

## EQUITY IN AMERICAN EDUCATION: THE INTERSECTION OF RACE, CLASS, AND EDUCATION

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### INTRODUCTION

A fourteen-year-old Henrico County girl faces assault and battery charges because she threw a baby carrot at one of her former teachers.<sup>1</sup> School disciplinary documents allege the baby carrot was used as a weapon.<sup>2</sup> A Huron High School student threatens to do “chopper rounds” in his hallway.<sup>3</sup> An Ames, Iowa middle school student brings a BB gun to school.<sup>4</sup> A sixteen-year-old Minnesota Harding High School student told St. Paul police that he brought a loaded gun to class to protect himself from a gang.<sup>5</sup>

Police arrest a fifteen-year-old high school student in Boston who allegedly brought a loaded gun to school.<sup>6</sup> A seven-year-old East St. Louis native, who is a documented bully at her school, controls and motivates the classroom by removing a stick from a tree and threatening to hit the individuals who do not obey her.

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1. Samantha Guff, *Assault with a Deadly . . . Carrot? Teen Could Face Charges for Tossing Veggie*, HUFFINGTON POST (Oct. 23, 2015, 3:55 PM), [http://www.huffingtonpost.com/entry/teen-faces-assault-charges-for-tossing-carrot\\_us\\_562a5b64e4b0ec0a38943834](http://www.huffingtonpost.com/entry/teen-faces-assault-charges-for-tossing-carrot_us_562a5b64e4b0ec0a38943834).

2. *Id.*

3. Jackie Harrison-Martin, *Twitter Threat Ends Up Costing Huron Student His Entire Junior Year*, NEWS HERALD (Oct. 23, 2015), <http://www.thenewsherald.com/articles/2015/10/24/news/doc562a6e4631649697150445.prt>.

4. MacKenzie Elmer, *Ames Middle School Student Brings BB Handgun to School*, DES MOINES REG. (Oct. 23, 2015, 10:23 AM), <http://www.desmoinesregister.com/story/news/crime-and-courts/2015/10/23/ames-middle-school-student-brings-bb-handgun-school/74453316/>.

5. Peter Cox, *St. Paul Grapples with Discipline Policies After Fights, Gun Brought to School*, MPR NEWS (Oct. 23, 2015), <http://www.mprnews.org/story/2015/10/23/st-paul-schools-grapple-with-discipline-after-student-brings-loaded-gun-to-school>.

6. Amanda Hoover, *Boston Teen Allegedly Brought Loaded Gun to School*, BOSTON.COM (Oct. 22, 2015, 5:55 PM), <http://www.boston.com/news/local/massachusetts/2015/10/22/police-arrest-student-who-brought-loaded-gun-boston-high-school/hf9vWveLjRjNzNn8hK5enM/story.html>.

This student has everyone in the classroom terrified. These are the real issues that teachers, administrators, and parents have to deal with. I have told you six stories, five of which happened this past October. The other happened over forty years ago. The little girl, the bully from East St. Louis, happens to be myself.

I can attest that a “problem student” is not necessarily incorrigible and destined to fail. I created problems for other students and for my teachers, but I was lucky. Rather than being labeled a “lost cause” and suspended or expelled, my teachers gave me the discipline I needed to change my ways. I became a focused and successful student. I not only stayed in school, I graduated, went on to earn a Bachelor’s degree, a Master’s degree, a J.D., and have been practicing law for nearly twenty years.

As a lawyer, I am all too familiar with the inequities minorities face in our legal system, such as racial profiling by police,<sup>7</sup> “driving while black,”<sup>8</sup> and a general lack of access to legal services.<sup>9</sup> Another, perhaps lesser known, issue of inequality is taxation by citation, a practice by which municipalities with low property tax bases generate income through traffic citations for minor infractions, citations associated with residential upkeep, or fines for a

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7. See, e.g., Ronald Weitzer & Steven A. Tuch, *Perceptions of Racial Profiling: Race, Class, and Personal Experience*, 40 *CRIMINOLOGY* 435, 435–36 (2002) (discussing the prevalence of racial profiling in police stops); Sharon LaFraniere & Andrew W. Lehren, *The Disproportionate Risks of Driving While Black*, *N.Y. TIMES* (Oct. 24, 2015), <http://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html> (discussing a study by the New York Times of traffic stops and arrest data that showed a wide racial discrepancy in police conduct).

