

Reflections on Policy and Humiliation:

Addressing the Needs of Poor Minority Children in New Jersey's Public Schools

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In Linda Hartling's draft paper, *Humiliation and Assistance: Telling the Truth About Power* (2005 Workshop on Humiliation and Violent Conflict) she discusses the need to foster the awareness of the operations of power in order to develop effective methods for addressing the impact of humiliation. She reflects on the "disordered operations of power that inflict humiliation." The following case study is intended to look briefly at the ways in which social inequities can be addressed by policy structures in which governmental and nongovernmental organizations play out roles bounded by essential moral principles enshrined in the power of constitutional government.

In his recent book, *The Shame of the Nation: The Restoration of Apartheid Schooling in America* (Crown, 2005), Jonathan Kozol, the respected investigator and commentator on the education of poor minority children in the United States, offers an indictment of public education and the public policy that preserves inequities along race and class lines, which he believes has resulted in an apartheid educational system. He documents the inner city and rural schools he visited in eleven states that lack basics such as clean classrooms, hallways and restrooms; up-to-date books in good condition; and appropriate laboratory supplies. In these schools teachers and administrators tend to focus the bulk of their instructional effort on rote learning to meet testing and accountability mandates rather than supporting a rich and varied curriculum. He found inner city school systems and educational goals dominated by a management system of direct command and absolute control.

In New Jersey, which has the fourth most segregated public schools in the nation, the controversy about the failure of the public school system to adequately educate poor minority children is particularly poignant because New Jersey is perennially ranked as one of the wealthiest states as measured by median household income (1).

About 15% of New Jersey children live in poverty. However, while education in the U.S. is largely a state function, in New Jersey, as in many states, most budgeting, curriculum and instructional decisions have traditionally been the responsibility of locally elected boards of education, leading to great inequities which fall largely on socioeconomic status (SES) lines.

The history of public scrutiny of issues regarding the public's responsibility for educational opportunity in New Jersey dates back to a century-old amendment to the New Jersey state constitution defining the right to a free public education. In 1875 the New Jersey State constitution was amended requiring the Legislature to establish a system of "thorough and efficient education." A 1970 lawsuit, *Robinson v. Cahill*, brought on behalf of urban school children, charged the state's system for funding schools discriminates against poorer districts and created disparities in education because school funding relies heavily on property taxes. The New Jersey state legislature passed the Public School Education Act of 1975 to address these funding issues. In order to create a funding formula, the state created District Factor Groupings or DFGs.

The DFGs represent an attempt to establish an approximate measure of a community's socioeconomic status relative to other communities. While the classification system was originally used to provide a tool for examining student achievement and comparing school districts of similar SES status, it has also been used over time by the New Jersey Supreme Court in their examination of parity issues in the availability of educational resources and outcomes.

DFGs are calculated using the following six variables that are closely related to SES:

- 1) Percent of adults with no high school diploma
- 2) Percent of adults with some college education
- 3) Occupational status
- 4) Unemployment rate
- 5) Percent of individuals in poverty
- 6) Median family income.

The DFGs created a way of tracking the history of school funding patterns in the context of the earlier court case, which set the stage for an ongoing struggle between the branches of government regarding the extent and structure of the moral obligation of the public to create conditions of equity in educational opportunity which continues to this day.

In 1981 the Education Law Center, a child advocacy organization filed a new constitutional challenge, *Abbott v. Burke*, on behalf of urban school children, charging that the state's school funding formula was inadequate to assure a thorough and efficient education, thus setting off a 25 year legal struggle between advocacy groups, using the constitution as the basis for arguing for parity in funding and resources for poor children, and state government.

In 1997 the State allocated \$246 million to the Abbott districts to comply with the *Abbott IV* ruling. 1997-98 marks the first school year in which funding for education is equalized between urban and suburban school districts, and in 1998 the NJ Supreme Court issued *Abbott V* and ordered an unprecedented series of entitlements for urban school children including: whole school reform, full-day kindergarten and preschool for all 3 and 4 year olds, and a comprehensive state managed and funded facilities program to correct code violations, to eliminate overcrowding, and to provide adequate space for all educational programs in the Abbott schools. The Court ordered a series of entitlements

for disadvantaged children, including whole school reform, full-day kindergarten, high-quality preschool for all 3- and 4-year-olds to begin by September 1999, and a comprehensive state-managed and funded facilities program (3).

This series of Supreme Court's rulings has mandated unprecedented changes in establishing parity of resources in education funding and specific supplemental programs in the Abbott districts to assist students who have been determined to be educationally disadvantaged because they live in low-income cities. These supplemental programs included whole school reform, full-day kindergarten, half-day preschool for three- and four-year-olds, and other supportive health and social services.

The Court's standards directed the executive branch of government and the legislature to create funding and programs to meet its standards regarding what quality means for educational programs serving low-income children. And in so doing, it also established the state's responsibility and authority for enforcing those standards. In recent years the Abbott case has offered an ongoing forum for monitoring the state's implementation of the Abbott programs and for addressing these and other concerns before the Court.

