**Topic Overview: Charter Schools**

Advocates for education reform have long sought to improve public schools. Some reformers, frustrated at the slow pace of change and the persistent achievement gap between rich and poor students (and between racial minorities and white students) argue that there should be alternatives to the traditional public education system, which can be very bureaucratic and hard to change.

Charter schools were originally permitted in small, limited circumstances. They were designed to be a space where teachers could test new ideas, then merge back into the public school system and bring the results of their experiments with them if they were beneficial for students. Support for charter schools originated among free market, conservative activists who believed in “school choice.” The coalition of supporters grew to include those concerned with social justice and reducing the achievement gap after some charter schools demonstrated significant gains for minority students. The every president since George H.W. Bush has supported charter schools. Now, charter schools are the fastest growing, and most popular option for school choice. New Orleans, with most of its schools destroyed by Hurricane Katrina, is moving towards having 100% of its students in charter schools. Washington D.C. (who is directly controlled by the federal government) also has a majority of students in charter schools, and Detroit (largely as a result of now-Secretary of Education Betsy DeVos’s efforts), also has a large number of students in charter schools.

A charter school is a school run by an outside organization or individual that receives taxpayer money to run the school, and doesn’t charge students to attend. Charter schools can be run in a “for profit” manner, seeking to have money left over at the end of the day, or in a “non-profit” manner, where they seek to break even and spend all available funds on improving the school. They can be independent schools, or part of large, multi-state organizations (Such as KIPP). Charter schools usually receive money based on how many students they education. They must follow some basic guidelines about what to teach, and their students must show proficiency on standardized tests, but the teaching methods and organization are up to those running it.

**Controversies:** This freedom to experiment is seen as both one of the best and one of the worst parts about charter schools. Critics say that you can’t experiment with the future of a child, while advocates argue that innovation comes from experimentation. Charter schools can be closed by their local authorizing board if their methods don’t get results, a process that differs region to region. This is a point advocates often cite in support of charters, as failing schools with bad methods can be closed to make way for more effective schools. Opponents counter that since students that have to change schools frequently don’t do as well, the frequent closing and opening of charter schools hurts students. Supporters of charter schools argue that they can bring new ideas and best practices to traditional public schools, improving everyone’s education, while opponents argue that charter schools hollow out traditional public school budgets. Supporters claim that charter schools better serve students, especially those in poverty, those who are racial minorities, and sometimes, those with disabilities. Opponents argue that charter schools use selective admission and other tools to “skim” the high performing students and engaged families out of the public school system (it requires a degree of social capital to navigate the application process), so that the charters look better only because they’ve taken the best students.

**Strategic Overview: Debating the Charter Schools Affirmative**

This affirmative case is built around a fundamental question—do charter schools better serve students than traditional schools? If so, then the affirmative can claim an array of benefits based off this premise of “improved education.” An affirmative that likes the mechanism of charter schools can take the affirmative in any direction based on this idea of “improved educational outcomes.”

This affirmative is a little more narrowly tailored, tackling the question of the **“achievement gap.”** The achievement gap describes how white students perform, on average, better on standardized tests, graduate at a higher rate, and generally perform better on most measures of educational success than students of color. This gap is highly related to poverty, as students living in poverty of all races also perform comparatively worse than their affluent peers.

This affirmative argues that charter schools are good at teaching students who are racial minorities and who live in poverty, and that they can reduce the achievement gap, especially if the federal government adds regulations to ensure that the schools are diverse instead of re-producing the segregation of many existing school systems.

**The Inherency Debate:** There are three fundamental claims here. 1) Traditional public schools are failing students, especially the disadvantaged, now. 2) Charter schools work with these populations now. These claims set up the main thrust of the affirmative. 3) Trump and DeVos has already pushed charter schools now. This existing push makes most disadvantages like Politics, Spending, and Federalism non-unique.

**The Advantages:**

**The Achievement Gap:** This argument is that charter schools, if properly regulated to encourage diversity and avoid segregation, can help students from disadvantaged backgrounds achieve educational success. It claims that success in education leads to better outcomes after academic life as well, avoiding poverty and some other structural harms. It also argues that failure to end the achievement gap is racist. This advantage offers a decision-making framework—fighting racism must come first for ethical decision makers. If you win this framework and some risk of solvency, you’ll win the round.

**The Economy:** This advantage is based on a study that says that the achievement gap is killing our economy for two reasons. 1) all of the students left behind have untapped economic potential, and 2) that the achievement gap is relatively unique to the United States, and our competitors are better using their entire population to compete economically. The impact of this advantage is a study about President Trump that says he is likely to engage in a **“diversionary war,”** if the economy looks like it is struggling. A diversionary war is a war meant not to defeat a threat, but to focus the domestic audience on a foreign adversary and cause extra patriotism to distract them from a pressing domestic challenge.

**Solvency:** If you can win that charter schools can help students from disadvantaged backgrounds improve their education, you’ll probably do okay here. The plan specifies some specific regulations for charter schools to be more diverse and inclusive, ensuring that the right students are served.

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# Charter Schools 1AC (1/10)

**Inherency: The Federal Government is taking action on charter schools now, but leaving diversity out of current regulations**

**Rust 2013**

Jennifer Reboul. "Investing in integration: a case for 'promoting diversity' in federal education funding priorities." Loyola Law Review, Fall 2013, p. 623+

As Section III(A), supra, indicates, **the federal role in education--and in charter schools particularly--has been on a rapid and steady rise. However, policymakers have failed to prioritize diversity as an interest worthy of careful consideration. Nearly absent from current policies applicable to charter schools is language affirmatively promoting diversity as a legitimate end.** Where diversity language does exist, it is discretionary and is valued much less than most other priorities. (236) Although the current administration has acknowledged the importance of closing low-performing charter schools, it has yet to directly address the patterns of racial and socioeconomic isolation within them. (237) **By prioritizing at-risk, high-needs schools in awarding competitive federal funding and failing to expand the definition of diversity beyond race and ethnicity, competitive federal grant programs like RTF and CSP do not adequately incentivize charters to integrate.** Rather, **these programs create perverse incentives for charter schools to continue operating racially and socioeconomically isolated schools, despite the multitude of social science research highlighting the consequences of doing so.**

**Thus the Plan: The United States Federal Government should:**

1. **Increase funding for primary and secondary charter schools in the United States**
2. **Condition federal funding for charter schools contingent on not for profit status, transparent reporting of student lotteries, and demographics, and**
3. **Require charter schools to include diversity promotion as a criteria for funding.**

**Charter Schools 1AC (2/10)**

**Advantage One: The Achievement Gap**

**Improving schools is a civil rights issues, and school choice is the answer**

**Bethell 2005**

Tom. Hoover Institute, “The Quality of Public Education has Declined,” Education: Opposing Viewpoints. Greenhaven Press, 2005

Twenty years ago, a new rationale for improving the system was heard. W Kurt Hauser, the chairman of Hoover’s Board of Overseers, said in his introductory remarks that **public education has become a “civil rights issue.” Poor black and hispanic children, who find themselves stuck in inner city schools where not much is learned, lack the opportunities enjoyed by middle class children to move to better schools. The solution is to introduce a competitive environment, accountability, and choice,”** Hauser said. **“Let market forces empower parents with alternatives to government monopoly over the schools.”**

**But current federal support of charter schools is encouraging racial segregation, going against the spirit of Brown V Board of Education**

**Finley 2015**

JD, U of San Diego School of Law "Growing Charter School Segregation and the Need for Integration in Light of Obama's Race to the Top Program," 52 San Diego L. Rev. 933

**With the federal government promoting charter schools,** more cities may follow New Orleans' lead and choose to become 100% charter school districts. n84 This is a potential problem. **Charter schools may seem like the way to improve the United States education system, but the fact is that a noteworthy percentage of charter schools exude a trend of underperformance and increased segregation.** In New Orleans, there is essentially no choice for parents. With the end of neighborhood schools, parents of students in New Orleans have a choice only between charter schools and high-cost private schools. Because these charter schools are underperforming on average, students, especially those of a lower socio-economic background, are left with a sub-par education. **The federal government should not be promoting a system that is not working, especially at the expense of segregating schools in direct contradiction to the Court's decision in Brown v. Board of Education.** The federal government should be promoting integration of schools instead of allowing integration to be simply voluntary. n85 [\*948] Rather than shifting the focus on how to better integrate, the RTT initiative advocated by the Obama Administration has given money to states that do little to help minority and low socio-economic students. n86 In essence, the Obama Administration has completely disregarded the legacy of Brown v. Board of Education. n87 With a presidential election forthcoming in November 2016, integration should be the focus of any candidate's education reform plan. The promise of additional funds to states that change their laws to spur charter school growth should be abandoned. In its place, **additional funds should be promised to states that make meaningful efforts to integrate its schools.** This Article proposes laws be enacted that prohibit charter schools from receiving public funding if the school is in violation of civil rights laws either in policy or practice. To do this, both federal and state governments need to hold accountable the third parties responsible for running charter schools. Further, both local and state **governments should require that charter schools receiving public funding be more accommodating to all students.** For example, charter schools should be forced to enact certain measures such as providing multi-lingual application materials, having uniform application procedures, and adopting enrollment periods for designated lengths of time across all charter schools in order to ensure that all students have a more equal chance of receiving a more quality education. Local school districts should also consider adopting moratoriums preventing new charter schools from being formed and refusing to renew current charters until all charter schools within the district get rid of their practices that segregate based on race or class, as well as those policies that discriminate against children that are special needs or ELL. Charter schools need more oversight in order to be successful. A mass creation of school districts that are primarily or 100% charter school is not a path any government should want to go down. We cannot allow our nation to turn into a 100% charter school system if it will function similarly to the system currently in place in New Orleans. We cannot continue to allow charter schools funded by public tax dollars to operate in such a way that is leading to rising segregation of our school systems when integration is [\*949] so vital to an educational experience. Currently, the limited funding the federal government provides for public education is being used to subsidize charter schools that segregate and underperform. **This needs to be changed if the federal government is serious about closing the achievement gap and upholding the spirit of Brown v. Board of Education.**