8. See, e.g., David A. Harris, *“Driving While Black” and All Other Traffic Offenses: The Supreme Court and Pretextual Traffic Stops*, 87 *J. CRIM. L. & CRIMINOLOGY* 544, 546 (1997) (describing the practice where some police officers stop black drivers with no justifications and noting that African Americans refer to this as “driving while black”).

9. The United Nations Committee on the Elimination of Racial Discrimination recognized that lack-of-counsel disparities have a disparate impact on racial and ethnic minorities in the United States. Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Comm. on the Elimination of Racial Discrimination—United States of America, ¶ 22, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008), <http://www.state.gov/documents/organization/107361.pdf>.

wide spectrum of other minor infractions.<sup>10</sup> Without question, these issues must be addressed effectively and immediately.

But as the mother of four young children, I am painfully familiar with the inequities minority children face in the educational system. And while there is no shortage of issues that must be addressed if our nation is serious about equality for all and true social justice, access to the best possible education is the issue that is closest to my heart. I believe it is the key to solving most modern issues that block many African Americans from having access to economic and social equity.

### I. AN EDUCATION CREATES ECONOMIC OPPORTUNITY

*“Education, then, beyond all other devices of human origin, is the great equalizer of the conditions of men . . . .”*<sup>11</sup>

—*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 unemployment rates of individuals with different levels of educational attainment.<sup>12</sup> These statistics provide insight into the importance of equal access to education in the U.S. economy. In 2014, the unemployment rate for college graduates holding a professional degree was 1.9%.<sup>13</sup> The unemployment rate for college graduates holding a bachelor’s degree was 3.5%.<sup>14</sup> For

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10. See Illya Lichtenberg, *Police Discretion and Traffic Enforcement: A Government of Men?*, 50 CLEV. ST. L. REV. 425, 448 (2002) (classifying police discretion regarding traffic violation enforcement as a “selective taxation”); Conor Friedersdorf, *Ferguson’s Conspiracy Against Black Citizens: How the City’s Leadership Harassed and Brutalized Their Way to Multiple Civil-Rights Violations*, THE ATLANTIC (Mar. 5, 2015), <http://www.theatlantic.com/national/archive/2015/03/ferguson-as-a-criminal-conspiracy-against-its-black-residents-michael-brown-department-of-justice-report/386887/> (discussing a policy where police officers attempt to maximize revenue streams by ticketing more people for minor offenses, which often turn into arrest warrants when they are unpaid); Eric Schmitt, *‘Taxation by Citation’ Undermines Trust Between Cops and Citizens*, WALL ST. J. (Aug. 7, 2015, 6:43 PM), <http://www.wsj.com/articles/taxation-by-citation-undermines-trust-between-cops-and-citizens-1438987412> (discussing a policy where “local officials . . . drum up revenue by demanding their police officers write excessive traffic tickets—‘taxation by citation’—which disproportionately hurts the poor”).

11. 3 LIFE AND WORKS OF HORACE MANN 669 (Mary Mann ed., 1868).

12. BUREAU OF LABOR STATISTICS, DEP’T OF LABOR, EMPLOYMENT PROJECTIONS, [http://www.bls.gov/emp/ep\\_chart\\_001.htm](http://www.bls.gov/emp/ep_chart_001.htm) (last visited Feb. 19, 2016).

13. *Id.*

14. *Id.*

individuals who earned a high school diploma and then either completed some college coursework or discontinued their education, the unemployment rate was 6%.<sup>15</sup> And 9% of high school dropouts were unemployed.<sup>16</sup>

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;<sup>17</sup> for college graduates holding a bachelor's degree, the median was \$1101;<sup>18</sup> for a young worker who earned a high school diploma and then joined the work force, the median was \$668;<sup>19</sup> and for a worker who had failed to earn a high school diploma, the median was \$488.<sup>20</sup>

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 degree.

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.