The dynamics of dignity and humiliation from the perspective of government policies should not be oversimplified by assuming that truth telling is always evident at the beginning of perceived inequities of power and social justice. Using the *Abbott v Burke* struggle as the context, the following tables illustrate the dynamics of two central issues that define the rights of children to be educated, a right that is central to individual dignity in the civilized world. For each issue, two perspectives are analyzed, each of which can lay claim to different perspective on the meaning of dignity and humiliation.

Issue 1: Equity of Educational Opportunity

POSITION / PERSPECTIVE	Dignity	Humiliation
Child Advocacy	Each child deserves the same educational opportunities regardless of where they live.	Unequal funding inherently discriminates against children living in poverty, degrades their humanity and undermines their social identity.
Political History of Local School Control	Each community should make most decisions regarding adequate educational programs necessary for their children and support those decisions through local revenue.	With state control over educational funding comes control over the educational program, humiliating the professionals whose job it is to make the best decisions for the children in their communities.

Issue 2: Utilization of SES (DFGs) to Compare Educational Outcomes

POSITION / PERSPECTIVE	Dignity	Humiliation
Education Policy	Creating DFGs acknowledges the disparity between socioeconomic status as a factor in educational attainment and honors this research-based truth, allowing better comparison of how well educators are doing relative to the obstacles they face.	Comparing student educational outcomes through an SES lens undermines educators' professionalism by creating an instructional environment of lowered expectations of student achievement.
Social Justice	Because of the known power of SES in predicting educational outcomes, identifying which students are affected by SES variables can lead to better decisions regarding distribution of resources.	The very idea of comparing state test scores by SES factors supports the continued degradation of educational opportunities and inadvertently underscores a separate and unequal system of public funding and tacit acceptance of unequal standards ("She did well, considering she was educated in Newark.") It creates a hierarchy of wealth and status related to educational opportunity.

Discussion:

By analyzing the positions of disputants and adversaries through identifying and appreciating their perspectives with reference to dignity and humiliation, a clearer grasp of social dynamics may be possible. When confronting intractable issues based on social structures that perpetuate fundamental inequality, it can be critically important to have constitutional safeguards rooted in core social values as an anchor and guidepost. In the *Abbott v Burke* case vignette, the constitutional entitlement to a "thorough and efficient education" proved an invaluable resource in the effective use of legal and policy frameworks for the purpose of seeking social justice.

Notes: Excerpts from the Supreme Courts Abbott v. Burke decision, 1997 (4)

The constitutional guarantee of a thorough and efficient education attaches to every school district, and indeed, to every individual school in the State. Of course, the right to a thorough and efficient education does not ensure that every student will succeed. It must, however, ensure that every child in New Jersey has the opportunity to achieve.

We determined that "the level of education offered to students in some of the poorer urban districts is tragically inadequate. Many opportunities offered to students in richer suburban districts are denied them." Id.at359.

We adopted substantially the material factual findings made by the ALJ, including determinations that: poorer urban districts could not offer important courses; the SNDs provided a deficient education in many essential curriculum areas; and the SNDs operated schools that, due to their age and lack of maintenance, were crumbling and did not provide an environment in which children could learn. Id. at 359-63.

We also considered the special needs of the children in the SNDs, needs that palpably undercut their capacity to learn; we found those needs to be vastly greater than any extra-educational needs of the students in the DFG I & J districts:

*The difference is monumental, no matter how it is measured. Those needs go beyond educational needs, they include food, clothing and shelter, and extend to lack of close family and community ties and support and lack of helpful role models. They include the needs that arise from a life led in an environment of violence, poverty, and despair. Urban youth are often isolated from the mainstream of society. Education forms only a small part of their home life, sometimes no part of their school life, and the dropout rate is almost the norm The goal is to motivate them, to wipe out their disadvantages as much as a school district can, and to give them an educational opportunity that will enable them to use their innate ability.
[Id. at 369.]*

We concluded that "in order to achieve the constitutional standard for the student[s] from these poorer urban districts - the ability to function in that society entered by their relatively advantaged peers -- the totality of the districts' educational offering must contain elements over and above those found in the affluent suburban district." Id. at 374. Unfortunately, obstacles to a thorough and efficient education are present not only in the schools themselves, but also in the neighborhoods and family conditions of poor urban children. With concentrated poverty in the inner-city comes drug abuse, crime, hunger, poor health, illness, and unstable family situations. Violence also creates a significant barrier to quality education in city schools where often just getting children safely to school is considered an accomplishment. Those conditions further contribute to grave discipline problems and high dropout rates. See footnote

The special needs districts are also racially isolated. See footnote 23 See Abbott II, supra, 119 N.J. at 392 ("The devastation of the urban poor is more significant in New Jersey than in most states because of our demographics and the structure of our society. Our large black and hispanic population is more concentrated in urban areas and will remain isolated from the rest of society unless this educational deficiency in poor urban areas is addressed."). In fact, New Jersey has the fourth most racially segregated school system in the nation. See Gary

References

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