**Charter Schools 1AC (3/10)**

**Segregation in education promotes a system of unjust exclusion, entrenching the achievement gap and poverty**

**Siegel-Hawley and Frankenberg 2011**

Genevieve, UCLA, and Erica, Pennsylvania State University, Michigan Journal of Race & Law; Ann Arbor16.2 (Spring 2011): 321-376. DOES LAW INFLUENCE CHARTER SCHOOL DIVERSITY? AN ANALYSIS OF FEDERAL AND STATE LEGISLATION

American school children are more segregated today than they were in 1968, the year of Dr. Martin Luther King, Jr.'s assassination.11 **Two-fifths of the country's Black and Latino students attend schools that are considered intensely segregated, where 90 to 100% of students are from racial minority backgrounds.**12 Furthermore, **more than two-fifths of Black and Latino students attend schools where more than 80% of the student body qualifies for free or reduced lunch prices (a common measure of poverty,** which is set at 185% of the federal poverty line). **Just 4% of White students attend similarly impoverished schools**.13 **These school enrollment trends matter because racially and socioeconomically separate educational settings continue to be associated with intensely unequal outcomes for students.** The overlap between race and poverty concentration-nine times out of ten, segregated schools with high percentages of students of color are also high poverty schools14- corresponds with differential resources and opportunities. **In a society increasingly dependent upon college and professional degrees, high poverty schools are dramatically more likely to be "drop out factories"-places of learning where fewer than 50% of students will graduate.**15 **Research underscores the critical importance of a stable, high-quality teaching force,16 yet learning environments with high concentrations of student poverty are more likely to be associated with high rates of teacher turnover and fewer experienced teachers.**17 **Students in high-poverty, minority segregated schools typically have less access to challenging curricula and materials, including Advanced Placement courses**.18 They are also likely to be cut off from more advantaged social networks that pass along information about educational and employment opportunities.19 **Each of these different dimensions connects to a cycle of diminished educational attainment and economic opportunity.**

**Charter Schools 1AC (4/10)**

**Educational inequality cements overall social inequality, hurts democracy and the economy**

**Robinson 2013**

Kimberly Jenkins, University of Richmond School of Law (“The High Cost of Education Federalism,” Wake Forest Law Review (48 Wake Forest L. Rev. 287), Spring.

Although **the nation's current approach to education federalism** undoubtedly generates some benefits, it also **tolerates substantial inequitable disparities in educational opportunity both within and between states.** n7 **The reality of local control of education** for many communities **means the ability to control inadequate resources that provide many students substandard educational opportunities.** n8 **The opportunity divide in American education continues to relegate far too many poor and minority schoolchildren to substandard educational opportunities.** n9 These communities are left behind in the competition for educational excellence. n10 In addition, high-poverty schools, particularly those within urban school districts, regularly yield the worst academic outcomes. n11 [\*290] **These disparities in educational opportunity hinder schools from fulfilling some of their essential national and institutional goals. Schools serve indispensable public functions within a democratic society: they prepare students to engage in the nation's political system in an intelligent and effective manner and transmit the fundamental societal values that a democratic government requires.** n12 The nation also relies on its public schools as the principal institutional guarantor of equal opportunity within American society by serving as a mechanism to ensure that children are not hindered in attaining their dreams by their life circumstances. n13 **Americans depend on schools to address the societal challenges created by social and economic inequality** rather than creating the extensive social welfare networks that many industrialized countries have implemented. n14 **The disparities in educational opportunity that relegate many poor and minority students to substandard schooling have hindered the ability of schools to serve these functions.** Indeed, **rather than solve these challenges, low graduation rates and substandard schools cost the United States billions of dollars each year in lost tax and income revenues, higher health care costs, food stamps, and welfare and housing assistance, to name a few of the costs.** n15

**Charter Schools 1AC (5/10)**

**Racism reduces our humanity—we must challenge racism everywhere it appears**

**Memmi 2000**

Albert, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165

**The struggle against racism will be long,** difficult, without intermission, without remission, **and probably never achieved.** **Yet, for this very reason, it is a struggle to be undertaken without** surcease and without **concessions.** **One cannot be indulgent toward racism;** one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. **To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. In that sense, **we cannot fail to rise to the racist challenge.** However, it remains true that one’s moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination.** From an ethical point of view, if one can deploy a little religious language, racism is ‘the truly capital sin. It is not an accident that almost all of humanity’s spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments.

#### Robust empirical research proves—democracy prevents war

DAFOE & RUSSETT 2013

Allen and Bruce, Yale, Assessing the Capitalist Peace, p.110, published October 2013

**The democratic peace—the empirical association between democracy and peace—is an extremely robust finding.** More generally, many liberal factors are associated with peace and many explanations have been offered for these associations, including the effects of: **liberal norms, democratic signaling, credible commitments, the free press, economic interdependence, declining benefits of conquest, signaling via capital markets, constraints on the state, constraints on leaders, and others.** Scholars are still mapping the contours of the liberal peace, and we remain a long way from fully understanding the respective influence of these different candidate causal mechanisms. All this being said, the robustness of the democratic peace, as one interrelated empirical aspect of the liberal peace, is impressive. The **democratic peace has been interrogated for over two decades and no one has been able to identify an alternative factor that accounts for it in cross-national statistical analyses.** Democracy in any two countries (joint democracy) has been shown to be robustly negatively associated with militarized interstate disputes (MIDs), fatal MIDs, crises, escalation, and wars.

**Charter Schools 1AC (6/10)**

**Advantage Two is the Economy:**

**First, continued inequality and leads to demagogues**

**The Economist 2015**

The Economist, America’s New Aristocracy, Jan 22nd, 2015, <http://www.economist.com/news/leaders/21640331-importance-intellectual-capital-grows-privilege-has-become-increasingly?fsrc=scn%2Ffb%2Fte%2Fpe%2Fed%2Famericasnewaristocracy>

Finally, America’s universities need an injection of meritocracy. Only a handful, such as Caltech, admit applicants solely on academic merit. All should. And colleges should make more effort to offer value for money. With cheaper online courses gaining momentum, traditional institutions must cut costs or perish. The state can help by demanding more transparency from universities about the return that graduates earn on their degrees. **Loosening the link between birth and success would make America richer—far too much talent is currently wasted. It might also make the nation more cohesive. If Americans suspect that the game is rigged, they may be tempted to vote for demagogues of the right or left—especially if the grown-up alternative is another Clinton or yet another Bush.**

**And second, these gaps impose higher recurring annual economic cost on the U.S. economy compared to any recession since 1970**

**Auguste, Hancock, & Laboissière 2009**

Byron, Bryan, and Martha, McKinsey Consulting, “The Economic cost of the US education gap” <http://www.mckinsey.com/industries/social-sector/our-insights/the-economic-cost-of-the-us-education-gap>

**A persistent gap in academic achievement between children in the United States and their counterparts in other countries deprived the US economy of as much as $2.3 trillion in economic output in 2008,** McKinsey research finds. Moreover, each of **the long-standing achievement gaps among US students** of differing ethnic origins, income levels, and school systems **represents hundreds of billions of dollars in unrealized economic gains. Together, these disturbing gaps underscore the staggering economic and social cost of underutilized human potential.** Yet they also create room for hope by suggesting that the widespread application of best practices could secure a better, more equitable education for the country’s children—along with substantial economic gains. How has educational achievement changed in the United States since 1983, when the publication of the seminal US government report A Nation at Risk[2](http://www.mckinsey.com/industries/social-sector/our-insights/the-economic-cost-of-the-us-education-gap)sounded the alarm about the “rising tide of mediocrity” in American schools? To learn the answer, we interviewed leading educational researchers around the world, assessed the landscape of academic research and educational-achievement data, and built an economic model that allowed us to examine the relationships among educational achievement (represented by standardized test scores), the earnings potential of workers, and GDP. We made three noteworthy assumptions: test scores are the best available measure of educational achievement; educational achievement and attainment (including milestones such as graduation rates) are key drivers in hiring and are positively correlated with earnings; and labor markets will hire available workers with higher skills and education. While these assumptions admittedly simplify the socioeconomic complexities and uncertainties, they allowed us to draw meaningful conclusions about the economic impact of educational gaps in the United States. Four substantial achievement gaps emerged from our work (Exhibit 1). The first is the international one. As recently as the 1960s, the United States led the world in a variety of educational outcomes. Yet the Organisation for Economic Co-operation and Development (OECD) found that in 2006, America ranked 25th out of 30 industrialized countries in math and 24th in science. Moreover, cross-country comparisons of US students at two different ages—9–10 and 15—suggest that the closer they get to joining the labor force, the further they lag behind their international counterparts in reading, math, and science. **The gap’s impact is startling: if the United States had closed it by 1998** and reached the level of the top performers, such as Finland and South Korea, **the US GDP could have been $1.3 trillion to $2.3 trillion higher in 2008.** To put the facts another way, **the gap imposes a higher recurring annual economic cost on the US economy than the current recession does.** Next we looked at other gaps in US educational achievement. A second one emerges among US students of different ethnic origins. As researchers have long known, black and Hispanic students score, on average, two to three years behind white students of the same age on standardized tests—a gap that persists regardless of how it is measured. These differences too represent sizable missed opportunities. If the gap had been bridged by 1998, the 2008 US GDP could have been up to $525 billion higher than it was. When we looked at the implications of the achievement gap on US earnings, we found that in aggregate they could have been up to $160 billion higher in 2008 had it been eliminated. **Left unchecked, the magnitude of such disparities will rise in coming years as blacks and Hispanics account for a larger share of the US population.** The two remaining achievement gaps we studied—one between students at different income levels, the other between higher- and lower-performing school systems—also appear to exact a heavy price. We define lower-income students as those eligible for free lunch through a government program. Had the achievement gap between them and other students been bridged by 1998, a decade later US GDP might have been as much as $670 billion higher than it was. If the gap between low-performing states and the US average had been closed, the 2008 US GDP could have been up to $700 billion higher. Collectively, the economic impact of the four achievement gaps we studied is significant—comparable, in their effect on the US economy, to recessions since the 1970s (Exhibit 2)

