an "offshore balancing" strategy, or an "over the horizon" military posture. The savings these approaches would yield are less clear, since they depend on which security commitments Washington would abandon outright and how much it would cost to keep the remaining ones. If retrenchment simply meant shipping foreign-based U.S. forces back to the United States, then the savings would be modest at best, since the countries hosting U.S. forces usually cover a large portion of the basing costs. And if it meant maintaining a major expeditionary capacity, then any savings would again be small, since the Pentagon would still have to pay for the expensive weaponry and equipment required for projecting power abroad.¶ The other side of the cost equation, the price of continued engagement, is also in flux. Although the fat defense budgets of the past decade make an easy target for advocates of retrenchment, such high levels of spending aren't needed to maintain an engaged global posture. Spending skyrocketed after 9/11, but it has already begun to fall back to earth as the United States winds down its two costly wars and trims its base level of nonwar spending. As of the fall of 2012, the Defense Department was planning for cuts of just under $500 billion over the next five years, which it maintains will not compromise national security. These reductions would lower military spending to a little less than three percent of GDP by 2017, from its current level of 4.5 percent. The Pentagon could save even more with no ill effects by reforming its procurement practices and compensation policies.¶ Even without major budget cuts, however, the country can afford the costs of its ambitious grand strategy. The significant increases in military spending proposed by Mitt Romney, the Republican candidate, during the 2012 presidential campaign would still have kept military spending below its current share of GDP, since spending on the wars in Afghanistan and Iraq would still have gone down and Romney's proposed nonwar spending levels would not have kept pace with economic growth. Small wonder, then, that the case for pulling back rests more on the nonmonetary costs that the current strategy supposedly incurs.¶ UNBALANCED¶ One such alleged cost of the current grand strategy is that, in the words of the political scientist Barry Posen, it "prompts states to balance against U.S. power however they can." Yet there is no evidence that countries have banded together in anti-American alliances or tried to match the United States' military capacity on their own -- or that they will do so in the future.¶ Indeed, it's hard to see how the current grand strategy could generate true counterbalancing. Unlike past hegemons, the United States is geographically isolated, which means that it is far less threatening to other major states and that it faces no contiguous great-power rivals that could step up to the task of balancing against it. Moreover, any competitor would have a hard time matching the U.S. military. Not only is the United States so far ahead militarily in both quantitative and qualitative terms, but its security guarantees also give it the leverage to prevent allies from giving military technology to potential U.S. rivals. Because the United States dominates the high-end defense industry, it can trade access to its defense market for allies' agreement not to transfer key military technologies to its competitors. The embargo that the United States has convinced the EU to maintain on military sales to China since 1989 is a case in point.¶ If U.S. global leadership were prompting balancing, then one would expect actual examples of pushback -- especially during the administration of George W. Bush, who pursued a foreign policy that seemed particularly unilateral. Yet since the Soviet Union collapsed, no major powers have tried to balance against the United States by seeking to match its military might or by assembling a formidable alliance; the prospect is simply too daunting. Instead, they have resorted to what scholars call "soft balancing," using international institutions and norms to constrain Washington. Setting aside the fact that soft balancing is a slippery concept and difficult to distinguish from everyday diplomatic competition, it is wrong to say that the practice only harms the United States. Arguably, as the global leader, the United States benefits from employing soft-balancing-style leverage more than any other country. After all, today's rules and institutions came about under its auspices and largely reflect its interests, and so they are in fact tailor-made for soft balancing by the United States itself. In 2011, for example, Washington coordinated action with several Southeast Asian states to oppose Beijing's claims in the South China Sea by pointing to established international law and norms.¶ Another argument for retrenchment holds that the United States will fall prey to the same fate as past hegemons and accelerate its own decline. In order to keep its ambitious strategy in place, the logic goes, the country will have to divert resources away from more productive purposes -- infrastructure, education, scientific research, and so on -- that are necessary to keep its economy competitive. Allies, meanwhile, can get away with lower military expenditures and grow faster than they otherwise would.¶ The historical evidence for this phenomenon is thin; for the most part, past superpowers lost their leadership not because they pursued hegemony but because other major powers balanced against them -- a prospect that is not in the cards today. (If anything, leading states can use their position to stave off their decline.) A bigger problem with the warnings against "imperial overstretch" is that there is no reason to believe that the pursuit of global leadership saps economic growth. Instead, most studies by economists find no clear relationship between military expenditures and economic decline.¶ To be sure, if the United States were a dramatic outlier and spent around a quarter of its GDP on defense, as the Soviet Union did in its last decades, its growth and competitiveness would suffer. But in 2012, even as it fought a war in Afghanistan and conducted counterterrorism operations around the globe, Washington spent just 4.5 percent of GDP on defense -- a relatively small fraction, historically speaking. (From 1950 to 1990, that figure averaged 7.6 percent.) Recent economic difficulties might prompt Washington to reevaluate its defense budgets and international commitments, but that does not mean that those policies caused the downturn. And any money freed up from dropping global commitments would not necessarily be spent in ways that would help the U.S. economy.¶ Likewise, U.S. allies' economic growth rates have nothing to do with any security subsidies they receive from Washington. The contention that lower military expenditures facilitated the rise of Japan, West Germany, and other countries dependent on U.S. defense guarantees may have seemed plausible during the last bout of declinist anxiety, in the 1980s. But these states eventually stopped climbing up the global economic ranks as their per capita wealth approached U.S. levels -- just as standard models of economic growth would predict. Over the past 20 years, the United States has maintained its lead in per capita GDP over its European allies and Japan, even as those countries' defense efforts have fallen further behind. Their failure to modernize their militaries has only served to entrench the United States' dominance. The costs of U.S. foreign policy that matter most, of course, are human lives, and critics of an expansive grand strategy worry that the United States might get dragged into unnecessary wars. Securing smaller allies, they argue, emboldens those states to take risks they would not otherwise accept, pulling the superpower sponsor into costly conflicts -- a classic moral hazard problem. Concerned about the reputational costs of failing to honor the country's alliance commitments, U.S. leaders might go to war even when no national interests are at stake.¶ History shows, however, that great powers anticipate the danger of entrapment and structure their agreements to protect themselves from it. It is nearly impossible to find a clear case of a smaller power luring a reluctant great power into war. For decades, World War I served as the canonical example of entangling alliances supposedly drawing great powers into a fight, but an outpouring of new historical research has overturned the conventional wisdom, revealing that the war was more the result of a conscious decision on Germany's part to try to dominate Europe than a case of alliance entrapment.¶ If anything, alliances reduce the risk of getting pulled into a conflict. In East Asia, the regional security agreements that Washington struck after World War II were designed, in the words of the political scientist Victor Cha, to "constrain anticommunist allies in the region that might engage in aggressive behavior against adversaries that could entrap the United States in an unwanted larger war." The same logic is now at play in the U.S.-Taiwanese relationship. After cross-strait tensions flared in the 1990s and the first decade of this century, U.S. officials grew concerned that their ambiguous support for Taiwan might expose them to the risk of entrapment. So the Bush administration adjusted its policy, clarifying that its goal was to not only deter China from an unprovoked attack but also deter Taiwan from unilateral moves toward independence.¶ For many advocates of retrenchment, the problem is that the mere possession of globe-girdling military capabilities supposedly inflates policymakers' conception of the national interest, so much so that every foreign problem begins to look like America's to solve. Critics also argue that the country's military superiority causes it to seek total solutions to security problems, as in Afghanistan and Iraq, that could be dealt with in less costly ways. Only a country that possessed such awesome military power and faced no serious geopolitical rival would fail to be satisfied with partial fixes, such as containment, and instead embark on wild schemes of democracy building, the argument goes.¶ Furthermore, they contend, the United States' outsized military creates a sense of obligation to do something with it even when no U.S. interests are at stake. As Madeleine Albright, then the U.S. ambassador to the un, famously asked Colin Powell, then chairman of the Joint Chiefs of Staff, when debating intervention in Bosnia in 1993, "What's the point of having this superb military you're always talking about if we can't use it?"¶ If the U.S. military scrapped its forces and shuttered its bases, then the country would no doubt eliminate the risk of entering needless wars, having tied itself to the mast like Ulysses. But if it instead merely moved its forces over the horizon, as is more commonly proposed by advocates of retrenchment, whatever temptations there were to intervene would not disappear. The bigger problem with the idea that a forward posture distorts conceptions of the national interest, however, is that it rests on just one case: Iraq. That war is an outlier in terms of both its high costs (it accounts for some two-thirds of the casualties and budget costs of all U.S. wars since 1990) and the degree to which the United States shouldered them alone. In the Persian Gulf War and the interventions in Bosnia, Kosovo, Afghanistan, and Libya, U.S. allies bore more of the burden, controlling for the size of their economies and populations.¶ Besides, the Iraq war was not an inevitable consequence of pursuing the United States' existing grand strategy; many scholars and policymakers who prefer an engaged America strongly opposed the war. Likewise, continuing the current grand strategy in no way condemns the United States to more wars like it. Consider how the country, after it lost in Vietnam, waged the rest of the Cold War with proxies and highly limited interventions. Iraq has generated a similar reluctance to undertake large expeditionary operations -- what the political scientist John Mueller has dubbed "the Iraq syndrome." Those contending that the United States' grand strategy ineluctably leads the country into temptation need to present much more evidence before their case can be convincing.¶ KEEPING THE PEACE¶ Of course, even if it is true that the costs of deep engagement fall far below what advocates of retrenchment claim, they would not be worth bearing unless they yielded greater benefits. In fact, they do. The most obvious benefit of the current strategy is that it reduces the risk of a dangerous conflict. The United States' security commitments deter states with aspirations to regional hegemony from contemplating expansion and dissuade U.S. partners from trying to solve security problems on their own in ways that would end up threatening other states.¶ Skeptics discount this benefit by arguing that U.S. security guarantees aren't necessary to prevent dangerous rivalries from erupting. They maintain that the high costs of territorial conquest and the many tools countries can use to signal their benign intentions are enough to prevent conflict. In other words, major powers could peacefully manage regional multipolarity without the American pacifier.¶ But that outlook is too sanguine. If Washington got out of East Asia, Japan and South Korea would likely expand their military capabilities and go nuclear, which could provoke a destabilizing reaction from China. It's worth noting that during the Cold War, both South Korea and Taiwan tried to obtain nuclear weapons; the only thing that stopped them was the United States, which used its security commitments to restrain their nuclear temptations. Similarly, were the United States to leave the Middle East, the countries currently backed by Washington -- notably, Israel, Egypt, and Saudi Arabia -- might act in ways that would intensify the region's security dilemmas.¶ There would even be reason to worry about Europe. Although it's hard to imagine the return of great-power military competition in a post-American Europe, it's not difficult to foresee governments there refusing to pay the budgetary costs of higher military outlays and the political costs of increasing EU defense cooperation. The result might be a continent incapable of securing itself from threats on its periphery, unable to join foreign interventions on which U.S. leaders might want European help, and vulnerable to the influence of outside rising powers.¶ Given how easily a U.S. withdrawal from key regions could lead to dangerous competition, advocates of retrenchment tend to put forth another argument: that such rivalries wouldn't actually hurt the United States. To be sure, few doubt that the United States could survive the return of conflict among powers in Asia or the Middle East -- but at what cost? Were states in one or both of these regions to start competing against one another, they would likely boost their military budgets, arm client states, and perhaps even start regional proxy wars, all of which should concern the United States, in part because its lead in military capabilities would narrow.¶ Greater regional insecurity could also produce cascades of nuclear proliferation as powers such as Egypt, Saudi Arabia, Japan, South Korea, and Taiwan built nuclear forces of their own. Those countries' regional competitors might then also seek nuclear arsenals. Although nuclear deterrence can promote stability between two states with the kinds of nuclear forces that the Soviet Union and the United States possessed, things get shakier when there are multiple nuclear rivals with less robust arsenals. As the number of nuclear powers increases, the probability of illicit transfers, irrational decisions, accidents, and unforeseen crises goes up.¶ The case for abandoning the United States' global role misses the underlying security logic of the current approach. By reassuring allies and actively managing regional relations, Washington dampens competition in the world's key areas, thereby preventing the emergence of a hothouse in which countries would grow new military capabilities. For proof that this strategy is working, one need look no further than the defense budgets of the current great powers: on average, since 1991 they have kept their military expenditures as a percentage of GDP to historic lows, and they have not attempted to match the United States' top-end military capabilities. Moreover, all of the world's most modern militaries are U.S. allies, and the United States' military lead over its potential rivals is by many measures growing.¶ On top of all this, the current grand strategy acts as a hedge against the emergence regional hegemons. Some supporters of retrenchment argue that the U.S. military should keep its forces over the horizon and pass the buck to local powers to do the dangerous work of counterbalancing rising regional powers. Washington, they contend, should deploy forces abroad only when a truly credible contender for regional hegemony arises, as in the cases of Germany and Japan during World War II and the Soviet Union during the Cold War. Yet there is already a potential contender for regional hegemony -- China -- and to balance it, the United States will need to maintain its key alliances in Asia and the military capacity to intervene there. The implication is that the United States should get out of Afghanistan and Iraq, reduce its military presence in Europe, and pivot to Asia. Yet that is exactly what the Obama administration is doing.¶