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15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.*

## II. SCHOOL DISCIPLINE

### A. *Suspensions from Zero-Tolerance Policies*

*“Today, knowledge has power. It controls access to opportunity and advancement.”*<sup>21</sup>

—Peter Drucker

Education is clearly the most important factor in gaining access to economic opportunity. But, the first step to becoming educated is simply being in school. Whether in elementary school, middle school, or high school, students have to be in school to graduate.

Thus, when students are suspended or expelled, the drive toward economic success ends. With that in mind, statistics from a 2014 study conducted by the U.S. Department of Education Office for Civil Rights illustrate how school suspensions have a disproportionate impact on different races.<sup>22</sup>

The study found that “black students are suspended and expelled at a rate three times greater than white students.”<sup>23</sup> Black students also “represent 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest.”<sup>24</sup> These figures are even more alarming when considering that black students only make up 16% of total student enrollment in the United States.<sup>25</sup>

The disparate impact is also evident with students with disabilities. These students “are more than twice as likely to receive an out-of-school suspension (13%) than students without disabilities (6%).”<sup>26</sup> Students with disabilities also “represent a quarter of

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21. 1 THE WAY WE WORK: AN ENCYCLOPEDIA OF BUSINESS CULTURE 215 (Regina Fazio Maruca ed., 2008).

22. See U.S. DEP’T OF EDUC. OFFICE FOR CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION—DATA SNAPSHOT: SCHOOL DISCIPLINE 1 (2014), <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

23. *Id.* (“On average, 5% of white students are suspended, compared to 16% of black students. American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of out-of-school suspensions and 3% of expulsions.”).

24. *Id.*

25. *Id.*

26. *Id.*

students arrested and referred to law enforcement, even though they are only 12% of the overall student population.”<sup>27</sup>

Certainly, there are a number of factors contributing to the disparate impact of school suspensions. Chief among them is the now widespread use of zero-tolerance policies employed by school districts across the country.<sup>28</sup> Rooted in parent frustration with school discipline issues and what is perceived as school administrators’ inability to effectively address discipline problems, zero-tolerance policies have become the “go to” solution for many districts.<sup>29</sup>

And while many school districts are seeing stagnant, if any, funding growth,<sup>30</sup> they are also under steadily increasing pressure to meet student testing goals in order to retain their existing funding.<sup>31</sup> Thus, students who disturb the classroom environment are often viewed not as a student in need of help, but rather as an obstacle to retaining school district funding. Too often, the fastest and easiest solution to employ in dealing with a problem student is for the administration to fall back on zero-tolerance policies and expel or suspend the student.

### B. *School-to-Prison Pipeline*

*“Every man in my family has been locked up. Most days I feel like it doesn’t matter what I do, or how hard I try—that’s my fate too.”*<sup>32</sup>

*—11th-Grade African American Student, Berkeley, California*

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27. *Id.*

28. CHRISTOPHER BOCCANFUSO & MEGAN KUHFELD, CHILD TRENDS: RESEARCH-TO-RESULTS, MULTIPLE RESPONSES, PROMISING RESULTS: EVIDENCE-BASED, NONPUNITIVE ALTERNATIVES TO ZERO TOLERANCE 1–2 (2011), <http://www.nea.org/assets/docs/alternatives-to-zero-tolerance.pdf>.

29. *Id.*

30. See MICHAEL LEACHMAN & CHRIS MAI, CTR. ON BUDGET AND POLICY PRIORITIES, MOST STATES FUNDING SCHOOLS LESS THAN BEFORE THE RECESSION 1–2 (2014), <http://www.cbpp.org/sites/default/files/atoms/files/9-12-13sfp.pdf>.

31. *Adequate Yearly Progress*, EDUC. WK. (July 18, 2011), <http://www.edweek.org/ew/issues/adequate-yearly-progress/> (“The No Child Left Behind Act requires states to hold schools and districts accountable for making [adequate yearly progress (“AYP”)] toward all students reaching proficiency. If a school or district fails to make AYP for two consecutive years, it must be identified for school improvement. While states are required to develop rewards and sanctions for all schools, the law specifies a number of consequences for those schools receiving Title I funds . . .”).

32. Editorial, *Stop the School-to-Prison Pipeline*, 26 RETHINKING SCHS. 1, 1 (2011–2012), [http://www.rethinkingschools.org/archive/26\\_02/edit262.shtml](http://www.rethinkingschools.org/archive/26_02/edit262.shtml).