**Charter Schools 1AC (7/10)**

**And economic decline will lead Trump to launch diversionary wars—his simplicity and paranoid nature makes him uniquely likely to do so.**

**Foster 2016**

Dennis, Virginia Military Institute, 12-19-16 “Would President Trump go to war to divert attention from problems at home?”, <http://inhomelandsecurity.com/would-president-trump-go-to-war-to-divert-attention-from-problems-at-home/>

**If the U.S. economy tanks, should we expect Donald Trump to engage in a diversionary war?** Since the age of Machiavelli, analysts have expected world leaders to launch international conflicts to deflect popular attention away from problems at home. **By stirring up feelings of patriotism, leaders might escape the political costs of** scandal, unpopularity — or **a poorly performing economy.** One often-cited example of diversionary war in modern times is Argentina’s 1982 invasion of the Falklands, which several (though not all) political scientists attribute to the junta’s desire to divert the people’s attention from a disastrous economy. In a 2014 article, Jonathan Keller and I argued that **whether U.S. presidents engage in diversionary conflicts depends in part on their psychological traits** — **how they frame the world, process information and develop plans of action.** Certain traits predispose leaders to more belligerent behavior. Do words translate into foreign policy action? One way to identify these traits is content analyses of leaders’ rhetoric. The more leaders use certain types of verbal constructs, the more likely they are to possess traits that lead them to use military force. For one, **conceptually simplistic leaders view the world in “black and white” terms; they develop unsophisticated solutions to problems and are largely insensitive to risks. Similarly, distrustful leaders tend to exaggerate threats and rely on aggression to deal with threats. Distrustful leaders typically favor military action and are confident in their ability to wield it effectively. Thus, when faced with politically damaging problems that are hard to solve — such as a faltering economy — leaders who are both distrustful and simplistic are less likely to put together complex, direct responses. Instead, they develop simplistic but risky “solutions” that divert popular attention from the problem, utilizing the tools with which they are most comfortable and confident (military force).** Based on our analysis of the rhetoric of previous U.S. presidents, we found that presidents whose language appeared more simplistic and distrustful, such as Harry Truman, Dwight Eisenhower and George W. Bush, were more likely to use force abroad in times of rising inflation and unemployment. By contrast, John F. Kennedy and Bill Clinton, whose rhetoric pegged them as more complex and trusting, were less likely to do so. What about Donald Trump? Since Donald Trump’s election, many commentators have expressed concern about how he will react to new challenges and whether he might make quick recourse to military action. For example, the Guardian’s George Monbiot has argued that political realities will stymie Trump’s agenda, especially his promises regarding the economy. Then, **rather than risk disappointing his base, Trump might try to rally public opinion to his side via military action.** I sampled Trump’s campaign rhetoric, analyzing 71,446 words across 24 events from January 2015 to December 2016. Using a program for measuring leadership traits in rhetoric, I estimated what Trump’s words may tell us about his level of distrust and conceptual complexity. The graph below shows Trump’s level of distrust compared to previous presidents. As a candidate, Trump also scored second-lowest among presidents in conceptual complexity. Compared to earlier presidents, he used more words and phrases that indicate less willingness to see multiple dimensions or ambiguities in the decision-making environment. These include words and phrases like “absolutely,” “greatest” and “without a doubt.” A possible implication for military action I took these data on Trump and plugged them into the statistical model that we developed to predict major uses of force by the United States from 1953 to 2000. For a president of average distrust and conceptual complexity, an economic downturn only weakly predicts an increase in the use of force. But **the model would predict that a president with Trump’s numbers would respond to even a minor economic downturn with an increase in the use of force.** For example, were the misery index (aggregate inflation and unemployment) equal to 12 — about where it stood in October 2011 — **the model predicts a president with Trump’s psychological traits would initiate more than one major conflict per quarter.**

**Charter Schools 1AC (8/10)**

**And our plan works: Federal incentives are key to get localities to change, and prevent racial backsliding by the states**

**Rust 2013**

JD Candidate @ Loyola U Jennifer Reboul, "Investing in Integration: A Case for 'Promoting Diversity' in Federal Education Funding Priorities," 59 Loy. L. Rev. 623

**History has demonstrated that strong, proactive federal initiatives achieve triumphs in school integration, whereas inactivity** on the part of the federal government **leads to retrenchment from the progress achieved.** n261 If the DOE follows the Supreme Court's direction and treats school integration and reduction of racial isolation as compelling government interests, schools could begin to experience some reversal of the resegregation trends of the past few decades. The DOE's "Priority 11" is an important step in that direction, but **language promoting school integration will need to be laced into education programs across the board to make a real impact.** Today, **new education reform movements may offer potential solutions to some of the barriers to integration currently faced by traditional public schools.** Charter schools understandably generate mixed reactions because of their heightened level of autonomy and potential for exacerbating school segregation. However, **charter schools can readily become effective tools of integration should federal education programs comprehensively incentivize such measures.** [\*668] **Competitive grant programs can be a powerful spur to education reform. In 2010, over thirty states changed their education policies in hopes of winning part of the $ 4.35 billion in grant money made available through Obama's Race to the Top Fund.** n262 **Without the promise of federal help, it is doubtful that states would have undertaken reform on this scale.** The following recommendations **urge Congress to marry support for charter school expansion with stronger incentives to improve educational equity for all students.** The DOE should consider **adding a new competitive funding priority in the RTF to incentivize districts seeking RTF funds and other discretionary grants to implement diversity measures.** At a minimum, **the DOE should persuade all charter schools receiving federal funds to take basic, affirmative steps to promote racial and economic integration**. The new priority would take into account integration-promoting measures and explicitly disincentivize concentrating high-needs students into the same schools. Specifically, **the RTF should be amended to include "promoting diversity" as a competitive funding priority.** By labeling this as a competitive rather than an absolute priority, schools are awarded points for adopting integrationist policies but are not barred from receiving funds if they are unable to acquire all of the allotted points, which makes compliance less arduous but still worthwhile.

**Charter Schools 1AC (9/10)**

**And charter schools work to reduce the achievement gap. Studies prove that charter schools have been widely unappreciated, but they are successful and improving.**

**Ozimek 2015**

Adam, “The Unappreciated Success Of Charter Schools”, Forbes, 1-11-2015, <https://www.forbes.com/sites/modeledbehavior/2015/01/11/charter-success/#132f80ef2dbf>

**I think the conventional wisdom on charter school evidence summed up thusly: "some charter schools appear to do very well, but on average charters do no better and no worse than public schools"**. But I would like to propose a better conventional wisdom: "**some charter schools appear to do very well, and on average charters do better at educating poor students and black students"**. If the same evidence existed for some policy other than charter schools, I believe this would be the conventional wisdom. Two of the most widely cited charter studies are a [2009](http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf) and [2013 analysis](http://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf) of charters in 16 and 27 states respectively by the Center for Research on [Education](http://www.forbes.com/education/) Outcomes (CREDO). The results that many cite are the charter schools do no better or worse than nearby public schools on average, which was the conclusion of the 2009 study. However, I think this claim really missed the bigger picture. **While overall charters and public schools compare relatively closely, both the 2009 and 2013 study found that charters did better for students in poverty. In addition, performance gap is growing over time:** Charter school impacts with students in poverty and English language learners were positive in 2009 in both reading and math. These positive results have sustained and in fact increased in 2013. And the results are especially strong for black students in poverty. As the CREDO study reports: "Black students in poverty who attend charter schools gain an additional 29 days of learning in reading and 36 days in math per year over their [traditional public school] counterparts (see Figure 30). This shows the impact of charter schooling is especially beneficial for black students who in poverty." You see this result repeated on other studies as well. Using randomized study results from charter school lotteries in Massachusetts, [Angrist, Pathak, and Walters find](http://economics.mit.edu/files/9102) that non-urban charters don't outperform public schools and may even do worse, but urban charter schools benefit black students and poor students: Black and Hispanic students benefit considerably from urban charter attendance in middle school, but the estimated math gains for whites are smaller, with no increase in whites’ ELA scores. **Urban charter middle schools appear to produce especially large achievement gains for students eligible for a subsidized lunch and for those with low baseline scores.** Attendance at urban charter high schools increases math scores in every group and raises reading scores for everyone except whites, though estimates for small groups are imprecise. **It's hard to imagine it another policy being called a failure because it only benefitted poor students and black students** but the overall scores were held down by non-urban schools and white students. The improvement of the charter sector over time is not surprising and has been documented elsewhere. A [recent NBER paper](http://hanushek.stanford.edu/sites/default/files/publications/Baude%2BCasey%2BHanushek%2BRivkin%202014%20NBER%20w20645.pdf) found this was true for charter schools in Texas. The abstract reports: We study quality changes among Texas charter schools between 2001 and 2011. Our results suggest that the charter sector was initially characterized by schools whose quality was highly variable and, on average, less effective than traditional public schools. However, exits from the sector, improvement of existing charter schools, and positive selection of charter management organizations that open additional schools raised average charter school effectiveness over time relative to traditional public schools. As a result, I think **charter critics who draw on empirical research that compares outcomes are fighting a losing battle. The charter sector is outperforming public schools by some measures already, but more importantly they are getting better over time.** I have little doubt that the next CREDO study will show charters making even more gains. Critics determined to oppose charters should start to pivot now, because they are standing on a leg that will give out eventually.

