Opinion: Rationing education in Calif. schools

By Joe Mathews

Californians think we have a system of public education. What we really have is a system for rationing public education.

I got a taste of this in the spring, when I took my 5-year-old son to our local school district offices to determine his educational future. This being California, the determination was made not by any test or assessment but by a lottery. An administrator pulled names out of a hat to fill spots in our elementary school's new Mandarin immersion program.

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The beginning of the academic year is when we hear fine speeches about how our state is committed to doing the very best for every child. But when you see firsthand how educational resources are allocated, California schools leave much to chance.

We do this for two reasons: scarcity and avoidance. Educational resources here are scarce—there is simply more demand for schooling than the state's wobbly budget system can accommodate. And so we use lotteries and formulas, so that our officials can avoid the work of deciding who deserves resources, and so that Californians can avoid reckoning with our collective failure to support public education.

By all reliable accounts, there aren't nearly enough good, experienced teachers in our schools. The state offers only 180 days of instruction (when research suggests there should be more than 200 days). And the inadequacy of newer programs and schools offered by some districts in the name of educational choice only underscores the ongoing scarcity. There are simply not career-readiness programs, Advanced Placement classes, charters, magnets, or language immersions to meet the demand for high-quality options.

There's little hope of trying to do more to meet those needs, since California decouples school funding from academic needs. Our state constitution's school funding formulas, known collectively as Proposition 98, guarantee only a portion—you might say a ration—of the state budget to schools. (Tellingly, that money is supplemented by a small amount—usually $1 billion or less than 2 percent of annual education funding—from the state lottery).

In the absence of funds to meet all our students' needs, we turn to education's version of lotteries to allot scarce resources. State law (mirroring federal guidance) directs school districts to use a lottery system for charter school admissions once the number of pupils who want to enroll exceeds the number of spaces. Districts with magnet programs do the same. Many of these lotteries have complicated rules and exclusions, often in the name of diversity, as well as with the aim of keeping kids in their neighborhood schools, or keeping siblings together.

Such lotteries are not all that fair. Research shows the lotteries favor students whose parents have the time and resources to investigate their local educational possibilities and sign their children up in the first place. (We parents gotta play to win). Then there's a bigger question: Does "random" allocation of educational resources really represent justice?

This year, the California Supreme Court, in a 4-3 vote, declined to hear challenges that said California doesn't provide enough school funding or qualified teachers to meet the state's constitutional guarantees of education for all. In declining, the court endorsed the argument that, while there might be problems with funding and teachers, these weren't constitutional problems—because the impact of bad policies was arbitrary, and not felt by any particular group of students.

Mariano-Florentino "Tino" Cuellar, an associate justice of the Supreme Court, dissented powerfully from that logic. Curtailing access to educational opportunity, the justice argued, doesn't become justifiable simply because it's done arbitrarily.

"Arbitrary selection has at times been considered a means of rendering a governmental decision legitimate," he wrote. "But where an appreciable burden results—thereby infringing a fundamental right [like the right to an education]—arbitrariness seems a poor foundation on which to buttress the argument that the resulting situation is one that should not substantially concern us."

The brilliantly cynical filmmaker Orson Welles once said, "Nobody gets justice. People only get good luck or bad luck." He wasn't wrong—our parents, where and when we were born, the people we happen to meet, all influence the direction our lives take, through no fault or deed of our own.

My own son was lucky. His name was pulled 16th out of the hat, winning him the place he now enjoys in that Mandarin immersion kindergarten. His own luck will transfer to his younger brother, who is automatically eligible to join the program when he reaches kindergarten age.

But California is not as fortunate in leaning its educational system so heavily on luck. Our schools are supposed to be equalizers, helping counter the lottery of life. Instead, they

are emulating it.

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