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naming discrimination in school finance

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Inequalities in US school finance have attracted the attention of scholars in education, economics and public policy, yet the description of "gaps" between the most and the least advantaged schools often obscures active discriminatory practices. Analyzing policies that contribute to unequal schooling through historical methods and reflecting on how to narrate them, can help further understand causality and highlight the actors who choose to challenge, perpetuate or exacerbate disparities in school budgets despite their consequences for millions of children. Following the scholarly tradition of Critical Race Theory, the emerging scholarly subfield of Critical School Finance adopts analytical language around discrimination and theft in a more active framework that sheds light on the role of public policy and governmental actors. Through an analysis of primary sources and a synthesis of the secondary literature, this article argues that discrimination and dispossession along class and racial lines are built into school funding systems.

Keywords: school finance, United States education

Introduction

In 1920, William Pickens wrote to the *Chicago Defender*, a leading Black newspaper in a city booming with the Great Migration, to denounce a crime: school bond theft (Pickens, 1920). He wanted Black readers across the country to know that Black voters in Augusta, Georgia, had helped carry votes for several millions of dollars' worth of school bonds over the past three decades in the hope of seeing new schoolhouses built for their children, who were excluded from White schools by segregation laws. In acts of blatant racial discrimination, the local school board, however, had allocated virtually all the money to White* schools. Pickens hoped Black residents would defeat the upcoming half-a-million-dollar bond. While Black people made up 40 percent of the population in Augusta, the school bond would not even spend 10 percent on Black schools. For Pickens, the actions of the Augusta school board amounted to "legalized robbery against the Colored taxpayers," who, he reminded readers, paid taxes just as much as White citizens.

For school boards to funnel money away from people of color and into segregated White schools, whether during or after the era of legal segregation, was far from an isolated event, and Pickens was not alone in calling such practices criminal activity. In 2019, a Philadelphia-based advocacy group, The People's Platform for a Just Philadelphia, called for the end of tax abatement to real estate developers in the city because the deal took away necessary tax dollars from a poor, disinvested school system (People's Platform for a Just Philadelphia, 2019). "The tax abatement has taken millions of dollars away from our schools and the city," their brief argued, "subsidizing large developments while long-term Philadelphians struggle to pay their rising property taxes." They estimated that the abatement cost the School District of Philadelphia $61 million every year.

Framing school finance as theft and racial discrimination is not, however, the dominant framework in school finance research, which overwhelmingly uses the concepts of (in)equality and (in)equity to describe school funding "gaps." Much research in education and especially education policy revolves around pointing to inequality—for example of access, schooling conditions, or educational outcomes. In this view, differences in school budgets or in district tax bases reflect existing wealth disparities, because a large part of school funding in the United States comes from local property taxes, although local and state percentages in funding sources vary. Just as a geometrician describes unequal measures, scholars pointing to inequality can paradoxically obscure the *causes* of unequal results, portraying them as somewhat ineluctable.

Taking the example of school finance in the United States, I argue that the somewhat arcane world of public finance enables, entrenches and sometimes encourages systemic racial and class discrimination by design. While less overt and less visible than inter-personal discrimination, structural dispossession through school finance still results from individual and collective decisions that researchers should aim to highlight. This article begins with several examples of racial and class discrimination in US school finance, past and present, in urban and rural contexts. From these concrete instances, I develop an analysis of school finance discrimination and offer alternative phrasings to name it within the broader theoretical framework of Critical School Finance (Backer & Cyna, 2024; Cyna, 2023). Then, I examine why framing unfair school funding policies as discrimination has led to mitigated success in US courts even at the height of the civil rights movement compared to other forms of discrimination in education such as racial segregation. Finally, I conclude by arguing that naming theft and discrimination can offset fallacious arguments about *who* actually "steals school," drawing parallels with racist and classist tropes of the undeserving, profiteering, and criminalized poor.