**Charter Schools 1AC (10/10)**

**Charter schools are laboratories for successful education reform**

**Fryer 2012**

Roland G. Harvard University. Learning from the Successes and Failures of Charter Schools, The Hamilton Project, Brookings Institute, September 2012, <https://scholar.harvard.edu/files/fryer/files/hamilton_project_paper_2012.pdf>

Publicly funded but privately run, **charter schools come in many shapes and sizes.** In fact, **they are nothing if not diverse,** with some in the inner city and others in rural areas, some that are members of larger networks and others that are stand-alone institutions. **There is no single type of charter school: their operating procedures differ from one another as well as from traditional public schools.** When originally conceived, charter schools offered two distinct promises: First, **they were to serve as an escape hatch for students in failing schools. Second, they were to use their legal and financial freedoms to create and incubate new educational practices.** The evidence on how these promises have been kept is mixed: some charters have availed themselves of this freedom and shown marked success, but others have had disastrous results. It is this disparity of outcomes **that provides an exceedingly rare laboratory in which to understand how schools determine student outcomes based on the policies they adopt and the choices they make.** Charter schools currently enroll almost 4 percent of all students, a number as substantial as it is in large part because of their willingness to try new approaches.

**That innovation spills over to improve public schools**

**Fryer 2012**

Roland G. Harvard University. Learning from the Successes and Failures of Charter Schools, The Hamilton Project, Brookings Institute, September 2012, <https://scholar.harvard.edu/files/fryer/files/hamilton_project_paper_2012.pdf>

Armed with these correlates of charter school effectiveness, **we cannot simply wait for the expansion of successful charter schools.** At their current rate of growth, it will take more than a hundred years for high-performing charter schools to educate every student in the country. For these benefits to reach the students who need them most, the United States will need to take the innovations from charter schools that have proven effective and apply them to the traditional public schools that serve most students. Applying the Lessons of Charter Schools in Public Schools **Recent promising—but preliminary—evidence from demonstration projects in Houston and Denver suggests that these practices can be transferred from charters to public schools** (see box “Houston Case Study” for details). In the 2010–11 school year, nine of the worst-performing schools in the Houston Independent School District participated in an experiment testing these very elements with the cooperation of the district. Starting in the 2011–12 school year, Denver Public Schools began a similar initiative in ten schools. While the data from the most recent school years are still coming in, **the results thus far suggest student test scores improved dramatically**. In fact, the magnitude of this increase was strikingly similar to that seen among the best charters. Figure 3 places student results from Houston and Denver in the context of high-achieving charter schools. Each bar represents the effect of these schools on students’ math and reading test scores. The results seen in Houston and Denver are comparable to those of successful charter schools. For the Houston schools, these effects are enough to close the math achievement gap between the schools in the experiment— some of the worst-performing schools in Houston—and the average Houston public school in less than two years. These test score gains are remarkable, but only insofar as they are predictive of later life outcomes. If charter schools produce high test scores but also increase the number of students who become teen mothers or who end up incarcerated, we cannot consider them successful. New evidence from a survey of Harlem Children’s Zone lottery applicants demonstrates that students who won the lottery were half as likely to have been pregnant and one-quarter as likely to have been incarcerated by the time they were surveyed at around age eighteen. Furthermore, lottery winners are 86 percent more likely to have taken the SAT and 32 percent more likely to have been accepted to college. These figures suggest that the improvement in student test scores produced by high-performing charter schools has a meaningful impact on later life outcomes as well. **By disentangling which factors make charters successful and demonstrating that these factors are able to take root in traditional public schools, we have illuminated a path forward. Expanding this approach to similar schools across the country while experimenting with combinations of reforms can help us better understand what works for different schools.**

# 2AC Inherency: Status Quo Doesn’t Work

**Traditional Public schools aren’t serving students well now, especially those in poverty**

**Burke 2017**

Lindsey, December 12 2016, "Recalibrating Accountability: Education Savings Accounts as Vehicles of Choice and Innovation," Heritage Foundation, http://www.heritage.org/education/report/recalibrating-accountability-education-savings-accounts-vehicles-choice-and

**The promise of public education in America is that every child will have access to a high-quality education that meets his or her learning needs. Unfortunately, the district school system falls far short of that promise. America’s district school system guarantees all children access to a seat at a school assigned to them based on the location of their home. In theory, all of these schools must meet a certain standard of quality, but in practice, no such guarantee exists. America’s district schools have fallen behind their international counterparts.** On the most recent PISA[4] exam, America ranked 32nd in math among participating nations in the industrialized world,[5] despite a significant increase in funding. Indeed, adjusted for inflation, the average amount spent annually per pupil at the nation’s district schools has approximately tripled since 1970 and yet the scores of 17-year-olds on the Long-Term Trend Assessments of the National Assessment of Educational Progress have remained flat. Moreover, the quality of district schools can vary significantly, **and the schools to which students from low-income families are generally assigned tend to underperform significantly on average.** Variation in funding levels does not explain the variation in results. If funding were the primary driver of quality, then Washington, DC’s district schools, which spend almost $30,000 per pupil annually, should be among the nation’s best instead of among the worst.

**Our schools suck, and funding increases, classroom size, and teacher salary changes haven’t done anything**

**Bethell 2005**

Tom. Hoover Institute, “The Quality of Public Education has Declined,” Education: Opposing Viewpoints. Greenhaven Press, 2005

In February 2003, the Hoover institution's Koret Task force on K-12 education met in Washington to present a progress report on American Schools. The symposium was held 20 years after the National Commission on Excellence in Education had severely criticised US education. Its report, A Nation at Risk, found that **US schools, once the envy of the world, were in sharp decline. “A rising tide of mediocrity,”** the commission noted in its most quoted sentence, **“threatens our very future as a Nation and a people.”** After months of investigation, the Hoover Institution’s task force found little to no progress. **Some things indeed have changed. A great deal more money is being spent on primary and high school education. The budget of the Department of Education rose from 14 billion to 55 billion. Teacher’s salaries have risen. Classroom size has been reduced. But these changes have not translated into improved teaching or student achievement. Performance remains flat.**

# 2AC Inherency: Answer to Trump pushing school choice now

**Trump has pushed school choice initiatives, but it isn’t being implemented.**

**Rotherham 2017**

Andrew, Bellwether Education Partners, June 15th 2017 <https://www.usnews.com/opinion/knowledge-bank/articles/2017-06-15/toward-a-better-bigger-education-future-after-donald-trump>

**President Donald Trump's big idea was to be school choice** – in some ways a natural outgrowth of the ups and downs of the efforts of his predecessors. **But don't hold your breath. The president's team is neither laying the groundwork nor figuring out the policy for an ambitious choice push and, in any event, Washington will be consumed with the Russian investigation for the foreseeable future.** Currently, **Trump's choice plan is at best a talking point.** The administration is handling the issue so poorly, it's shattering even more alliances among Republicans than Democrats right now – despite how choice exposes the political fragility of the Democratic coalition. But as we look toward 2020, it's not too early to think about the kind of big ideas our education system needs. (Rather than get sidetracked in the tiresome debate about whether or not we have an education crisis, just bear in mind that fewer than 10 percent of low-income and minority students receive a college degree by the time they're 24, while overall outcomes are middling at best. Seems like something to which even people casually concerned about inequality should pay attention.) The incentives against big education ideas are formidable: Republicans fetishize state and local control, and Democrats tiptoe around the teachers unions because of their outsized role in the nominating process.

# 2AC Inherency: Choice Racist Now

**Choice now is racist**

**Frankenberg et al 2009**

Erica, Pennsylvania State University, Genevieve Siegel-Hawley, UCLA, Gary Orfield, UCLA, Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards. Los Angeles, CA: The Civil Rights Project/Proyecto Derechos Civiles at UCLA; www.civilrightsproject.ucla.edu. <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report>

**In other words, instead of a federal policy offering parents a real choice out of high-poverty, racially isolated schools, charter schools simply intensify patterns of isolation prevalent among traditional public schools. States often have weak civil rights and equity policies regarding charter school establishment and enrollment,** as summarized in our November 2009 policy report (Frankenberg & Siegel-Hawley, 2009). **Little state or federal direct action has been taken to change or correct racial isolation in charter schools** despite numerous past reports by The Civil Rights Project and others highlighting this persistent and growing problem. Our new findings demonstrate that, while segregation for blacks among all public schools has been increasing for nearly two decades, **black students in charter schools are far more likely than their traditional public school counterparts to be educated in intensely segregated settings.** Two out of every three black charter school students attend intensely segregated schools in fifteen states (among states with at least 5,000 charter students) across the country. In four of those states, 90% of black students attend a hyper-segregated charter school. **These figures are staggering, and remain considerably higher than in states with the highest black segregation among regular public schools.**82 Finally, more than two-fifths of black charter school students attended “apartheid” schools, where 99% of students were from underrepresented minority backgrounds.