#### Mulitpolarity risks global conflict – institutions won’t check

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During the 20th century multi-polar international systems resulted in instability and led to two world wars in less than 50 years. The balance of power and the system of alliances of the early 20th century was swept away by the assassination of Franz Ferdinand of Austria in 1914. That event triggered World War I, a global conflict that caused the death of more than 15 million people in less than five years. After few decades, the multi-polar world emerged by World War I with a new system of alliances and the multilateral body of the League of Nations was not able to tame the totalitarian aspirations of Hitler. The German invasion of Poland in 1939 triggered World War II, the deadliest conflict of the history which resulted in millions of deaths and in the holocaust. Since the end of the World War II the world has never been multi-polar again, nevertheless these historical accounts seem to indicate how multi-polarity often created an unstable and unpredictable world, characterized by shifting alliances and by the aspiration of the rising powers to change the balance of power and create a new order.¶ These historical features of multi-polarity will likely distinguish also the future multi-polar world, in spite of its strong economic interconnection and institutionalization. History indeed has also shown how the effects on stability of a global economy and of multilateral institutions have been sometimes overestimated. The multi-polar world at the beginning of the 20th century was highly economically interconnected and characterized by a large cross-border flows of goods, capital and people, at the point that the ratio of trade to output indicates that “Britain and France are only slightly more open to trade today than they were in 1913, while Japan is less open now than then” (The Economist, 99; Van den Bossche, 4). Nevertheless, this high interconnection was swept away by World War I. Furthermore, the presence of the League of Nations did not prevent World War II; likewise, the multilateral organization of the UN has not always been effective in promoting peace and security, and membership in the European Union did not prevent European countries from having different positions and antithetic behaviors in the wake of US war in Iraq in 2003. A shifting from a well defined hierarchy of power to a great power rivalry will therefore result in a less stable world order.¶ Towards a Multi-Polar, Nuclear International System: Which Prospects for Global Peace?¶ The prospects of a great power rivalry are particularly strong in East Asia, a region characterized by weak regional alliances and institutions, in which the economic rise of some actors could indeed represent a serious source of instability in the near future. The decline of the US and the rise of China could for example undermine the Asian balance of power and bring to light the old rivalry between China and Japan (Shambaugh). A strong rising China armed with middle range missiles could be perceived as threatening by Japan, worried that its historical American ally could not defend it because of US high involvement in other corners of the globe. The stability of the region appears even more difficult to achieve considering that the concept of balance of power requires shared common values and similar cultural understanding, requisites that are not present between the two major powers of the Asia Pacific region, China and Japan (Friedberg).¶ India has been portrayed as the third pole of the multi-polar world in 2050 (Virmani; Gupta). Yet its constant rise could undermine Asian stability and, for example, worsen Indian relations with its neighbor Pakistan. Moreover, the scarcity of natural resources in a world that is consuming and demanding a high quantity of them could have several implications on global security and stability (Dannreuther; Kenny; Laverett and Bader).¶ In this framework, the rise of Russia, a country which exports large quantities of oil and gas, controls the European provisions of energy and has had high increases in military expenditure in the last decade could represent another potential source of instability for the future world order. Russia has increased military spending by 16 per cent in real terms since 2008, including a 9.3 per cent increase in 2011 (Background Paper on Military Expenditures 5). Before 2008, it had increased its military expenditure by 160 per cent in a decade, (SIPRI, SIPRI Yearbook 2008 199), accounting for 86 per cent of the total increase of 162 per cent in military expenditure of Eastern Europe, the region of the world with the highest increment in military expenditure from 1998 to 2007 (SIPRI, SIPRI Yearbook 2008 177). Moreover, the control of the gas prices in Europe and the enlargement of the North Atlantic Treaty Organization in Central and Western Europe have already been causes of tension between Russia and the West. The possibility to exploit and supply a large amount of natural resources, the growth of its military power and divergences with the US in some foreign policy issues, such as the Iranian nuclear program or the status of Kosovo, indicate that the stability of the future multi-polar world could be seriously undermined by a resurgent Russia (Arbatov; Goldman; Trenin; Wallander).¶ A return to multi-polarity will therefore imply more instability among great powers. But great power rivalry will not be the only source of possible instability for the future multi-polar world. The current distribution of power allows not only great powers but also middle, small powers and non-state actors to have military capabilities that could threaten the global security. In particular, the presence of nuclear weapons constitutes a further reason of concern and implies that the future world could carry not only the potential instability of multi-polarity and great powers rivalry, but also the dangers entailed in nuclear proliferation. The future multi-polar world will thus be potentially more unstable than all the other multi-polar periods history has experienced until nowadays: for the first time in history, the world could become both multi-polar and nuclear.¶ While some scholars argue that nuclear deterrence “could reduce the war-proneness of the coming multi-polar system” (Layne, 44-45), the majority of them consider the presence of nuclear weapons as a source of instability (McNamara; Rosen; Allison). In particular, regional powers and states that are not great powers armed with nuclear capabilities could represent a cause of concern for global security. A nuclear Iran could for example attack – or be attacked – by Israel and easily involve in this war the rest of the world (Sultan; Huntley). A war between Pakistan and India, both nuclear states, could result in an Armageddon for the whole Asia. An attack from the Democratic Peoples’ Republic of Korea (DPRK) on Japan or South Korea will trigger an immediate reaction from the US and “a nuclear proliferation ‘domino effect’ in East Asia” (Huntley, 725). Terrorists armed with nuclear weapons could wreak havoc and target the heart of the most powerful countries of the world (Bunn and Wier).¶ Iran, Pakistan, DPRK, terrorist groups will rarely be great powers or poles in a future multi-polar world. Nevertheless, the effects of their actions could easily reverberate all over the globe and represent another cause of potential instability. For the first time in history, the stability of the future world will therefore depend not only on the unpredictable effects of the rivalry among great powers, but also on the dangerous potential of middle and small powers and non-state actors armed with nuclear weapons.¶ Conclusion¶ On the morning of the 5th April 2009 the DPRK sent a communication satellite into space using a Taepodong-2 ballistic missile. Suspicious neighbouring countries and the US considered the rocket launch as a cover for testing ballistic long-range missile technology and a threat for their national security: South Korea and Japan feared that their unpredictable neighbour could target their population, the US was afraid that DPRK missiles could in the future reach its western shores.¶ The result of the launch is debated: while Pyongyang asserted that the satellite reached the orbit, US experts considered it as a failure and remarked that the missile travelled 3,200 km before landing in the Pacific Ocean (Broad). Surely DPRK actions achieved the goal to deeply divide the international community: the UN Secretary General regretted the launch and urged Security Council Resolutions (Statement SG/SM/12171), the then Chinese Ambassador to the UN Yesui Zhang stressed “cautious and proportionate” (Richter and Baum) responses to avoid “increased tensions” (Richter and Baum), the then Japanese Prime Minister Taro Aso considered it an “extremely provocative act” (Ricther and Baum), while US President Obama declared that, “North Korea’s development and proliferation of ballistic missile technology pose a threat to the northeast Asian region and to international peace and security” (Obama, Statement from Prague).¶ This essay has explained why a clumsy launch of a communication satellite, or a military exercitation of the nation with the 197th Gross Domestic Product pro capita of the world (Central Intelligence Agency) can become a threat “to international peace and security” (Obama, Statement from Prague) and could represent a serious source of instability for the world in the near future. It has been argued that the current decline of the hegemon of the international system, together with a rise of new actors could create the conditions for a shifting to multi-polarity and great powers rivalry. The future multi-polar order will not be different from the other multi-polar moments history has witnessed and will result in more instability and unpredictability than in the current unipolar world. However, for the first time in the history multi-polarity will not only carry the risks entailed in the research of balance of power among great powers. The availability of the nuclear weapons will indeed represent another potential source of instability. Middle powers, small powers and non-state actors with nuclear capabilities could become a serious threat for the global security; they could trigger and reinforce the rivalry among great powers which usually characterizes multi-polarity, and eventually undermine the peace and stability of the future world.

### They Say: “Education Not Key to Economy”

#### Education inequality keeps the disadvantaged failing and drains the economy by overburdening social service spending

Belfield and Levin 7 [*Clive R*., assistant professor of economics at Queen College of the City University of New York, *Henry M.*, Professor of Economics and Education and director of the National Center for the Study of Privatization in Education at Teachers College, Columbia University, Brookings Institution Press, November 13, 2007, “The Price We Pay,” pg. 1-2//bpuch]

Is excellent education for all America’s children a good investment? We know that education is expensive, but poor and inadequate education for substantial numbers of our young may have public and social consequences that are even costlier. The contributors to The Price We Pay examine the costs of investing in services to provide excellent education and—equally important—the costs of not doing so. A person’s educational attainment is one of the most important determinants of his or her life chances in terms of employment, income, health status, housing, and many other amenities. Unlike other attributes, such as family background and personal characteristics, educational attainment can be chosen by the individual and influenced by public policy. In the United States we share a common expectation that all citizens will have access to high quality education that will reduce considerably the likelihood of later lifetime inequalities. Yet large differences in educational quality and attainment persist across income, race, and region. Even with similar schooling resources, educational inequalities endure because children from educationally and economically disadvantaged populations are less prepared to start school. They are unlikely to catch up without major educational interventions on their behalf. In the United States we typically view educational inequality as a challenging public policy issue because of its implications for social justice. If life chances depend so heavily on education, then it is important that educational inequalities be redressed in order to equalize opportunities in a democratic society. But beyond the broader issue of fairness, such inequalities may create costly consequences for the larger society, in excess of what it would take to alleviate the inequalities. An excellent education for all of America’s children has benefits not only for the children themselves but also for the taxpayer and society. A copious body of research literature has established that poor education leads to large public and social costs in the form of lower income and economic growth, reduced tax revenues, and higher costs of public services such as health care, criminal justice, and public assistance. Therefore we can view efforts to improve educational outcomes for at-risk populations as public investments that may yield benefits considerably in excess of investment costs.

#### Demographics mean the US economy will collapse- improving education is the only way to raise productivity enough to forestall it

Tienda and Alon 7 [*Marta*, Professor of Demographic Studies and Professor of Sociology and Public Affairs at Princeton University, former director of the Office of Population Research, *Sigal*, Associate Professor in the Department of Sociology and Anthropology at Tel Aviv University, Brookings Institution Press, November 13, 2007, “The Price We Pay,” pg. 48-49//bpuch]

The United States is facing a unique moment in its demographic history, for two reasons. First, as the third largest nation in the world, behind prosperous China and India, the United States has a vital resource that gives it a productive advantage over its industrialized peers—namely, people. In contrast with several western European nations that have been coping with the challenges of below-replacement fertility for several years, the United States sees its population continue to grow, albeit slowly, owing to high levels of both immigration and fertility. 1 Population growth replenishes the labor force with new workers, but in today’s global economy, the quality of workers matters as much as the quantity. Second, because of the increased salience of migration as a component of population growth, the U.S. population is among the most diverse in the world. 2 When its white non-Hispanic population fell below 50 percent, Texas became the fourth state to be declared a “majority minority” state, joining California, New Mexico, and Hawaii. 3 Population diversification will continue well into the future, even as immigration ebbs, because a larger share of new births will be to foreign-born women. Not only were immigration and births to immigrant women responsible for about 60 percent of demographic growth during the 1990s, but currently white women have below-replacement fertility, whereas the total fertility rate of Hispanic women is around 3.1. 4 Although immigration outpaced births as a component of Hispanic population growth during the 1980s and 1990s, during the first decade of the twenty-first century Hispanic births were projected to surpass net immigration from Latin America by approximately 1.6 million. 5 The components of demographic growth have direct implications for changes in the sizes of the labor force and the school-age population and for old-age dependency burdens. In 2005, for example, the U.S. Bureau of the Census announced that school enrollment surpassed the previous all-time high of 48.7 million set in 1970 by the baby boom generation. 6 The recent schoolage population bulge, produced largely by high immigrant fertility, represents a potential demographic dividend that can help assuage population aging, but that dividend can be realized only with appropriate educational investments. Viewed as returns on an investment portfolio, dividends reaped from population growth depend crucially on the caliber of investments made throughout the educational career, but especially during the early years. 7 That the most ethnically diverse youth cohorts in U.S. history are coming of age with an aging white majority also poses formidable social and policy challenges because, on average, the fastest growing cohorts are more likely to have parents with little education and lower incomes than are the cohorts they are replacing. 8 Census 2000 revealed that the median age of the population reached a new high of 35.3 years, rising 2.5 years since 1990. 9 The challenges of population aging could become acute as the baby boom cohorts increase their dependency on the Social Security earnings of the young, especially if racial and ethnic educational gaps are not closed. At the same time, the costs of underinvesting in education pose a serious risk not only to youths themselves—because the returns on investments in schooling are higher now than in the past—but also to a nation facing greater international competition for goods, services, and highly qualified labor. 10

#### The plan is key to resolve fading US educational competitiveness – resolving educational inequality is key

Niazov 16 [Anya Niazov, Graduate Student at DePaul University,4-1-2016, "Empowering School Leadership across Nations: A Comparative Study of Differences Between Leadership Practices and Their Relationships with Empowerment Amongst Administrators and Teachers in Eight Large Urban Secondary School Districts in the United States and Canada,” DePaul University University Libraries, http://via.library.depaul.edu/cgi/viewcontent.cgi?article=1089&amp;context=soe\_etd]//Rank

If this country is a leader in so many other ways, why do American schools, in general, lag behind other nations’ as evidenced by the results of international tests?

