

## Private Donations to Public Schools: Testing the Scope of Community

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The role of community in determining and realizing the moral obligations individuals have toward one another has been long-debated in political theory. The values of community and justice are complementary but nevertheless often at odds with one another. In the realm of public education, this tension is exemplified by our dual commitment to providing the best education possible for our own children and to upholding equality of educational opportunity for all children. The recent practice of raising private funds for public schools appeals to both these moral intuitions. It is morally understandable that parents want to provide extra funding for schools in their community and admirable that they work hard to make it possible. At the same time, the inevitable inequality that results between schools in more and less affluent communities is difficult to swallow. I will use this practice of public school fundraising to bring into sharper focus competing claims regarding the moral relevance of the school district as a community boundary. Ultimately, I will argue that the moral boundary of the district is untenable because of its tendency to obscure injustices between districts.

### FUNDING FOR PUBLIC SCHOOLS

State legislation and court rulings of the past three decades demonstrate California's commitment to educational equity. In 1971, the California Supreme Court ruled in *Serrano v. Priest* that the existing educational finance system, which relied heavily on local property taxes, violated the state constitution because of the wide disparities among school districts. Subsequent legislation sought to equalize per pupil revenue so that the difference across districts would be less than \$100 per pupil. By 1985, 94% of California public school students were living in districts within the targeted \$100 range, and the court ruled that California had achieved its equalization goal.<sup>1</sup> This equalization was achieved by increasing the role of the state in school funding so that districts relied less on local property taxes and more on state taxes. As a result of the *Serrano* court decision and the passage Proposition 13 in 1978, districts no longer have the power to increase their own property tax base to increase funding for public schools. Many schools have turned to private fundraising as an alternative.<sup>2</sup>

In the Palo Alto Unified School District (PAUSD), the school PTAs responded to state equalization measures by requesting donations from parents, creating partnerships with corporations, and holding several fundraising events including auctions, dinners, and festivals. The funds raised have allowed children in Palo Alto's schools to receive hundreds of dollars more per pupil than they would have received with only public tax dollars. The gains, however, were unequally distributed throughout the school district. For example, in 2001, the Walter Hays Elementary PTA fundraising provided each of its students with an additional \$497 per student, three times more than the nearby Escondido Elementary with \$164 per

student.<sup>3</sup> Inequity between schools within the PAUSD raised several eyebrows and sparked district-wide controversy in the mid-1990s, which remained unresolved until April 2002, when the PAUSD board voted to restrict school-based fundraising expenditures in order to preserve equality across the district. The board ruled that schools could no longer use funds raised by PTAs to pay the salaries of additional staff members because of the resultant inequity in educational quality. Instead, money to hire additional teachers would be raised in a district-wide fund, and then distributed equitably to all schools on a per pupil basis. The district-wide fund is a 501 (c)(3) non-profit organization, which gives parents, community members, and corporate philanthropists the opportunity to give tax-deductible donations to public schools. The Palo Alto fundraising organization, called the All Schools Fund, is not unique: local education foundations (LEFs) of its kind are being created in schools and districts across the United States.<sup>4</sup> Despite the controversy of the past years, the school board verdict seems to have the current support of Palo Altans, who will put the new district-wide organization to the test in 2004.

The Palo Alto decision in favor of district-wide equality was reached after several years of discussion at school board and PTA meetings, on online forums, and in letters and editorials written in the local newspapers. In these discussions, Palo Alto residents on both sides of the issue raised philosophical questions about the community's commitment to educational equity and quality. But the school board decision leaves many questions about the scope of funding equity unanswered: Why shouldn't Palo Alto's commitment to educational equity within the school district also apply to students outside the district? How can the PAUSD's reasoning against inequity within the district consistently justify inequity between districts? To answer these questions, we must analyze the claim that the district boundary has moral relevance.