School finance discrimination past and present

Decades of research have shown that money matters for education quality and outcomes (Baker, 2018; Candelaria & Shores, 2019; Jackson et al., 2016; Lafortune et al., 2018). Yet school districts with predominantly White student populations tend to be better funded, on average, than those mostly serving students of color. In fact, majority White districts receive an estimated $23 billion more in funding nationwide, which translates into an additional $2,200 per student each year. Even though districts in communities of color often require greater resources, they suffer from persistent underfunding. In fact, the disparity between the wealthiest public school districts and all others has widened over the past few decades. The wealthiest one percent of school districts, with wealth adjusted for cost, are largely concentrated in affluent, predominantly White suburban areas. Between 2000 and 2015, and despite the 2008 financial crisis, the relative wealth of these top districts grew by over 30 percent, reaching an average of approximately $21,000 in cost-adjusted per-student revenue. This figure is nearly three times the amount received by the remaining 99 percent of districts (Kelly, 2020).

The intentional drawing of school district lines to maximize the tax base of districts with more political power, wealth and influence, is perhaps the best-known mechanism to engineer resource diversion (Cyna, 2019; Kelly, 2024; Ryan, 2010; Walsh, 2018). Because school funding largely comes from local property taxes, although the exact portion can vary by state, crafting a large tax base by courting industry or drawing boundaries around the wealthiest school districts is a major advantage to ensure a well-resourced school district, one that local officials (county commissioners, city officials or state legislators depending on the location) enjoy and control. The unequal tax bases

do not simply materialize; they are carefully designed and shape the deprivation of certain schools. In California, for example, county and municipal officials around the Los Angeles area kept Compton separate from the large Los Angeles Unified School District, making sure that the large fiscal resources of LAUSD would not benefit Compton. Historian Emily Straus analyzed how local and county policymakers coordinated the decline of the suburban neighborhood's tax base during the latter half of the twentieth century, which led to chronic underfunding and neglect of its public schools (Straus, 2014). Schools in Compton received second-hand furniture that private schools disposed of, as told by a teacher in the mid-1990s, and facilities were so run down that it rained in some classrooms (Straus, 2014, p.3). In stories like Compton's and many others, for example those of Black suburbs in Long Island, tax bases appear not as a given but as creatures of local and state politics (Glass, 2020). Scholars are pushing our understanding of school districts not as fixed entities but as the results of political decisions (Gamson & Hodge, 2018).

Beyond the use of property taxation, states across the US operate their school systems through legislation that build on the legacies of racial oppression (Malczewski, 2016). While presented as race-neutral since the legal end of Jim Crow, many school funding policies still benefit predominantly White schools and school districts. Matthew Gardner Kelly's study of Pennsylvania school districts revealed that a provision added by lawmakers to the state's new funding formula limited state equalization aid, disproportionately harming districts with the most students of color (Kelly, 2022). These districts receive less state aid, have lower levels of local and state funding, and spend less on schools compared to predominantly White districts with similar financial needs. Although the legislation was designed to increase equity in school funding, the cap on state aid weakened its impact. Even after accounting for wealth differences between districts, funding disparities persisted based solely on the racial composition of schools. Kelly identified 149 school districts negatively impacted by the equalization cap, revealing that these districts lost out on $1.1 billion in funding due to the provision. These 149 districts represented 79 percent of all Black and Latinx students enrolled in Pennsylvania's public schools during the 2016-2017 school year.

Many states across the country have similarly racially discriminatory school finance systems that have rested on past racial segregation and oppression (Baker & Corcoran, 2012). In 2005, education scholars Bruce Baker and Preston Green III identified two states with a history of stark racial segregation, Alabama and Kansas, where racially neutral state aid policies caused racial funding gaps (Baker & Green, 2005). Alabama introduced a salary system tied to teachers' degrees, which led to teachers with Master's degrees typically working in schools with fewer Black students. The policy built on decades of decimation of Black educators' ranks following *Brown* (Fenwick, 2022). These schools offered higher salaries and consequently received more funding. In Kansas, a policy that adjusted funding based on district size allocated more resources to smaller, predominantly White rural districts. With varying degrees of intentionality, these legalized schemes of dispossession, hidden within the details of state funding formulas and separate from local property value-based allocations, have contributed to the underfunding of districts serving students of color.

