

# Education Quality

## High-Quality Education Will Depend on Better Accountability, Intervention for Failing Schools

After more than a year of lockdown, remote teaching, and learning loss, nearly all California public schools reopened their campuses last fall. After what many parents consider a lost year, everyone should welcome a return to normalcy.

Or should we?

For millions of California students, a return to normalcy may mean merely going from worse to bad. Before the pandemic, the quality of much of California's public school education fell far short of the minimum required to guarantee students a fair shot at economic opportunity and social equity.

### PANDEMIC AND EDUCATION PROFICIENCY GAPS

Recent research confirms what many parents perceive — that their children did not receive the same quality education during the pandemic. According to scholars from an academic think tank, students in grades 3–8 have fallen about 2.5 months behind in their curriculum in both English and math. Students who are economically disadvantaged, English learners, and those with disabilities, have fallen even further behind.

Even before the onset of the pandemic, according to the National Center for Education Statistics, proficiency rates for California Black and Hispanic students (who together account for more than 60% of public school enrollments in the state) are far less than half that of white and Asian American students. These racial gaps in education proficiency have grown wider over time.

The view is no better through the lens of income level. Nearly 60% of California public school students qualify for free or reduced-price meals, which is a proxy for family income. Of those students, only about one-fifth meet or exceed proficiency for fourth or eighth grade math or reading. The effects of the pandemic are certain to widen this gap.

The overwhelming majority of these students eventually will work in small and large California businesses, so employers have a keen, even existential, interest in the educational success of these high school graduates. Employers also have an abiding commitment to social cohesion, of which economic opportunity and educational attainment are foundational.

### EFFORTS TO IMPROVE EDUCATION OUTCOMES

California's attempts to improve educational outcomes have been episodic and, in some cases, transitory. Beginning in the 1990s, the state led the nation in the movement for accountability and providing a fertile environment for charter schools, which provide a competitive alternative to low-performing public schools, especially for low-income students and students of color.

The pendulum has since swung in the opposite direction, eroding the previous emphasis on high expectations, standards, and mandates for improvements, along with the expansion of charter schools. Decades of institutional reform efforts — not to mention increased education outlays — have failed to make consistently high-quality schools available to all students.

To remedy this injustice, a movement has formed in many states to shift the balance of power away from the education establishment and toward families. The aim is to provide these students and their parents with a mechanism to force state leaders to focus on improving student outcomes rather than placating special interests.

This is not a new idea.

### QUALITY EDUCATION ADVOCATES TURN TO COURTS

In the face of legislative indifference to educational performance improvement, a group of students, parents, and their advocates initiated a lawsuit in 2015 to require that all students receive a quality education. The idea was to extend the jurisprudence, begun under *Serrano v. Priest* in 1971, that education is “a fundamental interest” and the state must ensure “basic educational equality” under the California Constitution.

In *Vergara v. State of California*, the students and parents

# Agenda for California Recovery

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## EDUCATION

alleged that several California statutes related to teacher tenure, layoffs and dismissal violated the constitution and denied equal protection to students because the statutes required the state to retain “grossly ineffective” teachers. The plaintiffs argued that these statutes had a disparate impact on poor and minority students who were more likely to be assigned to these grossly ineffective teachers.

A Los Angeles County Superior Court judge ruled for the students, finding that evidence of “the effect of grossly ineffective teachers on students is compelling. Indeed, it shocks the conscience.” But a California appeals court (eventually backed by the state Supreme Court) rejected these allegations and found that the statutes were constitutional.

In effect, the higher courts ruled that while students have a constitutional right to equal *inputs* to their education, they had no right to any particular *outcome*. Their fundamental right extended no further than adequate and roughly equal amounts of money and distribution of resources, but not what the schools did with those resources. In a separate case, the appeals court stated that while it “agreed wholeheartedly with appellants that the provision of a quality education for all public school students is an important goal for society as it ensures full participation in our constitutional democracy . . . (there is) no constitutional mandate to an education of a particular standard of achievement.”

### FUNDAMENTAL RIGHT TO HIGH-QUALITY EDUCATION

Advocates believe that the solution to this constitutional mismatch is to explicitly provide a fundamental right to a high-quality education. Notably, this approach is being pioneered in Minnesota, under the leadership of Federal Reserve Board of Minneapolis President Neel Kashkari (in 2014, a California

gubernatorial candidate) and retired Minnesota Supreme Court Justice Alan Page (and, in a past life, an NFL Hall of Fame defensive lineman).

Their proposal is now being debated in the Minnesota State Legislature. Advocates in five other states, including California, are considering similar proposals through either the legislative or initiative processes.

### FORECAST FOR CALIFORNIA

The California Legislature has shown little inclination to return to the days of accountability for education providers and more choices, like charter schools, for parents. Advocates may propose measures in 2022 to provide a right to a high-quality education for California public school students, but the focus of lawmakers — in response to the education establishment — usually is distributional: how much in new revenues can be raised and where will it be spent.

School spending rose sharply last year, a happy consequence of higher tax revenues and federal grants, and higher school spending is anticipated again for 2022–23. Although adequate funding is necessary for a high-quality education, funding is not nearly sufficient by itself to achieve high quality.

### CALCHAMBER POSITION

The California Chamber of Commerce supports efforts to improve the K–12 school accountability system that measures each school’s quality in key areas, highlights outcomes for key student subgroups and indicates changes in student outcomes over time and supports development of a system for prompt intervention and meaningful corrective measures for persistently failing schools or schools that consistently fail to improve. The CalChamber supports the right to a high-quality education, for all students and their families.



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