#### THE PALO ALTO FUNDRAISING CONTROVERSY

I will explore the arguments for and against the Palo Alto decision to equalize funding across the district and will argue that the dispute hinged on a disagreement over the significance and scope of the moral boundary of community. Just as the Palo Alto school board ruled that the school boundary was morally arbitrary, I will argue that the district boundary is equally meaningless. Community members defended school-based fundraising with three main arguments: first, they claimed the validity of familial self-interest, second, they emphasized the importance of the school community, and third, they cited the greater practical effectiveness of local fundraising. Those who supported a district-wide fund countered these arguments by claiming that school-based fundraising unduly undermined equality of educational opportunity within the district and that the relevant "community" should be the entire PAUSD instead of the individual school. The arguments on both sides of the discussion were grounded in different conceptions of the moral community.

Many Palo Alto parents claimed that a district-wide fund would deny them the right to contribute to their own children's educations. This argument on behalf of school-based funding appeals to the widely held belief that we have special obligations to people we are in special relationships with, especially our family

members. These special obligations lead us to be most concerned with the well being of those closest to us. A Palo Alto PTA member encapsulated this argument: "I've never run across a parent who doesn't want every child to get a good education. But the one child they are most concerned with and the one they want to impact the most is their own child."<sup>5</sup>

Another argument for school-based funding used a different form of the "special relationships" argument. These parents claimed that the small Palo Alto elementary schools created a sense of community that justified school-based donations. In this view, small schools are similar to families in that the students and the parents feel that they are members of a community and therefore have special obligations to each other. Donations at the school level, then, should be allowed because it is reasonable to be more concerned with members of your community than with nonmembers.

Some Palo Altans framed the decision as a practical matter, a decision between equity and efficiency. They argued that the close relationships between families within a school create greater incentives for parents to donate directly to their own children's schools and that these greater incentives mean more money for everyone.<sup>6</sup> This "invisible hand" argument, the underlying theory of the free market, maintains that individuals (in this case, individual schools) who are free to act in their own self- (or community-) interest will provide the most efficient outcome, with public welfare as a by-product. One parent argued that changing to a district-wide system would "discourage fundraising and encourage inaction."<sup>7</sup> A school board member posed the following question, meant to test our moral attachment to the ideas of equity and efficiency: "Is it better to limit funding so that all schools get \$1 or to avoid restricting fundraising so that there is a disparity but some schools are at least getting \$2 while others get \$4?"<sup>8</sup> All three of these claims collapse into a single argument. Proponents of school-based funding argue that people's conceptions of equality of educational opportunity are inherently tied to their communities and that individual schools provide the most logical community boundaries.

Proponents of district-wide funding countered this claim by arguing that commitment to equality of educational opportunity trumps all three concerns, but their argument were also grounded in a particular notion of community. Rather than arguing for universal equality of opportunity, the proponents of the district-wide education foundation argued on behalf of equity within the district boundary. Using arguments similar to the ones used to support school-based fundraising, they argued that the scope of equality of opportunity is tied that of community.<sup>9</sup> In this view, we have a commitment to provide equal educational opportunities to every member of our community, but they disagree over the scope of the community. While proponents of school-based fundraising identified with their school community, supporters of the district-wide fund sought to expand that sense of community to include the entire town of Palo Alto. One parent expressed this sentiment:

I've always identified Palo Alto with a deep sense of community and family.... I'm ready to move forward with a better fund-raising model that builds and sustains the whole community, not just my neighborhood school. This is the future I want to help build for my community and gift I want to give all the children in our schools.<sup>10</sup>

Shepard argues that Palo Altans need to expand their conceptions of community to embrace all of Palo Alto's children. In this argument, equality is important within a community, so by expanding the range of people we consider part of the community, we expand the scope of equality.

#### THE SCHOOL DISTRICT AS A MORAL BOUNDARY

If, as Palo Altans on both sides of the controversy maintained, the scope of our responsibilities to others depends on our definition of community, we must be able to identify criteria that distinguish community members from non-members. I will use the Palo Alto case to test our moral intuitions regarding the relevance of the district as a moral boundary, and I will finally argue that the school district boundary should have no bearing on our commitment to educational opportunity. In doing so, I will raise and dispute possible arguments regarding the importance of the district boundary.