An often-overlooked aspect of school finance dispossession is its ties to the democratic process. Persistent practices of disenfranchisement, which dilutes the influence of communities of color in electing school board members, have directly impacted decisions about school budgets (Cyna, 2022; Margo, 1985). Because many, if not most decisions about the allocation of school dollars, the drawing of district lines and the hiring of teachers happen at the local scale, superintendents, school boards, city and county officials retain high control over educational systems (Black, 2023). In 2013, for example, voters in Wake County, North Carolina, which includes the countywide school district

around Raleigh, formed an organization to advocate for Black residents. They challenged a redistricting plan for the Wake County School Board elections, arguing that the new voting districts had been racially gerrymandered to amplify the power of White suburban and rural voters, thereby giving an advantage to Republican candidates. Discriminatory voting strategies have allowed White communities to gain disproportionate control over educational funding decisions. After years of legal battles, courts found the plan unconstitutional because it diluted the votes of urban communities of color (Southern Coalition, 2016).

Local decision-making bodies have the power to prioritize the needs of some while neglecting those of others. Within the same county, schools therefore often compete for funds, making decisions by local school boards particularly contentious. In 1986, when Buncombe County residents of the Hominy Valley, tucked between Blue Ridge and Great Smoky Mountains, inaugurated Enka High School, the local newspaper called it a "dream come true" (Moore, 1986). After sixteen years of negotiations between local communities, county commissioners and the state legislature, several bond referenda and years of delayed construction, Enka High and its modern features symbolized a long-anticipated victory for educational opportunities in the area. The press emphasized the hard battles of Hominy Valley residents, whose children, for many of them, had graduated before the new building could get off the ground, and spent their high school years in a dilapidated building where classes were happening at the end of halls for lack of functional space. Still, as the county celebrated Enka High, another school, Owen High, was falling apart. Owen was in the same county, just a few miles away, and students there took classes in crowded, deteriorated mobile units in trailers outside the school building. Enka and Owen illustrated the lived reality of the disparities that separate communities because of complex decision-making processes, discriminatory resource allocation, and inequities in fundraising abilities and political influence.

Critical School Finance

Critical Race Theory (CRT) emphasizes that racism is deeply embedded in the fabric of US law and institutions, challenging the idea that it is merely an anomaly in US history. Scholars in that tradition have demonstrated that lawmakers often designed policies not in opposition to, but in support of White supremacy (Crenshaw et al., 1995). CRT's structural analysis of racism and White supremacy, particularly in education, has been crucial in exploring persistent disparities. Core principles of CRT include rejecting ahistoricism and recognizing the enduring nature of racism.

In 1995, Gloria Ladson-Billings and William Tate IV urged scholars to examine educational inequities through a CRT lens, focusing on how institutional racism still organizes US society (Ladson-Billings & Tate, 1995). They highlighted the need to address school finance through this lens, although their appeal mostly focused on segregation and curriculum. Inspired by this call, a new group of scholars has proposed the explicit theoretical framework of Critical School Finance (CSF) to study school funding in the US (Backer & Cyna, 2024). CSF highlights how capitalist, racist and colonialist forces structure school funding systems and policies.

From a critical perspective, emphasizing processes by choosing nouns such as *discrimination*, *dispossession*, *extraction* and sometimes even *theft* can make active decisions to engineer unequal worlds more visible (Backer & Cyna, 2024). For example, dispossession, in the Marxist tradition, refers to the systemic process of taking or devaluing resources, assets, and opportunities, often to the benefit of the powerful and wealthy (Harvey, 2003). Dispossession does not only happen in contexts of settler colonialism, but is a central feature of educational systems, where school finance

policies can orchestrate transfers of wealth through tax policies, for example. These policies also devalue property in communities of color, in a real estate system structured by racial hierarchies (Freund, 2007; Sugrue, 1996; Taylor, 2019).