**Charter schools are increasing segregation now—but they don’t have to**

**Eastman, Anderson and Boyles 2016**

Nicholas, Morgan and Deron, “Choices or Rights? Charter Schools and the Politics of Choice-Based Education Policy Reform”, Stud Philos Educ (2017) 36:61–81

Aside from the incompatibility of empowering consumers in an educational marketplace and collective efforts to achieve broad civil rights, **the proliferation of charter schools has occurred alongside the resegregation of U.S. schools. While charters in no way assume all of the blame for increased school segregation, they have made it significantly easier as they shift political attention and public investment away from social issues** like housing discrimination, corporate tax breaks that impoverish urban communities, financial redlining, food deserts, and access to safe noncommercial public spaces. It is of course important to consider that charter schools function differently based on their context. While some charters exist to capitalize off of resource-starved communities in urban cores, and others serve as havens of ‘‘white flight,’’ research has shown that school choice has resulted in increased racial segregation. Erica Frankenberg and Chungmei Lee found that: **70 % of all black charter school students attend intensely segregated minority schools compared with 34 % of black public school students.** In almost every state studied, the average black charter school student attends school with a higher percentage of black students and a lower percentage of white students.32 Furthermore: Because of the disproportionately high enrollment of minority students in charter schools, white charter school students go to school, on average, with more nonwhite students than whites in non-charter public schools. However, there are pockets of white segregation where white charter school students are as isolated as black charter school students.’’33 **Charters need not be intentionally segregative**—though those that target specific communities arguably are—to roll back efforts to achieve full and fair public school integration. **The wide variations in state and municipal laws governing charter school operations make the sort of universal provisions afforded by Brown, Lau, and IDEA difficult to monitor and enforce.** The irony here is stark, given that the charter movement advertises itself as a form of increased accountability in public education. Nonetheless, there is ample evidence that charter schools have been detrimental to desegregating U.S. public schools.

# 2AC Impact Extension: Structural Violence Outweighs

**Structural violence is worse than other impacts, we have a moral obligation to act.**

**Ansell 2017**

David A., Rush University Medical Center, 2017 (“American Roulette,” The Death Gap: How Inequality Kills, Published by the University of Chicago Press

**There are many different kinds of violence.** Some are obvious: punches, attacks, gunshots, explosions. These are the kinds of interpersonal violence that we tend to hear about in the news. Other kinds of violence are intimate and emotional. But **the deadliest and most thoroughgoing kind of violence is woven into the fabric of American society. It exists when some groups have more access to goods, resources, and opportunities than other groups,** including health and life itself. This violence delivers specific blows against particular bodies in particular neighborhoods. **This unequal advantage and violence is built into the very rules that govern our society.** In the absence of this violence, large numbers of Americans would be able to live fuller and longer lives. **This kind of violence is called structural violence**, because it is embedded in the very laws, policies, and rules that govern day-to-day life.8 It is the cumulative impact of laws and social and economic policies and practices that render some Americans less able to access resources and opportunities than others. This inequity of advantage is not a result of the individual’s personal abilities but is built into the systems that govern society. Often it is a product of racism, gender, and income inequality. The diseases and premature mortality that Windora and many of my patients experienced were, in the words of Dr. Paul Farmer, “biological reflections of social fault lines.”9 As a result of these fault lines, a disproportional burden of illness, suffering, and premature mortality falls on certain neighborhoods, like Windora’s. Structural violence can overwhelm an individual’s ability to live a free, unfettered, healthy life. As I ran to evaluate Windora, I knew that her stroke was caused in part by lifelong exposure to suffering, racism, and economic deprivation. Worse, the poverty of West Humboldt Park that contributed to her illness is directly and inextricably related to the massive concentration of wealth and power in other neighborhoods just miles away in Chicago’s Gold Coast and suburbs. That concentration of wealth could not have occurred without laws, policies, and practices that favored some at the expense of others. Those laws, policies, and practices could not have been passed or enforced if access to political and economic power had not been concentrated in the hands of a few. Yet these political and economic structures have become so firmly entrenched (in habits, social relations, economic arrangements, institutional practices, law, and policy) that they have become part of the matrix of American society. The rules that govern day-to-day life were written to benefit a small elite at the expense of people like Windora and her family. These rules and structures are powerful destructive forces. The same structures that render life predictable, secure, comfortable, and pleasant for many destroy the lives of others like Windora through suffering, poverty, ill health, and violence. These structures are neither natural nor neutral. The results of structural violence can be very specific. In Windora’s case, stroke precursors like chronic stress, poverty, and uncontrolled hypertension run rampant in neighborhoods like hers. Windora’s illness was caused by neither her cultural traits nor the failure of her will. Her stroke was caused in part by inequity. She is one of the lucky ones, though, because even while structural violence ravages her neighborhood, it also abets the concentration of expensive stroke- intervention services in certain wealthy teaching hospitals like mine. If I can get to her in time, we can still help her. Income Inequality and Life Inequality Of course, Windora is not the only person struggling on account of structural violence. Countless neighborhoods nationwide are suffering from it, and people are dying needlessly young as a result. The magnitude of this excess mortality is mind-boggling. In 2009 my friend Dr. Steve Whitman asked a simple question, “How many extra black people died in Chicago each year, just because they do not have the same health outcomes as white Chicagoans?” When the Chicago Sun-Times got wind of his results, it ran them on the front page in bold white letters on a black background: “HEALTH CARE GAP KILLS 3200 Black Chicagoans and the Gap is Growing.” The paper styled the headline to look like the declaration of war that it should have been. In fact, we did find ourselves at war not long ago, when almost 3,000 Americans were killed. That was September 11, 2001. That tragedy propelled the country to war. Yet when it comes to the premature deaths of urban Americans, no disaster area has been declared. No federal troops have been called up. No acts of Congress have been passed. Yet this disaster is even worse: those 3,200 black people were in Chicago alone, in just one year. Nationwide each year, more than 60,000 black people die prematurely because of inequality.10 While blacks suffer the most from this, it is not just an issue of racism, though racism has been a unique and powerful transmitter of violence in America for over four hundred years.11 Beyond racism, poverty and income inequality perpetuated by exploitative market capitalism are singular agents of transmission of disease and early death. As a result, there is a new and alarming pattern of declining life expectancy among white Americans as well. Deaths from drug overdoses in young white Americans ages 25 to 34 have exploded to levels not seen since the AIDS epidemic. This generation is the first since the Vietnam War era to experience higher death rates than the prior generation.12 White Americans ages 45 to 54 have experienced skyrocketing premature death rates as well, something not seen in any other developed nation.13 White men in some Appalachian towns live on average twenty years less than white men a half-day’s drive away in the suburbs of Washington, DC. Men in McDowell County, West Virginia, can look forward to a life expectancy only slightly better than that of Haitians.14 But those statistics reflect averages, and every death from structural violence is a person. When these illnesses and deaths are occurring one at a time in neighborhoods that society has decided not to care about—neighborhoods populated by poor, black, or brown people—they seem easy to overlook, especially if you are among the fortunate few who are doing incredibly well. **The tide of prosperity in America has lifted some boats while others have swamped.** Paul Farmer, the physician-anthropologist who founded Partners in Health, an international human rights agency, reflects on the juxtaposition of “unprecedented bounty and untold penury”: “It stands to reason that as beneficiaries of growing inequality, we do not like to be reminded of misery of squalor and failure. Our popular culture provides us with no shortage of anesthesia.”15 **That people suffer and die prematurely because of inequality is wrong. It is wrong from an ethical perspective. It is wrong from a fairness perspective. And it is wrong because we have the means to fix it.**

# 2AC Solvency: Diversity Mandates Needed

**Diversity requirements are necessary—the model is proven to work, and charter schools alone increase segregation.**

**Potter & Quick 2016**

Halley, Kimberly, The Century Foundation, “A New Wave of School integration” https://tcf.org/content/report/a-new-wave-of-school-integration/

**The other main approach for pursuing integration** across all or many schools in a district, rather than redrawing attendance boundaries, **is to shift enrollment to a choice-based policy, with explicit consideration of diversity in the design of the program.** We identified sixteen school districts that use some form of district-wide choice policies that consider diversity. **Considering diversity** a goal when designing a controlled choice program **is important, since research shows that choice alone is usually not enough to produce integration, and in fact can actually increase school segregation.**Districts with **choice programs that effectively promote integration** typically have clear diversity goals for student enrollment; **devote resources to student recruitment and family engagement, particularly targeting low-income families and others who may have less access to information about schools through their social networks; monitor diversity during the school application phase and adjust recruitment strategies** as needed; consider socioeconomic factors in the algorithm for assigning students to schools; and/or invest in new programming to attract students of different backgrounds to apply to schools that are currently less diverse.

# 2AC Solvency: Race To The Top/Charter Schools Key

**Race to the Top and Charter Schools are Key**

**Rust 2013**

JD Candidate @ Loyola U Jennifer Reboul, "Investing in Integration: A Case for 'Promoting Diversity' in Federal Education Funding Priorities," 59 Loy. L. Rev. 623

By apportioning points for racially and economically-integrated schools comparable to the priority now given to schools with concentrations of at-risk or low-income students, schools may be more inclined to seriously consider ways to serve educationally disadvantaged students that do not involve concentrating them in high-needs schools. **The RTF is the program providing the most federal funding to charter schools today, and** thus, this new priority would encourage states to reevaluate their current preoccupation with operating high-needs schools. **Because charter schools are not constrained by many of the admission requirements burdening traditional public schools, the factors considered in the proposed priority are more easily implemented in charter schools.** For example, charter schools' authority to enroll students from anywhere in the state is crucial for breaking up poverty concentrations by allowing recruitment of diverse, out-of-district students in otherwise homogeneous, highly urban neighborhoods. Since charter schools already have this authority, the first and second factors speak mainly to traditional public school districts that do not have school choice options in place.