The modern world is becoming more connected and interdependent. The goals, curricula, and the structure of school systems across the globe are becoming more like each other in order to meet the increasingly common educational needs of modern society (Fowler, 2013; Baker & LeTendre, 2005). Students from all countries either are or will soon be competing not only with those from their own localities, but internationally (OECD, 2010). Given this new connected and information-driven world, the jobs of tomorrow will go to the most educated students from around the world (Paine & Schleicher, 2011). Therefore, the requirement for high quality education has become essential for students’ and nations’ long-term success. A nation’s education system plays a major role in defining whether students will be prepared for the global world (Tucker, 2011).

In this context of cross-national education, it is increasingly important to establish the relative accomplishment of national education systems in order to assess their current status and determine how they can improve. While international comparative educational tests such as the Program for International Student Assessment (PISA) and Trends in International Mathematics and Science Study (TIMSS) have limitations, they do serve as an important role as a barometer for assessing national areas of educational strength and weakness. In this dissertation, I focus on this view of the tests as an instructive guide to the relative success and efficacy of various national school systems rather than attempting to use the data to make an economic argument. These international tests have consistently shown that U.S. students perform at average to below average levels compared to other nations (OECD 2012; Tucker 2011). By comparison, nations such as Japan, Singapore, Finland and Canada are top performers on these evaluations (Tucker, 2011). These nations have structured educational reforms to focus on limited, clear learning goals that emphasize depth over breadth, fair resource distribution, supports for teachers, and reorganizing schools to promote learning (Darling-Hammond, 2010). Furthermore, these countries have designed educational frameworks based on research from abroad and then tailored them to implement their own curricula, cater to their students, and provide a comparative advantage (Tucker, 2011; Fowler, 2013; Darling-Hammond, 2010).

Many argue that the U.S. educational system is still adequate because the best U.S. students are still competitive with the best from other nations (Bracey 2009; Baker 2007). However, educational inequity, particularly differences between rich and poor students, is among the biggest shortcomings of the U.S. educational system compared to other nations. U.S. urban schools where poverty is common are among the most severely affected, and students from these schools lag behind poor students in other developed countries where the achievement gap between rich and poor is much less prominent (Darling-Hammond, 2011).

As multiple scholars (Baker & LeTendre, 2005; Darling-Hammond, 2010; Turgut, 2013) argue, the U.S. should try to learn from higher achieving nations in order to improve its educational system. This notion of learning from others is one of the underlying ideas that have motivated me to pursue this line of research. Many U.S. educators and policymakers have focused on educational standards, testing and accountability, while largely ignoring the effective implementation of classroom practices from abroad (Kliebard, 2004). The incentive to look outside exists both at the levels of competition as well as inspiration. It might serve U.S. policy makers and educators well to attempt to learn from the successes of other countries—for inspiration and as a way to improve U.S. comparative international rankings on international tests of achievement.

Critics cite issues related to test methodologies, cultural differences, systemic differences and differing rates of childhood poverty as barriers to meaningful interpretation of cross-national comparative tests (Crossley, 2009; Cavanagh, 2012). While most of the nations deemed as high- performing by test data are more economically and culturally homogenous (e.g., Finland, Singapore, Korea) with very different cultural values, one high-performing nation, Canada, has enough similarities to the U.S. that cross-national comparisons may not have as many inherent difficulties and can be particularly informative (Levin, 2011; Mehta & Schwartz, 2011). The U.S. and Canada have many over-arching similarities including occupational structures, a high standard of living, diverse demographics, decentralization, and geography (Merry, 2013). Furthermore, Gaffield (1994) notes that U.S. and Canadian schools have much in common including a similar history rooted in mass schooling, having developed their schools with similar sociocultural purposes, having populations that include significant socioeconomic, ethnic, and social diversity, and having decentralized local schools without a national curricula. Given these similarities along with the different educational outcomes noted by international tests, I argue that comparing aspects of the U.S. and Canadian education systems [1] is likely to demonstrate differences and [2] that they will derive largely from differences at the school level rather than being primarily attributed to cultural or systemic differences.

### They Say: “Trump Makes Inevitable”

#### Trump doesn’t kill leadership

Hunt 17 – Ph.D. in American Studies from the College of William & Mary (Edward Hunt, "The American Empire Isn’t in Decline", Jacobin, 3-13-2017, <https://www.jacobinmag.com/2017/03/obama-trump-mattis-united-states-empire/)//JSL>

Despite these concerns, officials have been willing to give Trump a chance to lead the country. Over the past few months, state leaders have done everything in their power to prepare Trump for his new position.

Notably, Obama played a lead role in welcoming Trump to Washington. Just days after the election, he complimented the president-elect on his willingness to cross the ideological divide. “I don’t think he is ideological,” the outgoing president said. “I think ultimately he’s pragmatic in that way. And that can serve him well, as long as he’s got good people around him and he has a clear sense of direction.”

In the following weeks, Obama also requested that people around the world give Trump a chance. People should not “just assume the worst,” Obama said. It would be better to “take a wait-and-see approach,” and allow Trump the opportunity to run the country.

Politicians, Obama stressed, often make promises that they don’t keep. “My simple point is that you can’t assume that the language of campaigning matches up with the specifics of governing, legislation, regulations, and foreign policy,” Obama said. He continued: “I can’t guarantee that the president-elect won’t pursue some of the positions that he’s taken. But what I can guarantee is, is that reality will force him to adjust how he approaches many of these issues. That’s just the way this office works.”

Secretary of Defense Ashton Carter provided similar reassurances. “America’s interests remain the same,” he insisted. “So, we still have ISIL to fight, we still have Russia — that isn’t gonna change, the world isn’t gonna — isn’t gonna change.”

Establishment officials have also been willing to accept the new leadership and look for silver linings in Trump’s cabinet. For instance, they were pleased that Trump chose Gen. Mattis to be the next secretary of defense. Mattis is “a friend, and I hold him in the highest regard,” Carter commented shortly after the nomination’s announcement.

Trump’s secretary of state pick, Exxon CEO Rex Tillerson, was also met with applause. The man is “superbly qualified,” former Secretary of Defense Robert Gates promised. “He is deeply knowledgeable about the international scene and geopolitics and importantly would be an informed and independent adviser to the president.”

So far, a number of Trump’s establishment critics have found continuity in the new administration’s foreign policy. Early last month, Obama’s former advisor David Axelrod tweeted that a number of the Trump administration’s earliest moves bore striking resemblance to Obama’s policies: “Much of what @realDonaldTrump admin has done in foreign policy in the past 36 hours is Obama policy, just delivered thru clenched teeth.”

The New York Times has also begun to moderate its tone. Since early February 2017, new headlines have included: “Trump Embraces Pillars of Obama’s Foreign Policy,” “Trump Foreign Policy Quickly Loses Its Sharp Edge,” and “From ‘America First’ to a More Conventional View of U.S. Diplomacy.”

In short, the establishment, at least for now, seems confident that it can continue having its way with the world. Despite all of the post-election quaking about Trump, which was greased by the ongoing concerns about Russia, China, and ISIS, establishment officials and their supporters seem to believe that Trump is starting to understand what they mean when they say that the United States is indispensable to the world order. As always, they are speaking the words of empire, and they are determined to keep it.

“I know some people are looking at the world and saying, ‘Oh my God, the world order is coming apart,’ and this and that,” Secretary of State John Kerry commented during his final days in office. “No, it isn’t, folks. And it won’t.”

The empire, in other words, is here to stay.

#### Even under Trump, American hegemony persists

Dougherty 17 - senior writer with work in Politico, The Washington Monthly, and New York Times Magazine (Michael Brendan Dougherty, "America Doesn’t Have a Successor", National Review, 6-2-2017, <http://www.nationalreview.com/article/448245/donald-trump-american-leadership-united-states-still-hegemonic)//JSL>

There is a frantic, almost panicked desire to see dramatic declines in U.S. power and prestige because its people elected Donald Trump. The people have to learn their lesson, after all. But the reality-based community has lost touch with the real world. America remains a hegemonic force: It has the largest and best equipped military that secures peace and prosperity from Europe to the South China Sea, the most prestigious university system, the largest consumer market, and it remains the source of so much innovation.

The most powerful and important country on earth is led by Donald Trump. This may be unpleasant, uncomfortable, and a little scary. The world may hate it. Most days, I do. But it does not mean that the United States ceases to be powerful and important. An American-led world order might feel queasy with Donald Trump at the helm. But the deckhand doesn’t prove the captain is nuts by chopping down the main mast himself, or declaring the ship sunk at the first gust of hot air.

#### Trump has assumed a conventional role in foreign policy and US leadership

Pletka, 4/26/17 – Danielle Pletka is the vice-president for foreign and defense policy studies at the American Enterprise Institute. She earned her B.A. at Smith College and her M.S. at the Paul H. Nitze School of Advanced International Studies of the Johns Hopkins University. (Danielle Pletka, “On foreign policy, Trump has become — gasp — a normal president,” April 26, 2017, The Washington Post, https://www.washingtonpost.com/opinions/on-foreign-policy-trump-has-become--gasp--a-normal-president/2017/04/26/197b0372-2542-11e7-b503-9d616bd5a305\_story.html?utm\_term=.01fabc85a825, SRA)

The presidency of the United States is a mighty office, and the weight of it has shaped many men. The best among them have had the breadth of mind to set aside fixed tropes, face the world as it is and allow both the exigencies of leadership and the potential for America to do good to guide them. Others have been prisoners of their own dogma and bequeathed to their successors a world of trouble.

The question, then, is which man is Donald Trump?

On foreign policy, candidate Trump promised little ideology and plenty of anecdote-driven reactionism. Not enough jobs? Get ’em back. Terrible Iran deal? Tear it up. Allies free-riding on U.S. defense largesse? Send ’em a bill. Fighting unnecessary wars? Stop. Far from a doctrine, Trump offered a smorgasbord of retorts and one-liners that added up to what many worried would be a dangerous isolationist, protectionist era in U.S. politics. But 100 days into his term, President Trump has been far more conventional than many dared hope. Many of his promises, from labeling China a currency manipulator to staying out of Syria to making nice with Russia, appear to be on hold — which should surprise no one. Consider each recent president and contrast the candidate with the man in office: George H.W. Bush promised a more “realist” global posture than Ronald Reagan but ended up proclaiming a “new world order.” Bill Clinton rejected that, insisting it was “the economy, stupid,” but ended his tenure with his secretary of state arguing that the United States is “the indispensable power.” George W. Bush promised a more “humble” presidency but after 9/11 invaded Afghanistan and Iraq, inaugurating a far-from-humble “freedom agenda” to promote democracy in the Middle East. Barack Obama promised to “end this war” in Iraq and wrap up the conflict with the Taliban, but joined NATO in invading Libya, recommitted troops to Iraq after withdrawing them, continued the war in Afghanistan and sent Special Operations forces and others to Syria and Yemen.