Unfortunately in today's educational environment, "problem students" end up in the school-to-prison pipeline rather than on a path to college and economic opportunity. The term "school-to-prison pipeline" describes what educators and educational activists see as a widespread pattern in the United States of pushing students—especially those who are already at a disadvantage—out of school and into the American criminal justice system.<sup>33</sup>

Accordingly, educators have acknowledged that mass incarceration and police brutality are self-fulfilling prophecies of the school-to-prison pipeline.<sup>34</sup> Far too often, students are suspended, expelled, or even arrested for minor offenses that leave visits to the principal's office a thing of the past.<sup>35</sup> "Students who are forced out of school for disruptive behavior are usually sent back to the origin of their angst and unhappiness—their home environments or their neighborhoods, which are filled with negative influence."<sup>36</sup> And for "[t]hose who are forced out for smaller offenses[, they] become hardened, confused, [and] embittered."<sup>37</sup> Upon returning to school, they are "stigmatized," which makes it even more difficult for them to keep up with their studies.<sup>38</sup> "Many eventually decide to drop out of school altogether, and many others [may or do] commit crimes in their communities."<sup>39</sup>

There is a common progression for students affected by the school-to-prison pipeline: the problem student is expelled under a zero-tolerance policy, ends up on the streets under the influence of the wrong peer group, gets involved in criminal activity, is ar-

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33. Charles Fox, *When Zero Tolerance Goes Too Far*, DIGNITY IN SCHOOLS (2011), <http://www.dignityinschools.org/news/when-zero-tolerance-goes-too-far> (arguing that the "school-to-prison pipeline" is "the criminalization of our nation's children by their schools").

34. Jason Langberg & Cary Brege, *Zero Tolerance for the School-to-Prison Pipeline in Wake County: Magnitude of the Crisis*, ADVOC. FOR CHILDREN'S SERVS. 1, 2 (Dec. 2009), <http://www.indyweek.com/pdf/081810/WakeSTPPIssueBrief.pdf> ("The effect of such an environment is the creation of a self-fulfilling prophesy—students who are expected to act like criminals and who are treated like criminals are consequently more likely to behave like criminals.").

35. Editorial, *supra* note 32, at 1 ("What formerly would have been an opportunity to have a conversation about a minor transgression instead became a law enforcement issue.").

36. Carla Amurao, *Fact Sheet: How Bad Is the School-to-Prison Pipeline?*, PBS, <http://www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/> (last modified Mar. 28, 2013).

37. *Id.*

38. *Id.*

39. *Id.*

rested, and finally is incarcerated.<sup>40</sup> A future is lost, and the economic opportunity is gone. Even after the completion of a prison term there is little future for a twenty-eight-year-old with a criminal record and no high school diploma. Moreover, the corrections system has little benefit in turning around the lives of the incarcerated; 76.6% of prisoners will reoffend and be incarcerated once again.<sup>41</sup> Unquestionably, this is a waste of young lives and their potential, and this must stop.

### III. INEQUITABLE SCHOOL FUNDING

*“We must recognize the full human equality of all of our people . . . . We must do this, not because it is economically advantageous, although it is; not because the laws of God command it, although they do; not because people in other lands wish it so. We must do it for the single and fundamental reason that it is the right thing to do.”*<sup>42</sup>

—Robert Kennedy

While school funding mechanisms vary from state to state, economically disadvantaged communities feature schools and school districts that are not as well funded as those in affluent communities.<sup>43</sup> In fact, today that is the case in twenty-four states.<sup>44</sup> This is rooted in the fact that many schools are funded to a significant extent by local property taxes. With this system, less money is generated by taxes collected from areas with lower property tax valuation.<sup>45</sup> Those same economically disadvantaged areas generate lower sales tax revenue as well.<sup>46</sup>

Adding insult to injury, property tax rates are often significantly higher in poor areas, as districts struggle to collect enough rev-

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40. See Nancy A. Heitzeg, *Education or Incarceration: Zero Tolerance Policies and the School to Prison Pipeline*, F. ON PUB. POL’Y 1, 1–2 (2009), <http://forumonpublicpolicy.com/summer09/archivesummer09/heitzeg.pdf>.