One might argue that the residents within the school district border identify with each other because they have something important in common that they do not share with those outside the district. We can imagine several characteristics that Palo Altans have in common, which they might cite to argue that they have a greater responsibility to each other than to, for example, the residents of the neighboring Ravenswood Elementary School District. This sense of community, they might argue, justifies applying egalitarian principles only to students within the district. I will refer to a specific historical case which I believe tests our moral intuition about the concept of community and ultimately calls into question the claim that the district is a relevant moral boundary.

The Palo Alto Unified School District, in which 80% of students are Caucasian or Asian, borders the very different Ravenswood Elementary School District, in which the student body is 98% Hispanic, African American, or Pacific Islander.<sup>11</sup> The average household incomes in the districts differ vastly, and, unsurprisingly, there is significant disparity between the per pupil expenditures and educational outcomes of the students.<sup>12</sup> The PAUSD is one of a handful of districts in California that were not forced to comply with the *Serrano* margin because their property tax revenues exceeded the revenue limit set in the *Serrano* case. As a result, the district is allowed to keep all property tax revenue it collects and receives an additional \$120 per pupil of "basic aid" from the state. This status allows PAUSD to spend \$1000 more per pupil than the vast majority of California districts, including Ravenswood. This inequality between districts is deepened because the Ravenswood District has no local education foundation to raise private funds, while the PAUSD brings in additional hundreds of dollars per pupil each year. Further, even if the Ravenswood District did have such a foundation, the socioeconomic status of the parent base would likely yield comparatively little money for the district.

In 1986, the Tinsley Transfer program was created as part of a court order to correct for the "de facto" segregation and inequality to which the Ravenswood children had been subjected.<sup>13</sup> The desegregation decision gave thousands of Ravenswood students the chance to attend schools in wealthier neighboring districts, including Palo Alto. The PAUSD accepts more than half of the Tinsley

students, who enter Palo Alto elementary schools before second grade and stay in the district until they graduate from high school. Palo Altans accept these students into the schools, providing them with the same educational opportunities they give their own children. I will argue that Palo Alto's acceptance of the Tinsley students into the community exposes our strong moral intuition that equality of educational opportunity cannot be limited to the district.

Palo Altans might make several arguments to characterize their community, but I believe the Tinsley case exposes flaws in each of these distinctions. For example, Palo Altans might argue that their historic commitment to education or their contribution of property taxes defines the relevant school community. They were granted their "basic aid" status because, in previous decades, they taxed themselves at a higher rate than other districts. Residents of Palo Alto pay more in property taxes (because the average value of their property is much higher) to fund schools, so one might argue that they fulfill a greater responsibility to their community and, in return, they deserve the greater benefits the community provides, including the funds raised by the district-wide education foundation. In this argument, a "community" is a contract of sorts between members in which they consent to take on extra burdens in exchange for special advantages. This line of reasoning excludes residents of the Ravenswood District from the community because they do not contribute as much in property taxes.

The Tinsley case demonstrates a problem with this contract definition of community. Since the desegregation court case, Palo Alto schools have gone out of their way to make Tinsley students feel accepted, to accept them as part of the community. One could claim that Palo Altans don't really consider Ravenswood students part of the community, that the PAUSD welcomes them not out of moral obligation but in order to comply with the law. Mere compliance with court, however, cannot explain the great lengths the Palo Alto schools have gone to in order to welcome the Tinsley students into the community. The PAUSD holds an orientation to welcome new Tinsley parents to the district, some principals make individual visits to the children's houses in East Palo Alto to speak with parents and give them information, and several schools have developed English-language tutoring programs to better serve the largely Hispanic Tinsley population. The Tinsley students, just like the Palo Alto residents, benefit from the "basic aid" status of PAUSD and the extra funds raised through private donations. The Tinsley students, however, pay the same property taxes as their Ravenswood neighbors, an amount vastly different from the taxes Palo Altans pay. According to the contractual definition of community based on taxation, Palo Altans would not be morally obligated to provide the Tinsley students with the special benefits.