In short, the foreign policy promises of presidential candidates are rarely gospel. The world has a way of upending even the best-laid campaign platforms. And so, despite telling Obama to “stay the hell out of Syria,” Trump blasted an air base used for a chemical weapons attack on Day 76 of his presidency. He has overturned Obama’s non-policy of “strategic patience” with North Korea, recognizing that Pyongyang has used the past eight years to advance its nuclear and missile programs to the point of threatening the continental United States. Trump has sent his secretary of state to tell Russian President Vladimir Putin to drop Syrian dictator Bashar al-Assad, recommitted to NATO in the face of growing Russian predations, confirmed Iranian compliance with the Joint Comprehensive Plan of Action and otherwise behaved like — dare we say it? — a normal president. And though Trump has stuck by his pledge to withdraw from the Trans-Pacific Partnership, he also indicated he will pursue bilateral trade agreements, a far cry from a reversion to Smoot-Hawley some feared.

Where Trump has neither flipped nor flopped is on his strident anti-refugee, anti-immigration posture. The president followed through on pledges to limit immigration from states of terrorism concern, to put in place “extreme vetting” and to ban refugees from Syria. While implementation of those executive orders is suspended pending litigation, the White House appears bent on staying true to that campaign promise. Similarly, Trump seems as uninterested as president as he was as a candidate in picking personal fights with foreign despots such as Russia’s Putin or Turkey’s Recep Tayyip Erdogan.

So after nearly 100 days, what more do we know about Donald Trump, commander in chief? Is he settling into a more nuanced security policy, guided by the likes of Cabinet members Jim Mattis and Rex Tillerson and advisers Gary Cohn and H.R. McMaster? Or is this only a temporary blip before other factions in the White House pull the clearly mercurial, impulsive leader back to fulfilling his hyperbolic campaign agenda?

All we know now is what we see and don’t see. What we have seen from Trump in his early days as president is a man who is owning his burdens, one who wants to rebuild the deterrent power of the United States, one who is shocked by the horrors of war and one who is game to push back on enemies. All to the good.

But what we don’t see is a man who is game to threaten other leaders’ personal power, viz. Putin and Erdogan. Nor, most important, do we have a sense of his worldview or the policies that underpin his initial tactical steps. On national security, at least, it will be those policies, and not the occasional phone call or airstrike, that will make or break this president in the world.

### They Say: “Economic Decline Not Cause Conflict”

#### The impact will be comparatively longer and more severe than short term economic downturns like the mortgage crisis

NAP ’10 (National Academies Press, Members of the 2005 “Rising Above the Gathering Storm” Committee, “Rising Above the Gathering Storm, Revisited: Rapidly Approaching Category 5,” ISBN 978-0-309-16097-1 | DOI 10.17226/12999)ww

While the Gathering Storm report warned of an impending financial crisis, it was not addressing the type of crisis that subsequently occurred. It appears that the latter was unique—triggered by government policy that encouraged excessive mortgage borrowing; poor judgment in assessing risk on the parts of both borrowers and lenders; overly aggressive practices by investment banks when creating new financial instruments; and a lack of diligence on the part of regulators. This produced what has been a severe downturn. But it is not the long-term crisis of which the Gathering Storm committee sought to warn and avert. The Gathering Storm report sought to call attention to the likelihood of a far more serious and much more enduring financial reversal attributable to fundamental flaws in the nation’s process of generating quality jobs for which its citizens can be competitive. This failure includes such practices as tolerating a K-12 educational system that functions poorly in many areas, prolonged underinvestment in basic research, and discouraging talented individuals from other parts of the world, particularly, in science and technology, from remaining in America after having successfully completed their education here.

#### US economic declines kills heg and causes war – addressing debt is key

Khalilzad 11 – Former US ambassador and director of policy planning at the Defense Department with a Ph.D. from the University of Chicago (Zalmay, “The Economy and National Security”, National Review, 2/8/11, <http://www.nationalreview.com/article/259024/economy-and-national-security-zalmay-khalilzad)//JSL>

Today, economic and fiscal trends pose the most severe long-term threat to the United States’ position as global leader. While the United States suffers from fiscal imbalances and low economic growth, the economies of rival powers are developing rapidly. The continuation of these two trends could lead to a shift from American primacy toward a multi-polar global system, leading in turn to increased geopolitical rivalry and even war among the great powers.

The current recession is the result of a deep financial crisis, not a mere fluctuation in the business cycle. Recovery is likely to be protracted. The crisis was preceded by the buildup over two decades of enormous amounts of debt throughout the U.S. economy — ultimately totaling almost 350 percent of GDP — and the development of credit-fueled asset bubbles, particularly in the housing sector. When the bubbles burst, huge amounts of wealth were destroyed, and unemployment rose to over 10 percent. The decline of tax revenues and massive countercyclical spending put the U.S. government on an unsustainable fiscal path. Publicly held national debt rose from 38 to over 60 percent of GDP in three years.

Without faster economic growth and actions to reduce deficits, publicly held national debt is projected to reach dangerous proportions. If interest rates were to rise significantly, annual interest payments — which already are larger than the defense budget — would crowd out other spending or require substantial tax increases that would undercut economic growth. Even worse, if unanticipated events trigger what economists call a “sudden stop” in credit markets for U.S. debt, the United States would be unable to roll over its outstanding obligations, precipitating a sovereign-debt crisis that would almost certainly compel a radical retrenchment of the United States internationally.

Such scenarios would reshape the international order. It was the economic devastation of Britain and France during World War II, as well as the rise of other powers, that led both countries to relinquish their empires. In the late 1960s, British leaders concluded that they lacked the economic capacity to maintain a presence “east of Suez.” Soviet economic weakness, which crystallized under Gorbachev, contributed to their decisions to withdraw from Afghanistan, abandon Communist regimes in Eastern Europe, and allow the Soviet Union to fragment. If the U.S. debt problem goes critical, the United States would be compelled to retrench, reducing its military spending and shedding international commitments.

We face this domestic challenge while other major powers are experiencing rapid economic growth. Even though countries such as China, India, and Brazil have profound political, social, demographic, and economic problems, their economies are growing faster than ours, and this could alter the global distribution of power. These trends could in the long term produce a multi-polar world. If U.S. policymakers fail to act and other powers continue to grow, it is not a question of whether but when a new international order will emerge. The closing of the gap between the United States and its rivals could intensify geopolitical competition among major powers, increase incentives for local powers to play major powers against one another, and undercut our will to preclude or respond to international crises because of the higher risk of escalation.

The stakes are high. In modern history, the longest period of peace among the great powers has been the era of U.S. leadership. By contrast, multi-polar systems have been unstable, with their competitive dynamics resulting in frequent crises and major wars among the great powers. Failures of multi-polar international systems produced both world wars.

American retrenchment could have devastating consequences. Without an American security blanket, regional powers could rearm in an attempt to balance against emerging threats. Under this scenario, there would be a heightened possibility of arms races, miscalculation, or other crises spiraling into all-out conflict. Alternatively, in seeking to accommodate the stronger powers, weaker powers may shift their geopolitical posture away from the United States. Either way, hostile states would be emboldened to make aggressive moves in their regions.

As rival powers rise, Asia in particular is likely to emerge as a zone of great-power competition. Beijing’s economic rise has enabled a dramatic military buildup focused on acquisitions of naval, cruise, and ballistic missiles, long-range stealth aircraft, and anti-satellite capabilities. China’s strategic modernization is aimed, ultimately, at denying the United States access to the seas around China. Even as cooperative economic ties in the region have grown, China’s expansive territorial claims — and provocative statements and actions following crises in Korea and incidents at sea — have roiled its relations with South Korea, Japan, India, and Southeast Asian states. Still, the United States is the most significant barrier facing Chinese hegemony and aggression.

#### US economic weakness kills heg and independently causes war

Lieberthal and O’Hanlon 12 – Senior Fellow with degrees from Dartmouth and Columbia, Senior Fellow with several degrees from Princeton (Kenneth G., Michael E., “The Real National Security Threat: America’s Debt”, Brookings, 7/10/12, <https://www.brookings.edu/opinions/the-real-national-security-threat-americas-debt/)//JSL>

Lastly, American economic weakness undercuts U.S. leadership abroad. Other countries sense our weakness and wonder about our purported decline. If this perception becomes more widespread, and the case that we are in decline becomes more persuasive, countries will begin to take actions that reflect their skepticism about America’s future. Allies and friends will doubt our commitment and may pursue nuclear weapons for their own security, for example; adversaries will sense opportunity and be less restrained in throwing around their weight in their own neighborhoods. The crucial Persian Gulf and Western Pacific regions will likely become less stable. Major war will become more likely.

### They Say: “Federal Action Not Needed”

#### Federal control insures internationalized standards – key to competitiveness

McGOVERN ’11 (Shannon K.; JD – New York University School of Law, “A New Model for States as Laboratories for Reform: How Federalism Informs Education Policy,” 86 N.Y.U.L. Rev. 1519, November, l/n)ww

The validity of the educational quality rationale for local control thus depends on whether schools require flexibility to respond to unique local conditions. Regional differences are often exaggerated in an era of unprecedentedly nationalized politics, policy, and culture. n73 Nonetheless, undeniable differences in demographics and tax policy, among other things, remain between and within states. Concentrated populations of English-language learners or low-income students in particular localities or states may require specialized local educational policy. n74 On the other hand, local differences may jeopardize rather than promote quality education if not for federal intervention. For instance, a state or locality's limited fiscal capacity or tax effort can drastically reduce per-pupil expenditures, n75 or educational content [\*1533] may vary with local political ideology n76 in an era in which state and federal policy makers agree that the use of internationalized standards are necessary for post-secondary success as well as national competiveness. n77 Recognition of the necessity of local/state solutions to some uniquely local/state problems is not inconsistent with federal oversight of education. It simply requires a sensitive application of the federalism model described in Part I. The fact that local governments can solve some problems better should not preclude the federal government from making supplementary, or even overlapping, efforts.

#### Federal action is key to solve competitiveness

McGOVERN ’11 (Shannon K.; JD – New York University School of Law, “A New Model for States as Laboratories for Reform: How Federalism Informs Education Policy,” 86 N.Y.U.L. Rev. 1519, November, l/n)ww

A. The National Interest in Education Necessitates Federal Leadership

As true local control is supplanted in part by state regulation, n132 the relevant stakeholders in education outcomes also must change. Local control capitalizes on the value of small government political accountability as well as parental and community involvement in policy making. The nationalization of education reform engenders a new value particularly, though not exclusively, salient to national stakeholders: global competitiveness. While states have a mutual interest in the economic prospects of their denizens in a globalized society, n133 interstate inequalities in education inputs and outputs call for federal involvement. n134

1. Competitiveness in the International Sphere

How American education measures up on the global stage has been a central concern since the National Commission on Excellence in Education sounded the alarm in A Nation at Risk in 1983. n135 Nearly thirty years later, however, American students continue to lag behind their peers. Disparities are particularly apparent at the secondary school level. Consider the recent performance of fifteen-year-olds on PISA, a test administered by the Organisation for Economic Cooperation and Development (OECD), an organization of thirty-four North American, South American, European, and Asian nations. The exam, which is given every three years, tests knowledge in reading, mathematics, and science in nine-year cycles; one of these three subjects is the major assessment area in any given exam administration. n136 Despite modest gains in science, recent PISA results for U.S. students otherwise show little change from earlier exam administrations, n137 notwithstanding the intervening passage of NCLB. In [\*1544] 2009, a "reading year" and the most recent exam administration for which data are available, the United States scored fourteenth in reading, seventeenth in science, and twenty-fifth in mathematics out of thirty-four OECD participants. n138 American mean reading and science scores are each at or near the OECD average, but the United States' mathematics performance was deemed below average by a statistically significant margin. n139

PISA results have proven to be a useful diagnostic for participating countries, providing sound evidence both of international standing and domestic performance over time. n140 While preoccupation with rankings can exaggerate deficiencies, the OECD has estimated that the differences in scores between the highest-and lowest-performing OECD countries represent more than two grade levels, n141 a serious discrepancy. On average, U.S. students are at the middle of the pack but still significantly behind their peers in Korea, Finland, and Canada, the top-ranked OECD test-takers. Unfortunately, these deficits are only more pronounced for the nation's lowest-performing students. n142

2. Interstate Inequalities in Education Inputs and Outputs

The federal government is better poised to improve the international standing of the country's students to the extent that it can remedy or mitigate substantial inequalities in education inputs and outputs. Then-professor Goodwin Liu has shown that inequality of educational opportunity - measured in terms of per-pupil expenditures, academic standards under NCLB, and student performance - is more pronounced between states than within states, due largely to [\*1545] states' variable fundraising ability. n143 Unfortunately, states with low fiscal capacity have greater concentrations of low-income students, minority students, and English language learners, n144 subgroups which lag far behind their domestic and international peers. Although PISA results are not available on a state-by-state basis, demographic differences in performance are substantial. When the most recent reading scores of racial groups are isolated, Asian Americans lead all OECD countries, White Americans come in third, and Blacks and Hispanics appear near the bottom, behind students from most developed Asian and Western democracies. n145 Any discussion of U.S. educational excellence must therefore consider inequality. Substantial differences in the degree of social, racial, and economic diversity of the school-age population exacerbate the substantial funding discrepancies between states that are troubling in their own right. The problems of fiscal capacity and equality are mutually reinforcing because disadvantaged students require more funds - in the form of English-language teachers, reduced-price lunches, tutoring, and other special services - than revenue-poor states can provide. The need for wealth redistribution and protection of civil rights, functions better served by the national government, n146 provides a strong case for federal intervention.