41. *Recidivism*, NAT’L INST. JUST., <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx> (last visited Feb. 19, 2016).

42. Robert F. Kennedy, Senator, N.Y., Speech at the University of Cape Town, South Africa: Day of Affirmation (June 6, 1966).

43. Bruce D. Baker, *America’s Most Financially Disadvantaged School Districts and How They Got That Way*, CTR. FOR AM. PROGRESS 1, 38 (2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/07/BakerSchoolDistricts.pdf>.

44. *Id.* at 40–41.

45. *Id.* at 5.

46. See *id.* at 6.

enue to operate.<sup>47</sup> So, it is not unusual for low income home owners to face much higher property tax rates—for their community’s underfunded, poor-performing schools—than their more affluent counterparts. Parents and property owners face steep property taxes that fund what are inevitably failing schools.

School funding systems based on property value condemn innocent children born in poor communities—both urban and rural—to marginal educations and nearly no chance at economic opportunity.<sup>48</sup> These children, trapped in underfunded and understaffed schools, will then live out their lives in the correctional system, on public assistance, or barely “getting by.” In any case, they will grow up to be adults who are an expense to society, rather than becoming contributing taxpayers.

#### IV. WHAT CAN BE DONE?

*“We always hope for the easy fix: the one simple change that will erase a problem in a stroke. But few things in life work this way. Instead, success requires making a hundred small steps go right—one after the other, no slipups, no goofs, everyone pitching in.”<sup>49</sup>*

—Atul Gawande

The problems associated with economic opportunity, social justice, and fairness—along with the roles that race, social class, and education play in those problems—are certainly a challenge. And for decades, too many people, politicians, those in the community, educators, legal professionals, parents, and others have alternately put forward suggestions or thrown up their hands in frustration.

Clearly, solutions are called for, and it is our duty to devise and deliver those solutions to this difficult problem. As President of the National Bar Association (“NBA”), I took up that challenge and set forth an agenda intended to address school inequality. Although I left office at the end of July 2015, I still remain committed to seeing these injustices corrected. It is through my experience serving this position that I see an opportunity for legal professionals to give back to their community and address these critical issues.

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47. *Id.* at 15.

48. See John Dayton, *When All Else Has Failed: Resolving the School Funding Problem*, 1995 BYU EDUC. & L.J. 1, 1.

49. ATUL GAWANDE, *BETTER: A SURGEON’S NOTES ON PERFORMANCE* 21 (2007).

### A. *Ending Zero-Tolerance Policies*

Zero-tolerance policies give school district administrators no latitude in dealing with problems and so-called problem students.<sup>50</sup> These policies dismiss the very notion of evaluating situations on a case-by-case basis, thus preventing highly trained professional educators from thoroughly investigating problems, evaluating potential solutions, and making thoughtful recommendations on how to address issues in their schools and school districts.<sup>51</sup> Additionally, zero-tolerance policies, in practice, disproportionately affect students of color.<sup>52</sup>

To stop this regression, it is imperative that several steps be taken to either put an end to zero-tolerance policies or to greatly curtail them. I propose that the membership of the NBA, elected state government representatives, and members of the U.S. Congress (especially the Congressional Black Caucus), work collaboratively with the U.S. Department of Education and local school districts to strongly discourage boards of education from adopting and continuing the use of blanket, zero-tolerance policies. In addition, on the grassroots level, the dedicated lawyers of the NBA could directly influence local school districts to halt the implementation of zero-tolerance policies.

At the federal, state, and local levels, the NBA must lead the effort, but in the end, success will be dependent upon lawyers working in their local communities to push for an end to these policies. Lawyers—many of whom are parents—can and must work with their local boards of education to eliminate zero-tolerance policies. Certainly, this will take time and effort. But I believe that the investment will pay off in the form of more children staying in school and having an opportunity to grow into productive adults. No one wins when a child is lost to the streets and, ultimately, to prison.

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50. See Dewey G. Cornell, *School Violence: Fears Versus Facts*, in *JUVENILE DELINQUENCY: PREVENTION, ASSESSMENT, AND INTERVENTION* 45, 50 (Kirk Heilbrun et al. eds., 2005).