# 2AC Answer to Skimming Turn

**Charter Schools don’t “Skim” the best students**

**Ozimek 2015**

Adam, “The Unappreciated Success Of Charter Schools”, Forbes, 1-11-2015, <https://www.forbes.com/sites/modeledbehavior/2015/01/11/charter-success/#132f80ef2dbf>

The charter sectors' ability to do better for poor students and black students is important given that they disproportionately serve them. I remember when I was an undergrad in the early 2000s, the debates on charter schools were far more theoretical than they are now. Back then **I frequently heard the concern that charter schools were just going to engage in "cream skimming", be a way for middle class white families to escape urban school systems, and thus serve as one more form of segregation in this country. This concern has not come true, and currently 53% of charter students are in poverty compared 48% for public schools.** Charters also serve more minority students than public schools: charters are 29% black, while public schools are 16%. So not only do they serve more poor students and black students, but for this group they relatively consistently outperform public schools. **What's odd is how often these facts go ignored.** If the opposite were true, and charters served less minority or low-income students than public schools then it this would be trumpeted constantly and presented as perhaps the most important evidence in this debate. Or if charters showed strong positive results overall but didn't benefit poor students or black students they would be condemned as institutions that further inequality. I'm not accusing anyone of conscious bias here, but I think **if the empirical research on any other policy showed similar results that charters do for poor students and black students it would be far more widely embraced, and the average effects would be downplayed as less important.** [Matt Barnum](https://twitter.com/matt_barnum/status/554463560873832448) reminds me of a 15-state [randomized study](http://files.eric.ed.gov/fulltext/ED528381.pdf) from Mathematica: This paper presents findings from the first national randomized study of the impacts of charter schools on student achievement, which included 36 charter middle schools across 15 states.

**Charters aren’t worse the public schools and don’t skim**

**Perekhov 2013**

Vitaliy, 7-5-2013, "Does the Future of Public Education Lie With Charter Schools?," No Publication, <https://www.billtrack50.com/blog/social-issues/does-the-future-of-public-education-lie-with-charter-schools/>

To examine that theory, a quick examination of a study done by the RAND Corporation provides interesting insights into how the charter school explosion can be managed. **The study alleviates concerns that charter schools disproportionately accept high-performing students; therefore achievements by these schools can be compared with public schools. Also, the racial composition at a local charter school was not dramatically different than the local public school counterpart, so again the comparison remains valid.** Having established the validity of the study, the results serve as a further indictment of charter expansion without significant reform. **In this study the charter schools five of the seven regions produced results that were not substantially better or worse than public schools.** For several large populations like Chicago and Texas, charter schools were actually detrimental in comparison with traditional public schools for children in middle school. However, an advantage charter schools have that is not explicitly found in testing results is that children that attend both charter middle and high schools are more likely to graduate and move on to college.

# 2AC Solvency: Charter Schools Work--Parents

**Charter schools get high praise from parents, and improve with age**

**Gawlik** **2016**

Marytza, Florida State University, Institute for Charter Schools Research, “Charter Schools and the Sunshine State: What Does the Research Tell Us?”, <http://lsi.fsu.edu/wp-content/uploads/2016/07/Research-Summary_final.pdf>

**The charter school concept posits customer satisfaction as a final goal of the reform.** Gauging customer or, in this case, parental satisfaction is critical at every juncture of the reform. While **a few studies have examined parental satisfaction in charter school families,** the research is sparse. Customer satisfaction in the context of these studies and the figure is taken to mean mainly parental satisfaction. Lacey et al. (2006) surveyed parents, students, teachers, administrators and auxiliary personnel in five charter schools in Miami-Dade County and Broward County, Florida; **the researchers concluded that parents were most satisfied with administrative leadership, high expectations for students and school climate and least satisfied with school resources.** Solomon (2003) surveyed 11,777 parents in Arizona charter schools, asking about satisfaction with academic programs, teaching, facilities, discipline, and school mission. Parents were most satisfied with the school’s academic program and teaching. The author also asked parents to grade their child’s school using a traditional “A+” to “F” scale; 66.9 percent gave their child’s school an “A+” or “A.” Miron, Nelson and Risely (2002) found similar results in an evaluation of Pennsylvania’s charter schools; most parents stated that they enrolled their children in a charter school because of good teachers and high-quality instruction. Overall, parents were very satisfied with their school’s education program, but less satisfied with the school’s facilities and financial stability. Finally, Wohlstetter, Nayfack and Mora-Flores (2008) reported the results of a survey of potential stakeholder satisfaction for charter schools in Southern California. **The findings show that, overall, parents reported positive levels of satisfaction with charter schools. In addition the study showed that parents, especially those whose children attend new charter schools, were only moderately satisfied with school facilities and the support services offered to students, but these concerns were addressed through school improvement efforts as charter schools aged.**

# 2AC Solvency: Market Based Education Options Solve

**Market based education options out-perform traditional public schools**

**Burke 2017**

Lindsey, December 12 2016, "Recalibrating Accountability: Education Savings Accounts as Vehicles of Choice and Innovation," Heritage Foundation, http://www.heritage.org/education/report/recalibrating-accountability-education-savings-accounts-vehicles-choice-and

**These more market-like education systems outperformed more centralized ones by a ratio of 15 statistically significant findings to one across numerous different measures of educational outcomes, including:  Academic achievement;**  Efficiency (academic achievement per dollar spent);  **Parental satisfaction;**  Student attainment; **and  Subsequent earnings.**[10] District schools are primarily accountable to elected school boards and unelected state education bureaucrats, not parents. Parents who want to effect change in the district school system often need the support of a majority of school board members, which means that parents who disagree must vie against each other in a political process to have their preferences expressed.[11] Since politics is a zero-sum game, a district-based school system creates winners and losers and can shut out minority voices. Moreover, if a policy is set at the state level, even a majority of parents may be powerless to change it at the local level. By contrast, **in a market-based system,** schools are directly accountable to parents. Using a voucher or ESA, **parents can choose the school that reflects their preferences and values and meets their child’s learning needs. Because dissatisfied parents can leave and take their money with them, schools of choice have a powerful incentive to meet their needs.** If different groups of parents have differing views about education, rather than fight to have their preferences reflected in a single school system, they can enroll their children in different schools that each reflect their preferences.

**Market reform of education allows innovation to fix issues as they arise**

**Burke 2017**

Lindsey, December 12 2016, "Recalibrating Accountability: Education Savings Accounts as Vehicles of Choice and Innovation," Heritage Foundation, http://www.heritage.org/education/report/recalibrating-accountability-education-savings-accounts-vehicles-choice-and

Markets are ideally suited to following these steps. **They offer entrepreneurs and businesses a huge incentive to try new ways of doing things (experimentation); the people directly affected decide which ways they like best (evaluation); and those consumer responses inform which ways are kept and which are left behind (evolution). This three-step process is at work well beyond the bounds of explicitly economic activity. It is how our culture learns and evolves, how norms and habits form, and how society as a general matter “decides” what to keep and what to change. It is an exceedingly effective way to balance stability with improvement, continuity with alteration, tradition with dynamism.** It involves conservation of the core with experimentation at the margins in an effort to attain the best of both.[13] This process builds on strengths and corrects errors more effectively than regulatory fiat. In a market-based system, high-quality education providers that attract families have a strong incentive to expand while less effective providers must either go out of business or imitate their more successful competitors. For this process to work, **education providers should have the freedom to innovate and parents the freedom to choose the providers that work best for their children. Policymakers should keep this in mind when designing educational choice policies.**

# 2AC Solvency: Federal Action Needed

**Federal action needed to promote diversity—status quo and states aren’t enough.**

**Siegel-Hawley and Frankenberg 2011**

Genevieve, UCLA, and Erica, Pennsylvania State University, Michigan Journal of Race & Law; Ann Arbor16.2 (Spring 2011): 321-376. DOES LAW INFLUENCE CHARTER SCHOOL DIVERSITY? AN ANALYSIS OF FEDERAL AND STATE LEGISLATION

CONCLUSION **Federal and state governments have long shaped the nation's efforts to integrate schools. As the popularity of a variety of different forms of school choice has surged, laws** help **give form to how choice** either detracts from or **promotes diversity.** This Article indicates that **charter schools,** which have moved to the forefront of conversations about choice, **have not benefitted from a cohesive legal or policy framework that protects fundamental civil rights for students.** Far from it, in fact, as we find that the complex landscape of existing charter legislation has done little or nothing to guide the charter sector toward more racially integrated schooling. **Unless proactive equity measures like diversity guidelines,** extensive outreach, and free transportation **are embedded in the design of charters, and subsequently monitored and enforced, this popular version of education reform simply reinforces unequal educational opportunity.** Without necessary safeguards against the segregating effects of charter schools (documented by the federal government in its own charter school evaluations, in addition to a number of other research studies) families are left to comprehend and cope individually with the complicated landscape of school choice, which may leave them with few meaningful, high-quality, integrated choices. As the federal government engages in major fiscal incentives promoting the expansion of charter schools, this Article sheds light on the nature of charter legislation pertaining to diversity. Amidst growing racial diversity of the entire student enrollment, heightened levels of school choice and deeply rooted patterns of public school segregation exacerbated by charter school choices, **we find a need for more streamlined charter school racial diversity policies, and for subsequent efforts to enforce them.** Our analysis shows that such actions are not the current reality. We find that **federal guidance on the related issues of promoting diversity in charter schools and avoiding racial isolation in surrounding traditional public schools is virtually nonexistent.**

# 2AC Solvency: Charters outperform District Schools

**Research proves charter schools out-perform traditional public schools—time to actually look at the evidence**

**Fuller and Rees 2017**

Howard and Nina, Marquette University and National Alliance for Public Charter Schools. 5-12-2017, "Proof positive that charter schools are better than regular public schools," Newsweek, <http://www.newsweek.com/proof-positive-charter-schools-are-better-606146>

That’s it folks; **the debate is over. Charter high schools are equal to or better than their traditional peers. That’s a fact. It’s a reality that is widely supported by other research. A Stanford University study found that charters do a dramatically better job educating children of color than traditional public schools.** They do this while meeting the same curriculum, oversight and financial standards as traditional public high schools. One more bit of evidence to help make the case: this year’s national Teacher of the Year is a charter public school teacher. **It’s time to recognize the validity of evidence like this so that we can get beyond the pro-con debate about charters.** It’s been a fierce debate, but it hasn’t been a particularly productive one. Above all, this debate has obscured what unites us when it comes to public education. As supporters of public schools, we believe in the fundamental importance of high-quality, free public schools. Whether those public schools are charters or magnets or district schools isn’t the main point.