One might then argue that Palo Altans are not morally obligated to help the Tinsley students; rather, their generosity is an act of altruism. I believe that excluding the Tinsley students from the community would be morally unacceptable. To illustrate this point, we can consider the following scenario. If the PAUSD had accepted the Ravenswood students into the school but had placed them in classrooms with higher student to teacher ratios, had prevented them from using the new

facilities, and had left them at school when the Palo Alto students went on field trips, we would consider their actions unjust. We would not claim that they had failed to comply with the law or that complain that they weren't being generous enough, but we would conclude that their actions were morally unacceptable. There is something morally problematic about treating the Tinsley students differently just because they live in the Ravenswood district. If we accept that the Tinsley students must be given equal treatment, then an acceptable definition of community must accommodate the Tinsley students while excluding the Ravenswood students who did not transfer.

Palo Altans might respond by arguing that, in fact, it is not the amount of taxes paid that distinguishes community members from non-members. Instead, community membership is based on voluntary consent. The Tinsley students are members of the Palo Alto community because they chose to enter the district community when they signed up for the transfer program. Their voluntary agreement to enter Palo Alto schools, then, entitles them to the special advantages of the district. This reasoning, however, is also problematic. In any given year, more Ravenswood students sign up for the transfer program than the program has the capacity to accept. Students are chosen using a lottery system. Clearly, if given the opportunity, the other Ravenswood students who were not chosen would also have consented to entering the PAUSD. If the scope community is defined by voluntary consent, then the PAUSD should have the same obligation to the children who were not chosen for the lottery. Several other characteristics could be used to define the Palo Alto community (including geographic proximity and cultural similarity), but each fails the Tinsley test. No definition of community can justify accepting the Tinsley students into the Palo Alto community while excluding other Ravenswood students since the only difference between them is the random selection of the lottery, which is clearly morally irrelevant. The Tinsley case conclusively demonstrates that the school district "community" cannot be justified by claiming that the members have certain characteristics in common that nonmembers do not share.

#### COMMUNITY AS A TOOL FOR ACHIEVING JUSTICE

I will address what I believe is the strongest argument in support of a Palo Alto community. Will Kymlicka argues that the concept of community can be useful because it invokes the idea of a shared purpose and common goals, which can motivate individuals to fulfill their obligations of justice toward their fellow community members, by, for example, supporting the local schools fiscally and voting for the common good instead of in their own self-interest.<sup>14</sup> The idea of community then is instrumental: it becomes a construct used to create the illusion of solidarity among members. I concede that the "community" illusion was a relevant factor in motivating Palo Altans to create equality of educational opportunity for all members of the district, but it does not follow that only Palo Altans deserve these special advantages. Employing a morally arbitrary distinction like the "PAUSD community" might foster a feeling of camaraderie that stimulates Palo Altans to meet the demands of justice; however, it has no effect on our conception of justice itself, which ought to be community-blind. Again, the Tinsley case provides the intuition behind this argument. Palo Altans might use the idea of community to raise private funds for their schools. In efforts to raise the money, the

fundraisers might argue that donors should support children in their community. Maybe it would be effective for them to invoke images of their shared history or common commitments to garner more support. But when the funds have been raised, there is no morally justifiable reason for Palo Altans to withhold the advantages of the extra funds from the Tinsley students. In fact, I believe our intuitions tell us that the Tinsley students deserve the same educational advantages as the children of Palo Alto residents. And from our previous discussion, we realize that the other Ravenswood residents are morally indistinguishable from the Tinsley transfer students, so we must conclude that the students in the Ravenswood district also deserve equal educational opportunity. This case shows that while it might be politically infeasible to maintain educational justice without using the construct of a district community, the construct does not change the requirements of justice.