51. See *id.*

52. In the Orleans Parish Schools (near New Orleans, Louisiana), 100% of students expelled under zero-tolerance policies and 100% of school-related arrests involved African American students. See Amurao, *supra* note 36.

B. *Shut Down the School-to-Prison Pipeline Through Pro Bono Efforts*

Too many children today—especially minority children—do not have the advocates and support from home that I had. And these children are being lost, every single day.

The story is typical: an African American child gets into trouble at school. He or she then becomes labeled as a “problem student,” earning greater scrutiny by teachers and administrators. Soon, the student is called before a school or school district disciplinary hearing.<sup>53</sup> These hearings are often the last step in the expulsion process, and in many cases, parents and students do not fully understand the ramifications of these hearings, and the procedures involved in them.<sup>54</sup> The student, with only his/her parent or parents providing representation in the hearing, is suspended or expelled. With inadequate financial resources, the student’s parents cannot send him/her to a private school, so the child ends up on the streets, and, in turn, involved in criminal activity and subsequently in prison. With that, the school-to-prison pipeline is complete.

But this problem can be averted. Lawyers from across the country have served as legal representatives for these students, providing skilled, pro bono representation that has already kept countless students in school, off the streets, and out of the school-to-prison pipeline.<sup>55</sup> These efforts need to not only continue, but also be expanded. No child should be dragged before a school district disciplinary hearing with only his/her bewildered parent or parents to provide representation. The battle to shut down the school-to-prison pipeline must be won with the legal community serving as front-line soldiers. Lawyers can step in and make all

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53. *School Discipline Hearings*, DUKE L., <https://law.duke.edu/childedlaw/schooldiscipline/attorneys/hearings/> (last visited Feb. 19, 2016).

54. *See generally*, Anna Stolley Persky, *A Painful Case: Do Parents Need Lawyers for School Disciplinary Hearings?*, A.B.A. J. (July 1, 2011, 8:10 AM), [http://www.abajournal.com/magazine/article/a\\_painful\\_case\\_do\\_parents\\_need\\_lawyers\\_for\\_school\\_disciplinary\\_hearings](http://www.abajournal.com/magazine/article/a_painful_case_do_parents_need_lawyers_for_school_disciplinary_hearings) (discussing how attorneys can assist parents in advocating for their children during disciplinary hearings); *School Expulsion is the Last Resort*, LAWYERS.COM, <http://education-law.lawyers.com/school-law/school-expulsion-is-the-last-resort.html> (last visited Feb. 19, 2016) (discussing the steps of the school expulsion process).

55. *See School Discipline*, LAWYERS.COM, <http://education-law.lawyers.com/school-law/school-discipline.html> (last visited Feb. 19, 2016); *see also* Ellen L. Mossman, Comment, *Navigating a Legal Dilemma: A Student’s Right to Legal Counsel in Disciplinary Hearings for Criminal Misbehavior*, 160 U. PA. L. REV. 585, 627 (2012).

the difference in the world to these children. Call it pro bono work or community service, by whatever name, doing this can save the life of a child. And it is the right thing to do.

Adult mentorship is also crucial in the fight against the school-to-prison pipeline. Our community leaders must encourage parents to become closely involved with their children and their educational lives. Every child deserves—and needs—involved, caring adults. These parents, aunts, uncles, grandparents, and family friends need to monitor and mentor children, to make sure they go to school every day, to help children develop strong reading skills and good study habits, and to be sure they do homework and prepare for tests. These ideas may sound basic, but they work.

Our school officials must pledge to help close the valve of the pipeline as well. They must serve as leaders, ensuring that every step is taken to keep children in school. Rather than looking for reasons to kick a “problem student” out of school, these educators must commit themselves to working with these students, taking the time and making the effort. Speaking from personal experience, I can tell you that when a “problem student” sees that an adult cares about her, that “problem student” will become an exemplary student, often very quickly. This is hard work, and a serious commitment, but the duty of a professional educator is to educate, and if a child is expelled from school, the only education that child will receive will come from the streets, where “graduation” can too often mean a prison term.