**Charters Help Low Income Students**

**Vander Ark 2009**

Tom, Getting Smart CEO, 5-6-2009, "Why charter schools matter," HuffPost, http://www.huffingtonpost.com/tom-vander-ark/why-charter-schools-matte\_b\_197512.html

There are three reasons that public charter schools are important: **1. Charters provide quality options.** Charter schools have created educational options for 1.4 million students. **Most of these students are low-income students that previously lacked access to quality schools.** 2. **CMO’s are producing reliable quality.** The biggest challenge in education is achieving quality at scale. There are dozens of charter management organizations each running dozens of high quality schools in low income neighborhoods—often with less funding and without public facilities. **CMOs are more efficient and effective than school districts.** They are piloting new employment agreements, new performance management systems, new school models, and new parent/community connections. **3. Charters model good governance—more school autonomy for more accountability. Charter schools don’t have tenure—they must earn the right to stay open by serving students well and being responsive to parent and community needs.** We finally have a President and Secretary that strongly support charter schools—and they’re ready to invest. Even with air cover and money, we’ll see many cities and states take a pass. Adult concerns will outweigh student concerns. All schools should operate under a performance contract, should be funded based on the needs of their students, should have access to public facilities, and should be free to contract with staff and vendors of their choice. If they don’t work, they should be closed and replaced. All schools should be charter schools.

# 2AC Solvency: Anti-Charter Studies Flawed

**Studies criticizing Charters are flawed don’t trust their evidence
Karp 2013**

Stan, New Jersey's Education Law Center, Fall 2013"Charter Schools and the Future of Public Education by Stan Karp and Ethan Heitner," Rethinking Schools Publishers, <https://www.rethinkingschools.org/articles/charter-schools-and-the-future-of-public-education>

The charters with the best results were clustered in Newark, which includes more selective “no excuses” charters. These schools serve lower numbers of the highest-needs students and have relatively high rates of attrition compared to traditional district schools. Typically, **the CREDO report failed to distinguish between levels of student need, lumping students who receive speech therapy with those facing more severe disabilities** like autism as “special education” students. **“Reduced lunch” students are similarly equated with “free lunch” students facing much deeper levels of poverty.** More importantly, **the report failed to identify a single school characteristic—aside from the demographics of the student populations­—that accounts for the “success” of the limited number of charters with higher scores. It also fails to account for the “peer effect” of mixing limited numbers of high-needs students with the more selective charter population, while the highest-need students are increasingly left behind in growing concentrations in district schools.**

**Charter schools outperform public schools, and do better in other metrics besides core achievement assessments. They also test innovations that help traditional public schools.**

**Chen 2017**

Grace, 2-27-2017, "Charter Schools vs. Traditional Public Schools: Which One is Under-Performing? ," PublicSchoolReview, https://www.publicschoolreview.com/blog/charter-schools-vs-traditional-public-schools-which-one-is-under-performing

**While recent reports seem to support the triumphs of public schools in some areas, a deeper assessment of various studies and statistics reveals that students who come from lower-income families or students who are English language learners have higher success and performance rates in charter schools than their public school counterparts. Adding to these positive findings, supporters of charter schools also tend to boast that their programs offer significantly more rigorous challenges and requirements than public schools.** In addition, math and reading scores alone may not be a sufficient analysis of the performance of charter schools, as some institutions cultivate students with a particular talent for arts, technology, or music. **The innovation and curricular experimentation seen in charter schools benefits not just charter school students, but also public school students whose schools introduce new programs of their own in order to keep pace with those offered at charter schools.**

# 2AC Democracy Internal Link Extension

**Improvement of education should be prioritized---segregated schools undercuts social mobility and democracy**

**Childress 2014** (Sarah is a senior reporter for FRONTLINE. “Does Integration Still Matter in Public Schools?”  http://www.pbs.org/wgbh/frontline/article/does-integration-still-matter-in-public-schools/)

New studies have found that in some places, public schools are as segregated as they were in 1968. Does that matter?[/question] To my mind, it’s hugely significant. **If you think about the two fundamental purposes of public education, it’s to promote social mobility so that a child, no matter her circumstances, can, through a good education, go where her God-given talents would take her. The second purpose is to strengthen our democracy by creating intelligent and open-minded citizens, and related to that, to build social cohesion. Because we’re a nation where people come from all corners of the world, it’s important that the public schools be a place where children learn what it means to be an American, and learn the values of a democracy, one of which is that we’re all social equals. Segregation by race and by socioeconomic status significantly undercuts both of those goals.** So on the academic achievement, social mobility side, there is research going back a half century to suggest that separate schools, particularly for rich and poor, are very rarely equal. It’s a disadvantage to be born into a poor family on average. It’s a second disadvantage to attend a school where there are high concentrations of poverty. And this intersects very closely with race, because African-American and Latino kids are much more likely to be in high-poverty schools than white students. And indeed there is some evidence that middle class African-American families live in neighborhoods with higher poverty than low-income whites. So it’s highly racialized. To my mind this issue of segregation, which gets talked about very little, is central to undermining the twin rationales for public schooling in the first place.

# 2AC Politics DA Answers

**Uniqueness/Link: Trump has already pushed increases for school choice and it is popular with Republicans, who have majorities in Congress**

**Lambert 2017**

Lisa, June 12th, 2017, Reuters, <http://www.reuters.com/article/us-usa-education-charters-idUSKBN1932EX>

**Having Republicans control both the White House and Congress could deliver more federal funds to charter schools** and also create competition for dollars from alternative approaches to education, the head of a charter school lobbying group told its members on Monday. President Donald **Trump and Education Secretary Betsy DeVos, both Republicans, suggested in their proposed budget last month to increase federal funding for charter schools,** which are public schools that are run independently from local districts, typically by a corporation. **"We have a huge opportunity to score major funding increases for our movement,"** said National Alliance for Public Charter Schools President Nina Rees at an annual meeting. "But if you don't speak up now, we may never have as good a chance to make a difference for our students."

**Charter schools are bi-partisan and popular in both parties**

**Valant 2017**

Jon, Brookings Institution 2-7-2017, Donald Trump, Betsy DeVos, and the changing politics of charter schools," Brookings, <https://www.brookings.edu/blog/brown-center-chalkboard/2017/02/07/donald-trump-betsy-devos-and-the-changing-politics-of-charter-schools/>

**Politics makes strange bedfellows, and this certainly has been true for school choice politics.** Early voucher and **charter programs were rooted in political alliances between conservatives, motivated by market efficiency and individual liberty, and civil rights groups, motivated by equity and opportunity.** Howard Fuller, a civil rights leader in Milwaukee, argued that African-Americans have made political progress only when they had some form of “interest convergence” with those in power. The interest convergence that Fuller found with Wisconsin’s Republican governor, Tommy Thompson (among others), helped create the political conditions to launch the Milwaukee Parental School Choice Program as the country’s first modern private school choice program. Historically, Republican leaders have enthusiastically embraced school choice reforms, while Democratic leaders have been more selective (and varied) in which programs they support. Many Democrats—and, of course, teachers unions—have been reluctant to embrace either charters or private school choice programs. Many **other Democrats, including former presidents Bill Clinton and Barack Obama, have distinguished their generally supportive positions on charter schools** from their generally unsupportive positions on vouchers. This distinction might have contributed to charter schools eclipsing private school choice programs in enrollment and public attention. A recent EdNext report documenting 10-year trends in public opinion suggests that public opinion might not split along party lines in quite the way it does with party leaders. That report found **that majorities of both Republicans and Democrats, but substantially higher percentages of Republicans, have supported charter schools.** Support for vouchers is more modest in both parties, with Democrats, intriguingly, being more supportive of vouchers than Republicans.

**Regulating charter schools is popular**

**Politicus 2017**

7-3-2017, Overwhelming Majority of Voters Want To Rein In Charter Schools," http://www.politicususa.com/2016/03/06/overwhelming-majority-voters-rein-charter-schools.html

As Founding Father Thomas Jefferson said on various occasions, “a well-educated” populace is crucial to a strong and lasting democracy. As important as the government educating the populace was to Jefferson, he would have railed against the Republican policy of using government-funded public education to enrich corporations. Now, **a new nationwide poll shows the American people overwhelmingly agree that public education should not exist to enrich and profit the charter school privatization movement and they are demanding strong regulatory laws to “rein in documented fiscal malfeasance by private charter schools.”** The poll, conducted by GBA Strategies, revealed that **overwhelmingly Americans on both sides of the political spectrum “embrace proposals to reform the way charter schools are authorized and managed.”** The poll was commissioned by two advocates for democracy, In the Public Interest and the Center for Popular Democracy, who have spent several years researching and documenting the “massive fiscal malfeasance” being perpetrated by private charter school operators across the nation.