## 2AC — Solvency

### Extend: “Plan Solves Inequality”

#### The plan is an effective way to solve for inequality

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

This Article proposes three steps to cure the ESSA’s flaws and further the Elementary and Secondary Education Act’s original mission. First, the Elementary and Secondary Education Act must, in the short term, mandate that states fund schools serving predominantly low-income students at a level equal to or higher than other schools and, in the long term, that they fund such schools at proportionately higher levels. One of the most consistent findings of the past fifty years is that attending a school serving high concentrations of low-income students negatively affects educational outcomes—regardless of a student’s individual race or socioeconomic status.30 An equity mandate would also incentivize states to deconcentrate poverty and thereby minimize the number of instances they would need to afford schools proportionately more funds. Curing funding inequalities between schools, however, may be out of immediate reach for most states. Therefore, Congress should afford states a transition period to incrementally progress toward those goals or, in the alternative, allow states to demonstrate that their low-income students are achieving at appropriate levels notwithstanding unequal resource allocations.

Because states are unlikely to accept ambitious equity standards in exchange for the currently low federal funding, the second step is for the federal government to substantially increase its own funding for low-income students. A substantial additional investment would strongly incentivize states to accept the first proposal and allow the federal government to directly ensure that low-income students receive the additional resources necessary to close achievement gaps. Researchers and the federal government indicate that low-income students require 40 percent more resources than other students.31 By increasing annual federal funding for low-income students from the current $15 billion to $45 billion, the federal government could cover half of the cost of low-income students’ additional needs (although a lesser number could still create the leverage necessary for states to act). 32 Compared to other expenditures, including recent temporary federal funds for education, this increase would still be a modest expenditure.

### They Say: “Funding Not Key to Education”

#### Extensive research shows that funding improves education

ROBINSON ’16 (Kimberly Jenkins; Professor of Law – University of Richmond, “No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism,” 27 Stan. L. & Pol'y Rev 201, l/n)ww

Before turning to this analysis, it is worth noting that in focusing on the need for reforming school funding systems, I build upon the research that finds that money spent well matters for student outcomes. n40 In my recent book co-edited with Professor Charles J. Ogletree, Jr. we note that the school finance debate has largely moved beyond questioning whether money matters to a consensus that money spent well does, in fact, matter. n41 Further evidence that money matters is presented in a 2016 study finding that when children from low-income families are provided with lower pupil-to-teacher ratios and a more equitable distribution of staffing, they experience better academic outcomes and exhibit a smaller gap in achievement with their more affluent peers. n42 This study also found that greater spending leads to smaller class sizes. n43 Other research indicating that money spent well matters can be found in a study by C. Kirabo Jackson and his associates published by the National Bureau of Economic Research. The study found that

although we find small effects for children from affluent families, for low-income children, a 10% increase in per pupil spending each year for all 12 years of public school is associated with 0.46 additional years of completed education, 9.6% higher earnings, and a 6.1 percentage point reduction in the annual incidence of adult poverty. The results imply that a 25% increase in per pupil spending throughout one's school years could eliminate the average attainment gaps between children from low-income ... and nonpoor families... n44

[\*209] Further research also confirms the positive effect of increased funding for obtaining particular resources and student outcomes. n45 In addition, a compelling body of research indicates that states that have implemented substantial changes to the distribution and/or level of education funding typically observe significant improvements in student achievement. n46

#### Critics of funding are based upon outdated evidence with flawed methodologies. Funding is the necessary enabler for all education reform and is supported by an overwhelming consensus of studies

Baker 17 (Bruce D. Baker, Professor in the Department of Educational Theory, Policy, and Administration in the Graduate School of Education at Rutgers, The State University of New Jersey, former Associate Professor of Teaching and Leadership at the University of Kansas, holds an Ed.D. in Organization and Leadership from the Teachers College of Columbia University, 2017 (“Does Money Matter in Education? Second Edition,” Albert Shanker Institute, <http://www.shankerinstitute.org/sites/shanker/files/moneymatters_edition2.pdf//SR>)

Main sources of doubt

The primary source of doubt to this day remains the above-mentioned Eric Hanushek finding in 1986 that “there appears to be no strong or systematic relationship between school expenditures and student performance.”117

This single quote, now divorced entirely from the soundly refuted analyses on which it was based, remains a mantra for those wishing to deny that increased funding for schools is a viable option for improving school quality. Add to this statement the occasional uninformative and inflammatory anecdote regarding urban district spending and student outcomes in places like Kansas City or New Jersey, or the frequently re-created graphs showing spending and achievement over the past few decades, and one has a rhetorical war against an otherwise overwhelming body of empirical evidence.118

While research evidence regarding the importance of funding and specific schooling resources for improving student outcomes has become clearer with time, Hanushek and a handful of peers have become even more entrenched in their views, as reflected in recent public testimony. Rhetoric among detractors has continued to drift from the cloud of doubt to a rock of certainty. That is, certainty that money has little or no role in improving school quality, and that school finance reforms that infuse additional funds only lead to greater inefficiency, having little or no effect on either equity or adequacy of schooling. Notably, Hanushek asserts (now and then) that it’s not that money doesn’t matter at all, but rather that additional money doesn’t matter on top of the already high levels of spending that currently exist across all U.S. schools.

To summarize, the current dogma of Hanushek includes the following core tenets:

1. Because schools already spend so much and do so with such great inefficiency, additional funding is unlikely to lead to improved student outcomes.

2.How money is used matters much more than how much money is spent.

3.Differences in the amount of money some schools have than others are inconsequential, since those with less may simply make smarter spending decisions.

According the recent rhetoric of Hanushek, these principles are ironclad. In his own words, they are “conventional wisdom” on which “virtually all analysts” agree. They are “commonly believed,” “overall truth” and backed by an “enormous amount of scientific analysis,” “substantial econometric evidence” and “considerable prior research.” For example, in the winter of 2015, in the context of school funding litigation in New York state, Hanushek opined:

“An enormous amount of scientific analysis has focused on how spending and resources of schools relates to student outcomes. It is now commonly believed that spending on schools is not systematically related to student outcomes.”119 Yet, the enormous amount of scientific analysis to which Hanushek referred in his expert testimony was primarily referenced to a 2003 summary of much of his prior work from the 1980s, work which has been discredited on numerous occasions,120 including by research produced in the last 12 years. Similarly, in the same context (Maisto v. State of New York), Hanushek proclaims:

“There has been substantial econometric evidence that supports this lack of relationship.”

Hanushek again backs his claims with the same short list of dated self-citation.121 In an even more recent attempt to rebut a new, major study finding positive effects of school finance reforms,122 Hanushek (2015) makes the following version of the same claim:

“Considerable prior research has failed to find a consistent relationship between school spending and student performance, making skepticism about such a relationship the conventional wisdom.”123

This time, he anchored that claim only to his 2003 piece (by hyperlink to the “prior research” phrase) on the failure of input-based schooling policies, 124 choosing to ignore entirely the considerably larger body of more rigorous work I summarize in my 2012 review on the topic.

The extension of these claims that nearly everyone agrees there’s no clear relationship between spending and student performance is the assertion that there is broad agreement that how money is spent matters far more than how much money is available. As phrased by Hanushek in the context of New York state school finance litigation:

“Virtually all analysts now realize that how money is spent is much more important than how much is spent.”125

As with the prior declarations, this one is made with the exceedingly bold assertion that virtually all analysts agree on this point—without reference to any empirical evidence to that point (a seemingly gaping omission for a decidedly empirical claim about a supposedly empirical truth). Further, “how money is spent” is constrained by whether sufficient money is there to begin with. While common sense dictates that how money is spent clearly matters, thus making this part of the statement widely agreeable, this does not preclude the relevance of how much money is available to spend.

Perhaps most disconcerting is that Hanushek has recently extended this argument to declare that equity gaps in funding, or measures of them, aren’t an important policy concern either. Specifically, Hanushek proclaims:

“It also underscores how calculations of equity gaps in spending, of costs needed to achieve equity, or of costs needed to obtain some level of student performance are vacuous, lacking any scientific basis” (p. 4).126

Put differently, what Hanushek is opining by declaring calculations of equity gaps to be vacuous and lacking scientific basis is that it matters not whether one school or district has more resources than another. Regardless of any spending differences, schools and districts can provide equitable education—toward equitable outcome goals. Those with substantively fewer resources simply need to be more efficient. Since all public schools and districts are presently so inefficient, achieving these efficiency gains through more creative personnel policies, such as performance-based pay and dismissal of “bad teachers,” is easily attainable.

Of course, even if we assume that creative personnel policies yield marginal improvements to efficiency, if schools with varied levels of resources pursued these strategies with comparable efficiency gains, inequities would remain constant. Requiring those with less to simply be more efficient with what they have is an inequitable requirement. This argument is often linked in popular media and the blogosphere with the popular book and film Moneyball, which asserts that clever statistical analysis for selecting high-productivity, undervalued players was the basis for the (short-lived) success in 2002 and 2003 of the low-payroll Oakland Athletics baseball team. The flaws of this analogy are too many to explore thoroughly herein, but the biggest flaw is illustrated by the oft-ignored subtitle of the book: The Art of Winning an Unfair Game. That is, gaining a leg up through clever player selection is necessary in baseball because vast wealth and payroll differences across teams make baseball an unfair game. The public’s interest in providing equitable and adequate funding for education is likely greater than ensuring equitable and adequate baseball payrolls. Put more bluntly, the education of present and future generations should not be an unfair game.

From judges to scholars, critics of Hanushek have characterized his evidence as “facile,” based on “fuzzy logic,”127 and “weak and factually tenuous.”128 Two recurring examples used by Hanushek to illustrate the unimportance of funding increases for improving outcomes are the “long-term trend” or “time trend” argument and anecdotal claims of the failures of input-based reforms in New Jersey. Baker and Welner (2011) tackle in depth the fallacies of Hanushek’s New Jersey claims.129 Here, I point to Hanushek’s own, albeit facile, unacknowledged self-debunking of his New Jersey claims. But first, I address the long-term trend claim.

Again, from recent testimony in New York state, Hanushek provides the following exposition of the long-term trend assertion: “The overall truth of this disconnect of spending and outcomes is easiest to see by looking at the aggregate data for the United States over the past half century. Since 1960, pupil‐teacher ratios fell by one‐third, teachers with master’s degrees over doubled, and median teacher experience grew significantly (Chart 1).4 Since these three factors are the most important determinants of spending per pupil, it leads to the quadrupling of spending between 1960 and 2009 (after adjusting for inflation). At the same time, plotting scores for math and reading performance of 17‐year‐ olds on the National Assessment of Educational Progress (NAEP, or “The Nation’s Report Card”) shows virtually no change since 1970 (Charts 2 and 3).5”130

This claim, like many of Hanushek’s, is made with language of astounding certainty—the “overall truth” as it exists in the mind of Hanushek. This claim is commonly accompanied by graphs showing per-pupil spending going up over time, pupil-to-teacher ratios going down and national assessment scores appearing relatively flat, much of which is achieved via the smoke and mirrors of representing spending and outcome data on completely different scales, and via the failure to adjust appropriately for the changing costs and related obligations of the public education system and for the changing demography of the tested population.131 Oversimplified visuals are used to make the proclamation that student achievement shows “virtually no change,” a statement discredited on closer inspection.132 Jackson, Johnson and Persico (2015) provide additional examples of how such facile analyses lead to fallacious conclusions.133

As explained by Baker and Welner (2011),134 Hanushek for years has cited the failures of New Jersey’s school finance reforms as the basis for why other states should not increase funding to high-poverty schools. In litigation in Kansas in 2011, Hanushek proclaimed:

“The dramatic spending increases called for by the courts (exhibit 34) have had little to no impacts on achievement. Compared to the rest of the nation, performance in New Jersey has not increased across most grades and racial groups (exhibits 35-40). These results suggest caution in considering the ability of courts to improve educational outcomes.”135

Hanushek reiterated these claims in the context of a even more recent New York school funding challenge.136 This is a surprising claim to preserve when one’s own recent (2012), marginally more rigorous analyses of state achievement growth rates on national assessments (from 1992 to 2011)137 find the following:

“The other seven states that rank among the top-10 improvers, all of which outpaced the United States as a whole, are Massachusetts, Louisiana, South Carolina, New Jersey, Kentucky, Arkansas, and Virginia.”138

Further, the same report reveals that New Jersey has seen particularly strong growth in reducing the number of the lowest-performing students (those scoring at the “below basic” level), especially for eighth-grade math.