### C. *Address Inequities in School Funding*

The choice is simple: school district funding mechanisms can remain as they are and children can be trapped in underfunded, poorly performing, crowded schools and end up failing, dropping out, or being expelled.<sup>56</sup> Alternatively, more equity can be built into educational funding formulas, pooling more of the resources of wealthy areas with those of low-income and impoverished areas.<sup>57</sup>

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56. Valerie Strauss, *How Grossly Underfunded are Public Schools?*, WASH. POST (Nov. 25, 2012), <https://www.washingtonpost.com/news/answer-sheet/wp/2012/11/25/how-grossly-underfunded-are-public-schools/>.

57. Diane Rado, *Chicago Area's Wealthy Districts Likely Losers in Funding Plan*, CHI. TRIB. (Feb. 21, 2014), [http://articles.chicagotribune.com/2014-02-21/news/ct-school-funding-reform-20140219\\_1\\_district-property-wealth-funding-plan-state-dollars](http://articles.chicagotribune.com/2014-02-21/news/ct-school-funding-reform-20140219_1_district-property-wealth-funding-plan-state-dollars).

The end result will be better schools successfully graduating a higher percentage of students, and graduates who are more qualified for college or entry into the workforce.<sup>58</sup> And a greater number of these students will not become dependent upon the government, but rather will become taxpayers.

Obviously, this will mean fundamental changes in how schools are funded. Moving tax dollars collected in heavily affluent areas to fund schools in historically poor areas will certainly not be a universally popular change.<sup>59</sup> However that goal is accomplished, it's one that all states will have to at least consider at some point.

One successful model for school funding is already in place in the state of Hawaii, which uses a Weighted Student Formula to distribute funds.<sup>60</sup> Tax revenues collected for education are put into a pot and a baseline amount of tax funds is set on a per-student basis.<sup>61</sup> Then, additional funds (weights) are allocated based on different student needs, including gifted, special needs, and other educational programs.<sup>62</sup> Essentially, funding follows students to the schools they attend.

But making this fundamental change a reality presents a tremendous challenge. This will be best undertaken by making education funding reform an essential election issue. This will require lawyers, community leaders, and schools to pressure officials on the state level to examine the issue, and to take a public stance on how to increase equity in our schools. I believe that organizations such as the NBA, the National Education Association and the National Association for the Advancement of Colored People must take the initiative in doing so. I call upon the NBA to establish a task force whose objective is to get one state to reform its education funding. Getting one state to make the change and

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58. Linda Darling-Hammond, Diane Friedlaender & Jon Snyder, *Student-Centered Schools: Policy Supports for Closing the Opportunity Gap*, STAN. CTR. FOR OPPORTUNITY POL'Y EDUC. (June 2014), <https://edpolicy.stanford.edu/sites/default/files/scope-pub-student-centered-policy.pdf>.

59. Rado, *supra* note 57.

60. *Weighted Student Formula*, HAW. ST. DEP'T EDUC., <http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Weighted-Student-Formula.aspx#> (last visited Feb. 19, 2016).

61. *See The Department's Budget*, HAW. ST. DEP'T EDUC., <http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Budget/Pages/home.aspx> (last visited Feb. 19, 2016); *Weighted Student Formula*, *supra* note 60.

62. *Weighted Student Formula*, *supra* note 60.

then seeing the positive outcomes will result in other states at the very least giving consideration to reforming their own systems.

### CONCLUSION

*“The function of education is to teach one to think intensively and to think critically. . . . Intelligence plus character—that is the goal of true education.”*<sup>63</sup>

—*Rev. Martin Luther King, Jr.*

We all know that education is the key, and that knowledge is the root of power, economic or otherwise. Looking at a young student, you will see goodness, hope, optimism, and possibility. The world of a six-year-old is magical, full of imagination and dreams. No six-year-old wants to be expelled from school or to end up in prison. Those children want to do good in the world, and they aspire to greatness.

So we have to do our part. We have to see those children as roots of a better world. We have to nourish them by keeping them in school. We have to support them by providing them with the best possible schools, and by caring enough to do the hard work. We have to do this for them, for us, for our community, and for our world.

It is time.

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63. Martin Luther King, Jr., *The Purpose of Education*, MAROON TIGER (1947), [http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/doc\\_470200\\_000/](http://kingencyclopedia.stanford.edu/encyclopedia/documentsentry/doc_470200_000/).