CSF works against de-contextualized interpretations of contemporary educational issues and their causes. For example, the underrepresentation of Black educators in the workforce results from labor and wage theft: from the mid-1950s, following the US Supreme Court's *Brown v. Board of Education* decision that struck down the explicit racial classification of schools as unconstitutional, and until the 1970s, White superintendents and White school boards across the South led a ruthless campaign to demote and dismiss Black principals and Black teachers (Fairclough, 2007; Fenwick, 2022; Fultz, 2004). Scholars have estimated the financial loss incurred by such violent racial discrimination to amount to about $1 billion, which corresponds to the loss of at least 100,000 Black principals and teachers (Fenwick, 2022, p. 131; Fultz, 2004). These positions, with all of what they meant for the people who occupied them and the children and communities who benefited from the work of Black educators and administrators, and the lost wages attached to them, were *taken away* and *stolen* by White officials, who almost systematically hired and promoted less qualified White candidates (Fenwick, 2022). Using verbs that translate the seriousness of this injustice and hold those responsible accountable by identifying explicit agents can prevent the dangers of selective amnesia.

A critical lens thus moves away from descriptors such as "shortage," "inequality" and "gap," often used to designate the low percentages of Black educators, to instead name discrimination and its many impacts, and the trauma caused by decades of organized extinction. Understanding the systematic job theft that happened during the desegregation era, when administrative and teaching positions were illegally and brutally snatched from Black educators, is necessary to avoid framing the current underrepresentation of Black teachers today as an accident, or worse, as resulting from a lack of interest in education, lack of appropriate credentials, and in the most harmful narratives, of abilities and skills (Fenwick, 2022, p. xxii). Designing policies that address the contemporary legacies of dispossession and discrimination requires careful historical contextualization.

Theft in education is not anecdotal but systemic, and in my own work I have sometimes used the term "kleptocracy" to designate the pervasiveness of discriminatory practices in the US South (Cyna, 2022). I have defined "kleptocracy" as a system rooted in law and policy that relies on the theft of rights, land, capital and labor from people of color to engineer unequal schooling between wealthier White populations and poorer people, especially people of color. Ta-Nehisi Coates and Van R. Newkirk II have used the term "kleptocracy" to talk about systemic racial oppression; so has Andrew Kahrl, albeit briefly, about discriminatory taxation systems (Coates, 2014; Kahrl, 2024; Newkirk II, 2019). In the southern kleptocracy, public institutions were designed on the premise that they would enable the powerful White elite, at any level of administration, to dispossess the most disadvantaged within the framework of state, county, municipal and educational laws. Stressing acts of theft by using a vocabulary that conveys their significance—with verbs such as "taking away", "diverting", "siphoning" fights against the normalization of these discriminatory practices.

School Finance Justice

At odds with some of the academic work in the CRT tradition, school finance litigation has largely ignored race, constrained by narrow legal interpretations. This limitation was evident in the 1973

Supreme Court case *San Antonio v. Rodriguez*, where the Court upheld property taxation in school funding without addressing racial discrimination, thus neglecting a crucial intersectional analysis of educational inequality. Why have courts not struck down racial and class discrimination in school funding? Educational advocates have always fought to denounce injustices in school resource distribution through lawsuits: from the end of the nineteenth century until today, groups have challenged unfair taxation policies, unequal funding allocations, school segregation and its financial implications, as well as the inequities caused by using property taxation as a school funding source (Walsh, 2018). Yet courts have proved a difficult venue when it comes to framing school finance policies as discrimination (Walsh, 2011, 2023).

The *San Antonio v. Rodriguez* case shaped the trajectory of battles over disparities in school funding. Despite acknowledging the stark differences in funding between districts with disparate property tax bases—where districts with low tax bases struggled even with high tax rates, compared to wealthier districts that maintained lower tax rates—the Supreme Court ruled that these disparities did not violate the US Constitution. The Court concluded that education was not a right protected by the Constitution, and the Fourteenth Amendment did not forbid discrimination based on economic status. This decision effectively shifted the focus of school finance litigation to state courts, where lawyers turned to state constitutions and education clauses to argue against funding inequalities (Rebell, 2009; Ryan, 2010; Sracic, 2006; Walsh, 2018, 2023).