To be sure, there are others in academe and policy research that raise questions about the most effective ways to leverage school funding to achieve desired outcomes, and do so via more rigorous, thoughtful analyses. The most recent rigorous and relevant academic research is addressed in the remainder of this brief. There are others who opine in the public square139 and courtroom140 that school finance reform—specifically infusing additional funding to districts serving high-need student populations—is neither the most effective nor the most efficient path toward improving schooling equity or adequacy. But empirical evidence to support claims of more efficient alternatives remains elusive.

No rigorous empirical study of which I am aware validates that increased funding for schools in general, or targeted to specific populations, has led to any substantive, measured reduction in student outcomes or other "harm." Arguably, if this were the case, it would open new doors to school finance litigation against states that choose to increase funding to schools. Twenty years ago, economist Richard Murnane sum- marized the issue exceptionally well when he stated:

"In my view, it is simply indefensible to use the results of quantitative studies of the relationship between school resources and student achievement as a basis for concluding that additional funds cannot help public school districts. Equally disturbing is the claim that the removal of funds ... typically does no harm" (p. 457)."1

Murnane’s quote is as relevant today as it was then. The sources of doubt on the “Does money matter?” question are not credible.

While there remains much to debate, discuss and empirically evaluate regarding the returns to each additional dollar spent in schools—and the strategies for improving educational efficiency, equity and adequacy—we must finally be willing to cast aside the most inane arguments and sources of evidence on either side of the debate. Specifically, the following five contentions no longer have a legitimate place in the debate over state school finance policy and whether and how money matters in K-12 education:

1. Vote counts of correlational studies between spending and outcomes, without regard for rigor of the analyses and quality of the data on which they depend;

2.The long-term trend argument and supporting graphs that show long-term spending going up and NAEP scores staying flat;

3.International comparisons asserting, and perhaps illustrating via scatterplot, that the United States spends more than other developed countries but achieves less on international assessments;

4.Anecdotal assertions that states such as New Jersey and cities such as Kansas City provide proof positive that massive infusions of funding have proven ineffective at improving student outcomes; and

5.The assertion that how money is spent is much more important than how much is available. Vote count tallies without regard for study quality and rigor are of relative little use for understanding whether money matters in schooling and are of no use for discerning how.

The long-term trend argument is perhaps the most reiterated of all arguments that money doesn’t matter, but it is built largely on deceptive, oversimplified and largely wrong characterizations (accompanied by distorted visuals) of the long-term trends in student outcomes and school spending. Facile international comparisons are equally deceitful, in that they (a) fail to account for differences in student populations served and the related scope of educational and related services provided; and (b) fail to appropriately equate educational spending across nations, including the failure to account for the range of services and operating costs covered under “educational expense” in the United States versus other countries (for example, public employee health and pension benefits). And anecdotal assertions of failures resulting from massive infusions of funding are rebutted herein and elsewhere.142

Finally, while the assertion that “how money is spent is important” is certainly valid, one cannot reasonably make the leap to assert that how money is spent is necessarily more important than how much money is available. Yes, how money is spent matters, but if you don’t have it, you can’t spend it. It is unhelpful at best for public policy, and harmful to the children subjected to those policies, to pretend without any compelling evidence that somewhere out there exists a far cheaper way to achieve the same or better outcomes (and thus we can cut our way down that more efficient path). As so eloquently noted by a three-judge panel in Kansas when faced with this question:

“Simply, school opportunities do not repeat themselves and when the opportunity for a formal education passes, then for most, it is most likely gone. We all know that the struggle for an income very often—too often— overcomes the time needed to prepare intellectually for a better one.

“If the position advanced here is the State’s full position, it is experimenting with our children which have no recourse from a failure of the experiment.”143

What do we know?

Based on the studies reviewed in this brief, there are a few things we can say with confidence about the relationship between funding, resources and student outcomes.

First, on average, even in large-scale studies across multiple contexts, aggregate measures of per-pupil spending are positively associated with improved and/or higher student outcomes. In some studies, the size of this effect is larger than in others, and, in some cases, additional funding appears to matter more for some students than for others. Clearly, there are other factors that moderate the influence of funding on student outcomes, such as how that money is spent. But, on balance, in direct tests of the relationship between financial resources and student outcomes, money matters.

Second, schooling resources that cost money, including class size reductions and increased teacher compensation, are positively associated with student outcomes. Again, these effects are larger in some cases and for some populations. On balance, though, there are ways to spend money that have a solid track record of success. Further, while there may exist alternative uses of financial resources that yield comparable or better returns in student outcomes, no clear evidence identifies what these alternatives might be.

Third, sustained improvements to the level and distribution of funding across local public school districts can lead to improvements in the level and distribution of student outcomes. While money alone may not be the answer, adequate and equitable distributions of financial inputs to schooling provide a necessary underlying condition for improving the adequacy and equity of outcomes. That is, if the money isn’t there, schools and districts simply don’t have a “leverage option” that can support strategies that might improve student outcomes. If the money is there, they can use it productively; if it’s not, they can’t. But, even if they have the money, there’s no guarantee that they will use it productively. Evidence from Massachusetts, in particular, suggests that appropriate combinations of more funding with more accountability may be most promising.

#### School finance decisions are the single most important reform determining educational opportunity

Bowman, 17 - Vice Dean of Academic Affairs and Professor of Law, Michigan State University (Kristi, “THE FAILURE OF EDUCATION FEDERALISM” last revision: 4/27/17, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2876889>)

That said, scholars increasingly are coming to understand that the impact of these state-level decisions can be far-reaching. In 2016, University of California-Berkley and Northwestern University economists Julien Lafortune, Jesse Rothstein, and Diane Whitmore Schanzenback concluded:

[W]e find that reform events – court orders and legislative reforms – lead to sharp, immediate, and sustained increases in mean school spending and in relative spending in low-income school districts. Using test score data from the National Assessment of Educational Progress, we also find that reforms cause gradual increases in the relative achievement of students in low-income school districts, consistent with the goal of improving educational opportunity for these students. . . . Finance reforms are arguably the most important policy for promoting equality of educational opportunity since the turn away from school desegregation in the 1980s.27

Two years earlier, in 2014, economists C. Kirabo Jackson, Rucker Johnson, and graduate student Claudia Persico, also from Northwestern University and the University of California-Berkley, similarly determined:

Consistent with prior research, we find that court-mandated reforms were effective at reducing spending inequality between high- and low-income districts within a state and that this was achieved by increasing spending for the lowest-income districts. . . . Looking to legislative reforms, our findings differ from many others in that we find that legislative reforms were somewhat effective at reducing spending gaps. . . . Event-study and instrumental variable models reveal that a 20 percent increase in per-pupil spending each year for all 12 years of public school for children from poor families [born between 1955 and 1985] leads to about 0.9 more completed years of education, 25 percent higher earnings, and a 20 percentage-point reduction in the annual incidence of adult poverty; we find no effects for children from non-poor families. The magnitudes of these effects are sufficiently large to eliminate between two-thirds and all of the gaps in these adult outcomes between those raised in poor families and those raised in non-poor families. 28

These findings are consistent with earlier work and analysis by leading school finance expert Michael Rebell and others concluding that decisions by courts and legislatures are critically important in equalizing school funding, and also that school funding increases are especially significant if education is to be anything close to a great equalizer.29 Ideally, state legislatures would fund schools at a level that is both adequate and equitable, but in at least thirty states, total funding for public schools was less in FY2014 than prior to the recession in FY2008. 30 Furthermore, a 2016 report by the Education Law Center documents that states continue to vary radically in their level of funding fairness within the state.31

#### High poverty students require additional resources- most states provide them with less than low poverty districts

Robinson, 16 - \* Professor, University of Richmond School of Law (Kimberly, “No QUICK Fix FOR EQUITY AND EXCELLENCE: THE VIRTUES OF INCREMENTAL SHIFTS IN EDUCATION FEDERALISM” 27 Stan. L. & Pol'y Rev. 201 2016, Hein Online)

Research reveals that students from disadvantaged backgrounds are more expensive to educate because they bring different challenges and needs to classrooms and schools than students from more privileged backgrounds.54 Such challenges can include greater mobility, less exposure to complex language, less adult attention, unmet health needs, and inadequate nutrition. 55 Furthermore, students from disadvantaged backgrounds within urban areas also are oftentimes faced with greater crime and substance abuse in their neighborhoods and greater instability at home.56 Most researchers agree that districts should provide additional resources to enable students within high-poverty districts to master the content of challenging academic standards. 57 Given this research the natural conclusion is that school funding systems should direct more funding to districts serving substantial populations of disadvantaged students as compared to districts with smaller populations of disadvantaged students.58

However, the Education Law Center's 2016 report Is Funding Fair?: A National Report Card (also known as the The National Report Card) reveals that most state funding systems are inadequate in light of this well-supported research. This analysis of 2013 state funding data found that fourteen states provided less funding to districts with higher concentrations of students in poverty, that is, their funding systems were regressive. 59 Eighteen states did not vary their funding level based upon concentrations of student poverty. 60 Only sixteen states provided additional funding for disadvantaged students; that is, their funding systems were progressive. 61 This indicates that at least thirty-two states chose to implement funding systems that did not provide low-income students the resources that they need to compete effectively with more advantaged students.62 This failure to provide increased funding when districts possess greater numbers of disadvantaged students persists even though most states include some adjustment for the additional cost of educating disadvantaged students.6 3 These adjustments too often are insufficient to address the greater needs of children from low-income homes, particularly within schools of concentrated poverty. 64 The National Report Card found that only one state (New Jersey) is well positioned across all four measures of funding fairness-funding level, funding distribution, effort, and coverage of public school students-and two states (Wyoming and Vermont) scored well on three of the four measures. 65

Other research and school funding cases similarly find that less funding is oftentimes allocated to high-poverty districts. The Equity and Excellence Commission noted that "[t]he majority of states do not provide additional funding for students living in high concentrations of poverty. '66 A four-year study of the Pennsylvania funding system found that from 2010-2013, the 100 lowest-poverty districts had the highest revenue for each year and that funding in these low-poverty districts continued to rise while it stagnated in the highestpoverty districts. 67 Another study of states where low-poverty districts receive greater funding than students in high-poverty districts found that New York allocates over $2,000 per pupil in state aid to the wealthiest districts in the state, which are some of the wealthiest districts in the United States.68 Furthermore, these state aid payments "effectively more than double the funding gap between the lowest- and highest-poverty districts in New York. 69 In addition, the districts with greater property wealth in Texas have received billions in state aid to lower tax rates in response to a court ruling. 70

#### Funding is vital to every other component that makes a difference on schooling – teacher retention, literacy programs and tutoring

Black 10 [DEREK BLACK- Associate Professor of Law and Director, Education Rights Center, Howard University School of Law, “UNLOCKING THE POWER OF STATE CONSTITUTIONS WITH EQUAL PROTECTION: THE FIRST STEP TOWARD EDUCATION AS A FEDERALLY PROTECTED RIGHT”, WILLIAM AND MARY LAW REVIEW, 2010, <http://wmlawreview.org/sites/default/files/black.pdf>] Valiaveedu

School quality and student achievement, rather than money, must be our primary concern in evaluating education, but money is far from irrelevant to school quality and student achievement. Critics of school funding reform regularly charge that school funding increases are often squandered and fail to produce tangible results.45 Based on these historic critiques, even the Rodriguez Court assumed that money and educational quality are disconnected.46 This premise, however, has been undermined by more recent evidence and scrutiny. Michael Rebell, reviewing cases since Rodriguez, finds that no state court addressing the issue has ever found that money does not affect educational opportunities.47 Most poignantly, after evaluating the evidence on both sides of an adequacy case at trial, one conservative judge wrote, “Only a fool would find that money does not matter in education.”48