I believe that while the concept of community can be a useful tool, in some instances like the case of school fundraising, it can actually inhibit the realization of justice instead of promoting it. By instilling in individuals the sense that they have a responsibility to their fellow community members, the concept of a “district community” provides the further illusion that the students outside the district border are not their responsibility. We can see this tendency clearly in the Palo Alto case. The Palo Alto residents had no malicious intent. The parents, school administrators, and board members who fought for equality throughout the district genuinely believed in the importance of equal funding for schools. The idea of the district community, then, was a double-edged sword: it provided an incentive for Palo Altans to move toward greater equity within the district but obscured the injustice of the vast inequities between districts.

Some Palo Altans recognized their obligation to help those outside the community, but they believed that by conferring special advantages to family and community members, one is working toward justice. One editorialist wrote: “It’s bad enough that we are so far from this goal [of equality] when one compares across district and state boundaries. We must not perpetuate such inequalities within our own small school district by failing to address this fundraising problem.”<sup>15</sup> Here, the editorialist implies that reducing inequality within the Palo Alto district will have reduce the inequalities outside. This conclusion does not follow. Even if each student in Palo Alto receives exactly equal educational opportunity, the Ravenswood district will still have more than \$1000 less per pupil than Palo Alto.

While promoting a narrow conception of justice within a given boundary, the idea of community necessarily reduces our commitment toward those outside the community. Sam Scheffler describes this tension within liberalism.<sup>16</sup> He calls the special responsibility community members feel toward each other “loyalty,” which he claims is a widely held aspect of liberal thought. He further explains that “loyalty” is often in tension with “equality,” another value of liberalism. In any given situation, these two commitments — both of which resonate strongly with our moral intuitions — are in “practical competition” because fostering one often undermines the other. We can see this ethical tension clearly in the case of educational finance in Palo Alto. In this case, the value of loyalty — the obligation members of the

community feel towards each other that they do not feel towards other members of society — would lead Palo Altans to consider only the PAUSD when distributing funds equitably. The value of equality, however, holds that all people are morally equal and would motivate Palo Altans to distribute the funds equally to all students, not only Palo Alto students. In the case of public education, I have argued that the value of equality should be upheld over loyalty to the community.

I have argued that the special relationships that provide incentives for parents to contribute more to their own children's education result in unjustifiable differences in educational resources across districts. The inequality that results undermines the very philosophy of public schools. Public schools are dedicated to equality of opportunity for all students, not only students within certain communities. While private schools can base their quality of education on the ability of parents to pay or a shared sense of community, the same reasoning cannot be extended to public schools because public education is a public good. Like all public goods, public education should reflect the moral equality of individuals and should therefore be provided to all persons equally, without regard to how much or little they contribute. Many residents of Palo Alto expressed this view that arbitrary inequality in the public school system is unacceptable. Said one: "Where a kid lives shouldn't decide the size of a kid's classroom or the quality of a kid's education." This parent espoused equality, but failed to recognize that a policy that realized the full implications of her statement would undoubtedly be much more radical than the district equalization she supported.

I have limited my argument in this paper to the neighboring districts of Ravenswood and Palo Alto to show that the demarcation between the two "communities" is morally insignificant and should not justify inequalities in educational finance. Undoubtedly, the argument I have presented at the district level has implications for equality across state and national borders. If, as I have argued, the school district border is morally irrelevant, then what makes any border significant? Should we care as much about the education of a child in India as we do our own children? These questions are important, but are beyond the scope of this paper. For the present argument, I will limit my policy implications to local level. I believe that my previous arguments have shown that just as allegiance to the school community encourages unacceptable inequalities within the school district, allegiance to the district community encourages unacceptable inequalities between districts. In both cases, our commitment to the inherent moral equality of all children should prevent us from justifying inequality between school districts.

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