The *Rodriguez* case was both a desegregation and a school finance case because it challenged racial and class discrimination, but the court dismissed its racial claims, and still ruled against the class argument. Camille Walsh (2011) and Rachel Moran (2022) have discussed the inability, or, perhaps more accurately, the refusal of the Supreme Court to see and address intersectional discrimination, meaning discrimination on more than one ground—here, race and poverty. The political context of the *Rodriguez* decision largely explains the court's decision. *Rodriguez* was decided when "backlash against spending gained political traction at almost precisely the moment desegregation orders were beginning at last to be enforced, as discussed earlier, highlighting that a fiscal justification for inequality could neatly slot in to replace an explicitly racialized legal structure" (Walsh, 2023, p. 455).

There have been many state-level victories in school finance since *Rodriguez*, but the Supreme Court closed the door to a federal ruling that would have had the potential to redistribute resources across school districts and equalize opportunities for students. In his notes on a draft of his *Rodriguez* opinion, Justice Powell jotted down, "Don't admit or refer to 'discriminatory treatment of children'—it is not 'discriminatory'; there are inequalities resulting from [the] system" (Walsh, 2018, p. 155). This article, and the work of many scholars who critically approach school finance and its history, do not believe in this dichotomy between forms of discrimination and an abstract "system:" the "system" can be discriminatory, structurally, and by design.

Conclusion

Drawing on the long and violent history of criminalizing the poor, and especially poor people of color in the United States, right-wing media and polemists have spun stories of people "stealing school." White residents have accused Black parents, in several instances, of "stealing" the education of their children by misstating their home address to attend a better-resourced school district. Barely concealed under the surface of this criminalizing narrative is the argument that Black citizens unfairly benefit from White tax dollars. Kelly Williams-Bolar, a single Black mother

living in Cleveland, Ohio, was sentenced to ten days in jail, three years of probation and eighty hours of community service for "stealing" the education of her children because she enrolled them using her father's address (Rooks, 2017, p. 169). Her father was charged with fraud, lost his home and died while serving his prison sentence in 2012. While the status quo is made of myriad systemic injustices that affect millions of children, the state-sponsored violence of the repression of so-called crimes is monstrously disproportionate.

Regardless of the anecdotal truth behind actions that would mostly translate parents' hope for better opportunities for their children, the rhetoric of theft used to create these media controversies obscure the systemic theft that *does* happen in US public education. From the gerrymandering of school district lines to bond revenue allocation and teacher salary policies, the world of school finance is replete with examples of resource diversion for the benefit of the most privileged. In 2016, the educational advocacy group EdBuild measured that majority White school districts received $23 billion more than school districts serving students of color, despite serving approximately the same number of students (EdBuild, 2016). Reclaiming the language of theft means placing responsibility on policymakers who have the discretion to effect change at local, county, state and federal levels, for example by matching funding distribution to student numbers and student need rather than district wealth, as is sometimes the case.

Administrators, elected officials and education policymakers perpetuate structural harm and enable race and class dispossession when they enforce discriminatory school funding policies. Calling for accountability by naming these mechanisms explicitly as theft—the theft of political power when school board elections disfranchise citizens, the theft of real or potential tax-dollars through district line-drawing, and the theft of possible opportunities for better schooling conditions whenever people in power choose to enact an unjust status quo. Today, no state directly includes race in its school funding formula to enhance opportunities for those who have historically been denied them. However, even in states with policies designed to promote educational equity, there are often exceptions that benefit affluent, predominantly White schools. For example, Kansas implemented limits on the amount of revenue schools could raise locally to promote fairness between districts with varying resources. But in 2005, the Kansas legislature introduced a provision allowing sixteen wealthy districts to surpass these limits, citing the higher cost of living in these areas as justification for additional funding to attract teachers. This "cost-of-living" adjustment essentially created a loophole for districts that were predominantly White. Policymakers have enacted and enforced them over the past few decades, often in response to state-level efforts to equalize district finances. Ending harmful practices, at any scale of the multilayered US system of public schools, is the first step to a fairer public school system along the road towards possible reparations (Green et al., 2021). It is necessary—and urgent—for policy scholars and policymakers to consider how racial and class discrimination have shaped school finance policies when imagining possible remedies to documented inequalities.

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