Rob Greenwald analyzed thirty-eight different studies regarding the relationship between money and educational outcomes and found that positive student outcomes correlate with higher per pupil spending.49 New Jersey, where the supreme court has forced the state to direct additional funding to low performing school districts, provides an excellent example. Between 1999 and 2007, a period of major finance reform in New Jersey, the overall student scores on the statewide fourth grade mathematics assessment rose twenty-six points, with the greatest increases occurring in those school districts receiving supplemental funding.50 Moreover, “the achievement gap between those districts and the rest of the state declined by more than one-third.”51 Gordon MacInnes attributes the closing of the achievement gap to districts’ ability to focus new financial resources on early childhood education and reading.52 New Jersey is not alone. Kansas, Kentucky, Massachusetts, and New York have made similar gains in conjunction with school funding litigation and reform.53

In particular, studies show that access to core inputs such as high quality teachers, early reading programs, and tutoring have a significant impact on student achievement.54 But the ability of low performing and high minority school districts to secure these services is entirely dependent on money.55 For instance, school districts that serve these student populations would need to provide salaries anywhere from around 50 to 100 percent higher than they currently offer to attract and retain high quality teachers.56 Thus, money necessarily determines the quality of instruction that many students receive. And when states have created inequalities in these respects for low-income, minority, or rural children, state supreme courts have consistently found these students have been deprived of their constitutional right to a basic quality education.57 Rebell succinctly makes the point by saying “money matters,” and rhetorically adds that, if money did not matter, parents would not move to the suburbs and spend high amounts of money per pupil, nor would others pull their children from public schools and spend even larger sums in private schools.58

#### Hanushek is wrong – he uses false studies and is all rhetoric as opposed to our empirical evidence

Baker 17 (Bruce D. Baker, Professor in the Department of Educational Theory, Policy, and Administration in the Graduate School of Education at Rutgers, The State University of New Jersey, former Associate Professor of Teaching and Leadership at the University of Kansas, holds an Ed.D. in Organization and Leadership from the Teachers College of Columbia University, 2017 (“Does Money Matter in Education? Second Edition,” Albert Shanker Institute, [http://www.shankerinstitute.org/sites/shanker/files/moneymatters\_edition2.pdf//](http://www.shankerinstitute.org/sites/shanker/files/moneymatters_edition2.pdf//G)SR)

Main sources of doubt The primary source of doubt to this day remains the above-mentioned Eric Hanushek finding in 1986 that “there appears to be no strong or systematic relationship between school expenditures and student performance.”117

This single quote, now divorced entirely from the soundly refuted analyses on which it was based, remains a mantra for those wishing to deny that increased funding for schools is a viable option for improving school quality. Add to this statement the occasional uninformative and inflammatory anecdote regarding urban district spending and student outcomes in places like Kansas City or New Jersey, or the frequently re-created graphs showing spending and achievement over the past few decades, and one has a rhetorical war against an otherwise overwhelming body of empirical evidence.118

While research evidence regarding the importance of funding and specific schooling resources for improving student outcomes has become clearer with time, Hanushek and a handful of peers have become even more entrenched in their views, as reflected in recent public testimony. Rhetoric among detractors has continued to drift from the cloud of doubt to a rock of certainty. That is, certainty that money has little or no role in improving school quality, and that school finance reforms that infuse additional funds only lead to greater inefficiency, having little or no effect on either equity or adequacy of schooling. Notably, Hanushek asserts (now and then) that it’s not that money doesn’t matter at all, but rather that additional money doesn’t matter on top of the already high levels of spending that currently exist across all U.S. schools.

To summarize, the current dogma of Hanushek includes the following core tenets:

1. Because schools already spend so much and do so with such great inefficiency, additional funding is unlikely to lead to improved student outcomes.

2.How money is used matters much more than how much money is spent.

3.Differences in the amount of money some schools have than others are inconsequential, since those with less may simply make smarter spending decisions.

According the recent rhetoric of Hanushek, these principles are ironclad. In his own words, they are “conventional wisdom” on which “virtually all analysts” agree. They are “commonly believed,” “overall truth” and backed by an “enormous amount of scientific analysis,” “substantial econometric evidence” and “considerable prior research.” For example, in the winter of 2015, in the context of school funding litigation in New York state, Hanushek opined:

“An enormous amount of scientific analysis has focused on how spending and resources of schools relates to student outcomes. It is now commonly believed that spending on schools is not systematically related to student outcomes.”119 Yet, the enormous amount of scientific analysis to which Hanushek referred in his expert testimony was primarily referenced to a 2003 summary of much of his prior work from the 1980s, work which has been discredited on numerous occasions,120 including by research produced in the last 12 years. Similarly, in the same context (Maisto v. State of New York), Hanushek proclaims:

“There has been substantial econometric evidence that supports this lack of relationship.”

Hanushek again backs his claims with the same short list of dated self-citation.121 In an even more recent attempt to rebut a new, major study finding positive effects of school finance reforms,122 Hanushek (2015) makes the following version of the same claim:

“Considerable prior research has failed to find a consistent relationship between school spending and student performance, making skepticism about such a relationship the conventional wisdom.”123

This time, he anchored that claim only to his 2003 piece (by hyperlink to the “prior research” phrase) on the failure of input-based schooling policies, 124 choosing to ignore entirely the considerably larger body of more rigorous work I summarize in my 2012 review on the topic.

The extension of these claims that nearly everyone agrees there’s no clear relationship between spending and student performance is the assertion that there is broad agreement that how money is spent matters far more than how much money is available. As phrased by Hanushek in the context of New York state school finance litigation:

“Virtually all analysts now realize that how money is spent is much more important than how much is spent.”125

As with the prior declarations, this one is made with the exceedingly bold assertion that virtually all analysts agree on this point—without reference to any empirical evidence to that point (a seemingly gaping omission for a decidedly empirical claim about a supposedly empirical truth). Further, “how money is spent” is constrained by whether sufficient money is there to begin with. While common sense dictates that how money is spent clearly matters, thus making this part of the statement widely agreeable, this does not preclude the relevance of how much money is available to spend.

Perhaps most disconcerting is that Hanushek has recently extended this argument to declare that equity gaps in funding, or measures of them, aren’t an important policy concern either. Specifically, Hanushek proclaims:

“It also underscores how calculations of equity gaps in spending, of costs needed to achieve equity, or of costs needed to obtain some level of student performance are vacuous, lacking any scientific basis” (p. 4).126

Put differently, what Hanushek is opining by declaring calculations of equity gaps to be vacuous and lacking scientific basis is that it matters not whether one school or district has more resources than another. Regardless of any spending differences, schools and districts can provide equitable education—toward equitable outcome goals. Those with substantively fewer resources simply need to be more efficient. Since all public schools and districts are presently so inefficient, achieving these efficiency gains through more creative personnel policies, such as performance-based pay and dismissal of “bad teachers,” is easily attainable.

Of course, even if we assume that creative personnel policies yield marginal improvements to efficiency, if schools with varied levels of resources pursued these strategies with comparable efficiency gains, inequities would remain constant. Requiring those with less to simply be more efficient with what they have is an inequitable requirement. This argument is often linked in popular media and the blogosphere with the popular book and film Moneyball, which asserts that clever statistical analysis for selecting high-productivity, undervalued players was the basis for the (short-lived) success in 2002 and 2003 of the low-payroll Oakland Athletics baseball team. The flaws of this analogy are too many to explore thoroughly herein, but the biggest flaw is illustrated by the oft-ignored subtitle of the book: The Art of Winning an Unfair Game. That is, gaining a leg up through clever player selection is necessary in baseball because vast wealth and payroll differences across teams make baseball an unfair game. The public’s interest in providing equitable and adequate funding for education is likely greater than ensuring equitable and adequate baseball payrolls. Put more bluntly, the education of present and future generations should not be an unfair game.

From judges to scholars, critics of Hanushek have characterized his evidence as “facile,” based on “fuzzy logic,”127 and “weak and factually tenuous.”128 Two recurring examples used by Hanushek to illustrate the unimportance of funding increases for improving outcomes are the “long-term trend” or “time trend” argument and anecdotal claims of the failures of input-based reforms in New Jersey. Baker and Welner (2011) tackle in depth the fallacies of Hanushek’s New Jersey claims.129 Here, I point to Hanushek’s own, albeit facile, unacknowledged self-debunking of his New Jersey claims. But first, I address the long-term trend claim.

Again, from recent testimony in New York state, Hanushek provides the following exposition of the long-term trend assertion: “The overall truth of this disconnect of spending and outcomes is easiest to see by looking at the aggregate data for the United States over the past half century. Since 1960, pupil‐teacher ratios fell by one‐third, teachers with master’s degrees over doubled, and median teacher experience grew significantly (Chart 1).4 Since these three factors are the most important determinants of spending per pupil, it leads to the quadrupling of spending between 1960 and 2009 (after adjusting for inflation). At the same time, plotting scores for math and reading performance of 17‐year‐ olds on the National Assessment of Educational Progress (NAEP, or “The Nation’s Report Card”) shows virtually no change since 1970 (Charts 2 and 3).5”130

This claim, like many of Hanushek’s, is made with language of astounding certainty—the “overall truth” as it exists in the mind of Hanushek. This claim is commonly accompanied by graphs showing per-pupil spending going up over time, pupil-to-teacher ratios going down and national assessment scores appearing relatively flat, much of which is achieved via the smoke and mirrors of representing spending and outcome data on completely different scales, and via the failure to adjust appropriately for the changing costs and related obligations of the public education system and for the changing demography of the tested population.131 Oversimplified visuals are used to make the proclamation that student achievement shows “virtually no change,” a statement discredited on closer inspection.132 Jackson, Johnson and Persico (2015) provide additional examples of how such facile analyses lead to fallacious conclusions.133

As explained by Baker and Welner (2011),134 Hanushek for years has cited the failures of New Jersey’s school finance reforms as the basis for why other states should not increase funding to high-poverty schools. In litigation in Kansas in 2011, Hanushek proclaimed:

“The dramatic spending increases called for by the courts (exhibit 34) have had little to no impacts on achievement. Compared to the rest of the nation, performance in New Jersey has not increased across most grades and racial groups (exhibits 35-40). These results suggest caution in considering the ability of courts to improve educational outcomes.”135

### They Say: “K-12 Doesn’t Solve”

#### School finance is the vital internal link to education

Edley et. Cuéllar 13 [Christopher Edley, Jr. and Mariano-Florentino Cuéllar- part of the The Equity and Excellence Commission (the Commission) which is a federal advisory committee chartered by Congress, operating under the Federal Advisory Committee Act (FACA); 5 U.S.C., App.2. , For Each and Every Child, February 2, 2013, <https://www2.ed.gov/about/bdscomm/list/eec/equity-excellence-commission-report.pdf>] Valiaveedu

That said, these districts are unusual. The common situation in America is that schools in poor communities spend less per pupil—and often many thousands of dollars less per pupil—than schools in nearby affluent communities, meaning poor schools can’t compete for the best teaching and principal talent in a local labor market and can’t implement the high-end technology and rigorous academic and enrichment programs needed to enhance student performance. This is arguably the most important equity-related variable in American schooling today.

#### Teachers are uniquely key to educational achievement--- the plan is key to promoting teachers

Edley et. Cuéllar 13 [Christopher Edley, Jr. and Mariano-Florentino Cuéllar- part of the The Equity and Excellence Commission (the Commission) which is a federal advisory committee chartered by Congress, operating under the Federal Advisory Committee Act (FACA); 5 U.S.C., App.2. , For Each and Every Child, February 2, 2013, <https://www2.ed.gov/about/bdscomm/list/eec/equity-excellence-commission-report.pdf>] Valiaveedu

Teachers, together with principals, are the single most important in-school factor affecting student achievement.51 America needs and our children deserve the best teacher workforce in the world: one held in high regard by our citizens, recruited from among the best and the brightest, well trained and supported on the job, and competitively compensated for their effectiveness and hard work. Most important, teachers and instructional teams must have the professional development, time, collaboration and teaching resources to understand each student’s learning needs in order to match instruction, time and attention necessary to meet them. We need strong leaders to support each teacher’s growth and to organize resources in ways that enable them to work together in great schools that meet all children’s learning needs.