# 2AC Answer to Spending DA

**Additional funding is not needed because Charter schools are cost-effective.**

**Kamenetz 2014**

Anya, 7-22-2014, "Charter Schools, Money And Test Scores," NPR.org, <http://www.npr.org/sections/ed/2014/07/22/334049393/charters-money-and-test-scores>

The University of Arkansas today released what it calls a "first ever" study exploring the relationship between charter school funding and student achievement. Here at NPR Ed we get a lot of press releases for studies related to education Ñ teacher turnover, financial aid access, social and emotional learning in preschool and more. But **not all studies are created equal. It's important to understand not only what the study says but who the researchers are and how they arrived at their conclusions.** For today's study, researchers relied heavily on one standardized test, the NAEP (aka the "Nation's Report Card"). They took NAEP scores in reading and math from 28 states, then broke them down by schools' funding per student. The report found, as other research has shown, that student performance at charter schools is roughly on par with public school performance. But, the researchers argue, **because charter schools tend to have smaller budgets (according to previously published research from this same University of Arkansas department), "these differences amount to charter schools overall being 40 percent more cost-effective in math and 41 percent more cost effective in reading, compared to traditional public schools."**

**Charter schools are already more productive and cost-effective than traditional public schools.**

**Burke 2017**

Lindsey, December 12 2016, "Recalibrating Accountability: Education Savings Accounts as Vehicles of Choice and Innovation," Heritage Foundation, http://www.heritage.org/education/report/recalibrating-accountability-education-savings-accounts-vehicles-choice-and

**Wolf and his coauthors found that: “…the public charter school sector delivers a weighted average of an additional 17** [National Assessment of Educational Progress] **NAEP points per $1,000 invested in math, representing a productivity advantage of 40 percent for charters. In reading, the public charter sector delivers an additional 16 NAEP points per $1,000 invested, representing a productivity advantage of 41 percent for charters.”** Wolf and his coauthors also found that **lifetime economic earnings obtained in charter schools outpaced those of traditional public schools.** “In all states,” the authors note, “charter schools deliver a greater [Return on Investment] ROI than do [traditional public schools] TPS.” Not only do charters deliver a greater return on investment, but in 18 of the 31 states evaluated in the study, charters also enrolled more disadvantaged students than did traditional public schools: “Any claim that the higher productivity of charters relative to [traditional public schools] TPS is because charters serve a more advantaged population would be undermined by these findings, as all charter sectors outperform their [traditional public schools] TPS on productivity measures even though half of the charter sectors enroll a more low-income population of students than their TPS.” Why are charters so cost-effective and productive? “**It appears to be likely that much of the basis for the higher productivity of public charter schools rests on the fact that they receive less funding and therefore are highly disciplined in their use of those education dollars,”** the authors surmise.

# 2AC Answer to Disadvantages: Charter Schools Inevitable

**Charter school expansion is inevitable—just a question of what that expansion looks like Siegel-Hawley and Frankenberg 2011**

Genevieve, UCLA, and Erica, Pennsylvania State University, Michigan Journal of Race & Law; Ann Arbor16.2 (Spring 2011): 321-376. DOES LAW INFLUENCE CHARTER SCHOOL DIVERSITY? AN ANALYSIS OF FEDERAL AND STATE LEGISLATION

**The last half of the twentieth century witnessed a steady movement toward increased family and student choice in education.** Some forms of school choice-like charters or vouchers-promise an influx of educational alternatives to compete with existing public schools, and proponents argue that creating an education marketplace will force all schools to improve. Other strategies, like magnet programs, use choice to promote racial diversity and its accompanying benefits.1 Over time, **choice has captured the political imagination of stakeholders at all levels of government, across the ideological spectrum. A current manifestation of that interest is seen in intensifying levels of support for charter schools.** **Federal backing for charter schools grew under** the administrations of Presidents George H.W. **Bush and** Bill **Clinton,** and **it has continued to grow in the first decade of the twenty-first century.** In June 2009, United States Secretary of Education Arne Duncan indicated that the ten remaining states without charter school legislation-along with states imposing limits on the number of charter schools established-would be at a disadvantage in the allocation of more than four billion dollars of federal education stimulus mon

# 2AC Answer to States Counterplan

**There are huge disparities between states’ funding for education**

**Strauss 2014**

Valerie, Washington Post, 2-5-2014, "America’s school funding problems, state by state," <https://www.washingtonpost.com/news/answer-sheet/wp/2014/02/05/americas-school-funding-problems-state-by-state/?utm_term=.7b6cb3584c15>

**A new report on school funding reveals how uneven and unfair public school funding is in states across the country.** The report, titled “Is School Funding Fair? A National Report Card,” looks at funding data from 2007 through 2011, analyzing the condition of state school finance systems with a focus on the fair distribution of resources to the neediest students. It covers the period before the big 2008 recession and through the start of the recovery. (See chart below) The report was written by Bruce Baker, professor in the Department of Educational Theory, Policy and Administration in the Graduate School of Education at Rutgers University; David Sciarra, executive director of the Education Law Center in Newark, N.J., and a practicing civil rights lawyer since 1978; and Danielle Farrie, research director at the Education Law Center. It found, according to the executive summary: • **Most states have largely stagnant or declining funding levels, and vast disparities among states remain.** In fourteen states, funding levels in 2011 were below 2007 levels, even without adjusting for inflation. There is over a $10,000 gap between the highest funded state (Wyoming) and the lowest (Idaho). • **The majority of states have funding systems with “flat” or “regressive” funding distribution patterns that ignore the need for additional funding in high-poverty districts.** Recent trends show an increase in the number of regressive states and a decline in the number of progressive states. For example, Utah and New Jersey, both of which previously were among the most progressive states, experienced a significant erosion of equity. • **Most states experienced a decrease in overall revenue resulting in a declining financial base from which to fund schools;** most states also further reduced effort by lowering the share of economic productivity dedicated to education. The largest reductions in effort were seen in Maine, Hawaii and Florida.

**Federal action needed to overcome state based opposition to charter schools**

**Kling 2014**

Arnold, The American Enterprise Institute, 4-6-2014, "Congress Should Promote Charter Schools • AEI," AEI, <http://www.aei.org/publication/congress-should-promote-charter-schools/>

**States are inhibiting educational entrepreneurship; Congress should step in and provide funding to states to facilitate further charter school growth. There is bipartisan agreement that the American economy needs entrepreneurship. There is bipartisan agreement that our education system could stand some improvement. Charter schools are a development that addresses both of these needs.** Entrepreneurs have been putting energy and innovation into the charter school effort, and we are starting to see positive results.1 Now is the time for Congress to provide funding to states to set up the apparatus needed to facilitate further charter school growth.As of now, the progress of charter schools is very uneven. In some locations, such as Washington, D.C., New Orleans, and the state of Arizona, charters are educating a large portion of K-12 students. In other locations, such as Maryland and Virginia, charters are hardly a factor at all. The legal environment determines whether charter schools thrive or are stunted. Some states inhibit educational entrepreneurship by making it difficult for founders to obtain accreditation or facilities. Some locations freeze the number of charter schools at a low level. Many require charter applicants to obtain approval from adversarial public school boards. Others restrict land use in ways that effectively make it impossible for a charter school to find facilities. The recent battle over charter schools in New York City illustrates both the problem and a potential solution. Newly elected mayor Bill de Blasio attempted to exercise a personal vendetta against charter school operator Eva Moskowitz by trying to close her Success Academy charters. This backfired, leading to legislation, passed at the state level with support of Governor Andrew Cuomo, designed to protect charter school entrepreneurship while at the same time demanding rigorous evaluation of charter school performance. The federal legislation would be designed to encourage states to create an environment in which charter schools are easily launched and easily shut down. **Federal legislation** could achieve a similar purpose. It **would provide grants to states to support the administrative apparatus needed to ensure that charter school operators are given both a fair opportunity to offer educational alternatives and timely audits to ensure that they meet their responsibilities to students and parents.** The grants should be sufficient to cover much more than the cost of this administrative apparatus. That way, recalcitrant states will have a strong incentive to adopt best practices for approving and evaluating charter schools.

# 2AC Answer to Federalism DA

**Appeals to states’ rights and federalism are linked to institutionally racist practices, undergirding segregation and slavery**

**Bracey 2001**

Christopher A., Visiting Assistant Professor, Northwestern University School of Law, “Louis Brandeis and the Race Question,” Spring 2001, 52 Ala. L. Rev. 859

Thus, one might argue that **Brandeis' respect for state sovereignty and federalism precluded him,** as a jurisprudential matter, from **second-guessing the overall appropriateness of segregation.** Or put differently, perhaps Brandeis felt that principles of federalism prohibited the use of national institutions to implement policy to protect African-Americans from the tyranny of the states. Strict adherence to principles of federalism, however, would not explain Brandeis' failure to intervene on behalf of African-Americans. [\*907] Indeed, just the opposite is true. **A rigid concept of federalism would demand, in turn, strict application of the anti-discrimination principle contained in the Fourteenth Amendment, thereby necessitating intervention rather than precluding it.** In any case, Brandeis was acutely aware that federalism provided opportunities for innovation as well as intervention when states seek to impose pernicious norms. Perhaps the clearest examples of this appear in his opinions in Whitney v. California n322 and Olmstead v. United States, n323 in which Brandeis came down strongly on the side of individual liberties. In those cases, Brandeis was not willing to sacrifice individual liberty--or at least certain liberties--on the altar of states' rights. n324 One could approve of federalism and find threats to individual liberty sufficient to warrant central intervention. **Thus, it is not strict adherence to principles of federalism, but an unprincipled federalism that has explanatory power** in this case. However, chalking up Brandeis' inaction to an unprincipled federalism is problematic for another reason. **Unprincipled federalism was routinely invoked to perfect the marginalized status of African-Americans--first, as a barrier to prevent the federal government from interfering with the institution of slavery, and later as justification for state-sponsored racism.** Indeed, during Brandeis' time, federalism served as a "vessel[] of racial subordination" n325 routinely invoked as a basis to oppose legal efforts to protect African-Americans against violence and political degradation. n326 Thus, to argue that Brandeis' inaction was attributable to unprincipled federalism is to suggest that Brandeis, like many southern Euro-Americans, attempted to cover his "naked racism with the fig leaf of states' rights." n327 Of course, there is nothing specific in Brandeis' past to warrant such a profound condemnation--nothing that would suggest that Brandeis harbored some deep-seated prejudice. An adherence to an unprincipled federalism may explain why others adopted a hands-off approach when it came to racial issues, but is not particularly persuasive in this instance. [\*908]