Given the many equity challenges facing our schools, none seems more crucial—or more daunting—than the need to improve teachers’ capacities to teach all children well and, in particular, to ensure that there is a stable supply of excellent teachers and school leaders in our highest-need schools. To create and retain such a workforce, we must not only have excellent school leadership and an adequate and equitable funding stream to ensure well-resourced learning environments for every child, but we must also have policies and practices that develop, select and fairly distribute a highly effective teacher workforce to all schools. In state after state, school finance suits have challenged the fact that schools serving low-income and minority students have disproportionately high numbers of teachers who are inexperienced, untrained and teaching in subjects for which they have little or no training. This drives extraordinarily high rates of teacher turnover, producing instability and chaos in the instructional program. These conditions are often directly linked to disparities in school funding, which produce significant disparities in educator salaries and working conditions.52 It should be no surprise that the best teachers over time gravitate to more affluent schools with better pay and working conditions, and where children seem easier to teach because they come to school without the many overt challenges that children from poor families face. Those who choose to teach in poor communities often do so despite the additional hurdles they will encounter. We do far too little to ensure that schools in poor communities are staffed with teachers who can be effective with the toughest challenges. While there are thousands of great teachers working their hearts out in these schools despite tremendous obstacles, they often do so in a system woefully designed to support and scale up their efforts. Unlike several decades ago, major urban school systems today too often pay teachers much less than surrounding affluent suburbs and offer substantially poorer teaching conditions: larger class sizes; less access to books, computers, and other curriculum and instructional materials; and fewer instructional supports. Their schools have less, yet their students need more. Poor rural districts often have even larger differentials in funding, salaries and conditions.

The policy response to these intolerable conditions has too often been to lower the standards for entry into teaching rather than to directly address student needs. So the most challenging schools have teachers who are less well qualified, on average, by any standard: academic ability, content background, experience, preparation, certification and education level. Our system is not designed to serve America’s best interests.

There is little dispute about the need to fix all this. And the commission is confident that people acting in good faith, with a full appreciation for the urgency required, can bridge their differences about how to do it. Yet, the necessary political will and drive elude us. Attracting, developing and retaining talented teachers is key to our strategy and central to a system that provides competitive salaries and excellent working conditions for well-qualified, highly effective teachers who will work in affluent and low-income districts alike.

### They Say: Regulatory Flexibility Turn”

#### Their turns assume flat funding, not the plan’s new spending

Canavero, 16 - SUPERINTENDENT OF PUBLIC INSTRUCTION, NEVADA DEPARTMENT OF EDUCATION (Steve, Subcommittee on Early Childhood, Elementary, and Secondary Education (“SUPPLANTING THE LAW AND LOCAL EDUCATION AUTHORITY THROUGH REGULATORY FIAT” 9/21, <https://www.gpo.gov/fdsys/pkg/CHRG-114hhrg21538/pdf/CHRG-114hhrg21538.pdf>

Mr. CANAVERO. Certainly. Thank you, Representative Thompson. In my testimony, I did mention career and technical education, career and technical academies, magnet schools. These are not provisions within the exceptions that are currently listed within the regulations.

My concerns are as follows: they are expensive. Magnet school programs are expensive. Career and technical academies are expensive. Career and technical education is expensive, and rightfully so given the infrastructure that needs to be built out in order to provide students the opportunity for either real world experience in a career/tech-ed or skill based work, or whether it is in a magnet school specifically focused on law, for example, or culinary.

Magnet schools themselves, if my memory serves me correctly, began in the 1970s in response to there was a clear opportunity to increase or decrease segregation in our schools, and they provided an opportunity, open enrollment opportunity to students. Typically, they are theme based. An opportunity to enroll students outside of a traditional attendance boundary. That is indeed what we see across our State, is that there are-they have waiting lists. We could do and obviously fill more.

If we utilized the level funding test, in my testimony, my fear is that school districts will be incentivized to lower the offerings at magnet schools or career and technical education programming in order to equalize the funding across, even though those opportunities are made available to and many students participate in the magnet school and career/tech academies across our State from low-income.

Mr. THOMPSON. Just to follow up on that, you mentioned the cost of career and technical education. Truly, if we are meeting market demands and we are educating, and my understanding was career and technical education, the dropout rate there is much lower than in traditional education settings, but there is a cost, if it is welding, medicine related, agriculture, machining.

If those are where the costs occur obviously with this equalization that the Department of Education is trying to pursue, essentially if you do not have state-of-the-art equipment, you are not really preparing the students with the competencies to go right into the workforce. That is my concern. Is that accurate?

Mr. CANAVERO. Representative Thompson, that is accurate, and that is the genesis really and the nature of my testimony. Again, reflecting absent additional dollars in the system, you would need to make decisions that may mean that you have to lower or reduce course offerings or reduce expansion of magnet programs or reduce career and technical academies or reduce career/tech ed in order to meet the fiscal test proposed.

#### They exaggerate the impact of compliance costs and equity benefits outweigh

King, 16 – Liz King, Leadership Conference Director of Education Policy at The Leadership Conference on Civil and Human Rights on behalf of 30 civil rights organizations (Letter to Secretary of DOE John King, reprinted in “SUPPLANTING THE LAW AND LOCAL EDUCATION AUTHORITY THROUGH REGULATORY FIAT” 9/21, <https://www.gpo.gov/fdsys/pkg/CHRG-114hhrg21538/pdf/CHRG-114hhrg21538.pdf>

On behalf of The Leadership Conference on Civil and Human Rights and the 30 undersigned organizations, we urge the Department of Education (the "Department") to issue strong regulations clarifying the means by which school districts must demonstrate their compliance with the "supplement, not supplant" requirement in Title I of the Every Student Succeeds Act (ESSA),' the most recent reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. This requirement, present in the law since 1970, ensures that districts serving high percentages of low-income students are able to provide supplemental programs and services to help mitigate the effects of concentrated poverty and truly help all students succeed with the aid of federal funds. Without robust clarity in regulations for the oversight of this provision of the law, the integrity of federal Title I dollars will be undermined and low-income students will be deprived of the supports and services they need and deserve. We believe that the Department has both the authority and the responsibility to ensure that this provision is properly implemented and we urge regulatory language that will help states to effectuate the purpose of this provision of the law.

Historically, Title I funds have been awarded to school districts solely on the condition that they be used to provide additional supports and services for educationally disadvantaged students. That purpose was clarified in a statutory requirement added after 1965, in direct response to reports of the misuse of funds by school districts in the law's first years.2 For example, in the 1968-1969 school year the Sumter County U2 school district in South Carolina, used Title I funds to provide libraries for Black schools which were comparable to those provided in White schools. Where White students benefitted from state and local funds, Black students benefitted only from federal funds. In fact, South Carolina's ESEA director at the time admitted that much of the state's Title 1 money was spent to patch funding inequities to make schools for Black children comparable to those for White schools. Similarly in Mississippi, the Title I allotment was used to build and equip cafeterias and libraries, to hire teachers, and to provide instructional materials and books to Black students that had long been available to White students.

While the recently-enacted ESSA does amend the provision by prohibiting the use of the previous "individual services" compliance test, it does continue to insist that federal funds be supplemental. We urge the Department to measure compliance by examining actual school level expenditures, which builds upon the law's new reporting requirements.' In order for federal funds to be considered supplemental, each Title I school must receive from state and local sources at least as much per-pupil funding as the average of non-Title 1 schools in the district. Unless Title 1 schools are receiving an equitable base of funds from non-federal sources to ensure that the federal funds are truly supplemental, then Title I funds are being used to supplant by filling in gaps of funds the schools should be receiving. This is a violation of the law. A comparison of spending between each Title 1 and the average of non-Title 1 schools allows for considerable variability among both Title I and non-Title I schools in state and local expenditures, therefore not running afoul of the law's prohibition against requiring the equalization of spending.4

Compliance with an "actual expenditures test" also recognizes the reality that equitable means fair, not equal—underscoring the law's aim to ensure that students impacted by concentrated poverty have the unique supports and services that will address their needs. This also preserves flexibility for districts to use weighted student funding, formulas for staffing and materials, or any other methodology for allocating state and local funds to schools. Although there has been some confusion on this point, the law's prohibition on requiring a methodology applies to the method by which state and local funds are allocated, not the method by which districts demonstrate compliance.5

During the negotiated rulemaking process, concerns were raised about the potential "disruption" that compliance with this provision may cause. While we appreciate that administrative challenges may arise in the implementation process, we know that the process of moving from inequity to equity or from injustice to justice has never been without disruption. While we recognize the need to make reasonable accommodations for changes in policy, the federal government must no longer be expected to subsidize the inequitable funding of public schools serving high numbers of low-income students who are disproportionately likely to be students of color and English Learners. The integrity of Title I funds must be preserved to fully realize the aim of ensuring equity and equal access to quality educational opportunities.

#### New funding is vital to state enforcement of equity mandates

Black, 17 - Professor of Law, University of South Carolina School of Law (Derek, “Abandoning the Federal Role in Education: The Every Student Succeeds Act”, 102 CALIFORNIA LAW REVIEW [Vol. 105:101, SSRN)

This Article proposes three steps to cure the ESSA’s flaws and further the Elementary and Secondary Education Act’s original mission. First, the Elementary and Secondary Education Act must, in the short term, mandate that states fund schools serving predominantly low-income students at a level equal to or higher than other schools and, in the long term, that they fund such schools at proportionately higher levels. One of the most consistent findings of the past fifty years is that attending a school serving high concentrations of low-income students negatively affects educational outcomes—regardless of a student’s individual race or socioeconomic status.30 An equity mandate would also incentivize states to deconcentrate poverty and thereby minimize the number of instances they would need to afford schools proportionately more funds. Curing funding inequalities between schools, however, may be out of immediate reach for most states. Therefore, Congress should afford states a transition period to incrementally progress toward those goals or, in the alternative, allow states to demonstrate that their low-income students are achieving at appropriate levels notwithstanding unequal resource allocations.

Because states are unlikely to accept ambitious equity standards in exchange for the currently low federal funding, the second step is for the federal government to substantially increase its own funding for low-income students. A substantial additional investment would strongly incentivize states to accept the first proposal and allow the federal government to directly ensure that low-income students receive the additional resources necessary to close achievement gaps. Researchers and the federal government indicate that low-income students require 40 percent more resources than other students.31 By increasing annual federal funding for low-income students from the current $15 billion to $45 billion, the federal government could cover half of the cost of low-income students’ additional needs (although a lesser number could still create the leverage necessary for states to act). 32 Compared to other expenditures, including recent temporary federal funds for education, this increase would still be a modest expenditure.

#### Empirically – funding is a sufficient incentive to change state behavior

Black, 17 - Professor of Law, University of South Carolina School of Law (Derek, “Abandoning the Federal Role in Education: The Every Student Succeeds Act”, 102 CALIFORNIA LAW REVIEW [Vol. 105:101, SSRN)

353. By comparison, the Department of Education’s offer of $4.3 billion in Race to the Top funds was enough to motivate forty-six states to apply for the grants, and thirty-four to enact new laws to make them eligible to apply, including lifting caps on charter schools, moving toward the Common Core, and changing teacher evaluation systems.

#### States will say yes – federal spending has disproportionate influence

Robinson, 7 - Assistant Professor of Law, Emory School of Law; J.D., Harvard Law School (Kimberly, “The Case for a Collaborative Enforcement Model for a Federal Right to Education”, University of California, Davis Law Review [Vol. 40:1653, <https://lawreview.law.ucdavis.edu/issues/40/5/articles/DavisVol40No5_Robinson.pdf>

Others may argue that this Article’s approach would not achieve its goal because most states would choose to reject the funding offered under the proposed statute. However, states have typically acquiesced to congressional conditions to financial assistance and have not opted out.490 If Congress adopts this proposal, the states may similarly choose to work with the federal government rather than forego financial assistance. In this regard, it is noteworthy that although NCLB is the most intrusive federal education statute in American history, “[s]tates are responding to federal policy [in NCLB] in a way not seen since the mid-1970s, when they rose to the challenge of implementing the Individuals with Disabilities Education Act and Title IX of the Educational Amendments of 1972.”491 Thus, states may continue this pattern of cooperation even if Congress increases its involvement in education.

Furthermore, any suggestion that the states will reject the funding offered under the proposal underestimates the influence that federal funds have over education. Federal funds remain only a small fraction of revenue for education, typically estimated at between seven to ten percent.492 However, districts must use most state and local funding for expenses determined by law; therefore, federal money wields disproportionate influence because it often represents the largest source of money available to districts for innovative reforms and special programs.493 Consequently, states will remain reluctant to relinquish the limited funds available for school districts to develop creative approaches and new plans for their schools.