

Lessons from The Great Recession:

How Spending on Mass Incarceration

Shortchanges America's Students



**The Leadership
Conference
Education Fund**

As state policymakers respond to the economic fallout of COVID-19, they must set policy priorities that create opportunities for all children, families, and communities. This policy brief lays out a clear path forward — highlighting the importance of investing in public education and racial equity.

As our leaders look to the future, we must ensure the communities hit hardest by the pandemic receive the protections and resources they deserve. That begins with imagining — and then implementing — a different approach to funding priorities. Budgets are moral documents. If we want to honor the dignity and potential of every person, state policymakers must address structural racism and barriers to opportunity. That can be done by rebalancing investments in public education instead of the criminal legal system.

For too long, state budget decisions have perpetuated pernicious racial caste systems by prioritizing mass incarceration over educational opportunities. We believe this is a false choice. Public safety does not require nor does it benefit from the diminution of meaningful educational opportunity. Now, we have an opportunity to change course. The economic crisis caused by COVID-19 is reminiscent of the budgetary constraints and cutbacks of the Great Recession. Reflecting on the lessons of that recession, this policy brief provides guiding principles to help state policymakers restructure and reprioritize their budgets to support all students, families, and communities.

I want to thank our extraordinary staff members and many partners who contributed to the development of this policy brief. Together with our communities and coalition, we will continue to push for transformative change so that all young people can attend safe, inclusive, and resourced schools that prepare them for successful futures.



Wade Henderson

Interim President and CEO

The Leadership Conference Education Fund

Acknowledgements

We extend our gratitude to the advocates, organizers, and researchers who provided valuable input and feedback in the drafting of this policy brief and who fight every day to ensure communities have the resources and respect they deserve to learn, grow, and thrive.

Steven Almazán, K12 education program analyst at The Leadership Conference Education Fund, oversaw the development and completion of the policy brief. Max Marchitello served as the primary author of the policy brief. We extend our appreciation to the Education Team of The Leadership Conference Education Fund and the coalition partners of The Leadership Conference on Civil and Human Rights for contributing to the inspiration, vision, and development of this project.



Table Of Contents

5	Introduction
10	Funding Education and the Criminal Legal System: 1960 to Today
20	Study Overview
25	Findings
38	Recommendations
42	Conclusion
43	Appendix
50	Endnotes



I.

Introduction

Over the past year, racial and economic oppression has been further amplified through the many tragic instances of police violence, the COVID-19 pandemic, and the recent acts of sedition. The urgent question before state policymakers must be this: What budgetary choices can we make now to ensure that all of us can make ends meet, care for our families, and ensure our children thrive in the future?

Budgets are moral documents. Investment choices are value statements – not simply questions of accounting. Nothing shows the contrast in values more clearly than spending differences between public education and the criminal legal system – including in state budgets. In previous moments of economic crisis, state policymakers decided to cut back more aggressively on education spending than on funding for police, courts, and prisons.¹

Investing in people’s potential, growth, and development is fundamentally at odds with investments in incarceration and detention, deportation, and state-sanctioned violence. In Black communities and other communities of color, states have a long and reprehensible history of underinvesting in education and overinvesting in the carceral state. Not only is this morally inexcusable and inconsistent with the values of a democratic society, it is fiscally irresponsible. One dollar invested in education pays dividends for society over decades.² One dollar spent to fuel a racially biased system of control and subjugation is, at best, a dollar wasted.³

State policymakers make difficult decisions every year about how to allocate limited funds among competing priorities. The stakes are even higher during periods of economic recession, when states face losses in revenue. In the Great Recession, the blanket term used for the global economic collapse between December 2007 and June 2009, states used a variety of strategies to balance their budgets in the face of significant revenue shortfalls. Unfortunately, policymakers' decisions often compounded the harm caused by the Great Recession by cutting funding for education more aggressively than spending for their criminal legal systems. Despite the economic downturn, some states even increased funding for correctional systems and other facets of their criminal legal bureaucracies.⁴

Today, our nation is moving through a period of unprecedented uncertainty amid a global pandemic and economic crisis that has disproportionately cost the lives and livelihoods of people of color.⁵ State budgetary decisions will be made against the backdrop of a movement calling for a long overdue national reckoning with racial justice. Advocates, community leaders, and families are demanding transformational change as we are again confronted with the ongoing cycle of police violence with impunity against Black people and other historically oppressed people.

To inform the decisions made in this moment of deep significance and struggle, it helps to consider past events. In moments of financial scarcity, state policymakers' budgeting decisions historically led to sustained funding for their criminal legal systems and decreases in funding for education, particularly in high-poverty, Black, Native, Latino, and immigrant communities. These choices were always wrong and unwise, but as the stakes have grown, so has the urgency for a new path.

In Black communities and other communities of color, states have a long and reprehensible history of underinvesting in education and overinvesting in the carceral state.

The Great Recession provides a cautionary tale and illustrates the consequences of these decisions clearly. During the 18-month recession, the United States economy lost nearly nine million jobs,⁶ unemployment skyrocketed to more than 10 percent,⁷ and families lost trillions in home equity and other wealth.⁸ State policymakers' budget choices often compounded the damage wrought by the Great Recession,⁹ blunted the recovery,¹⁰ and disproportionately harmed communities of color in both the short- and long-term.¹¹ Indeed, in the decade after the Great Recession, the racial-wealth gap actually increased.¹²

Although education funding has long been inequitable,¹³ that injustice was exacerbated during the Great Recession.¹⁴ Instead of focusing limited funds on communities most likely to benefit from such funding, policymakers doubled down on past decisions, leading to severe funding losses in low-income communities and communities of color.¹⁵ The cuts were so deep and the reinvestment in education so lethargic that it took nearly a decade for most states to restore funding to K-12 public schools to pre-recession levels.¹⁶

The damage from state cuts was felt beyond K-12 public schools. States severely slashed funding for higher education as well. States cut funding for Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs) even more dramatically than other institutions,¹⁷ despite historically and intentionally underfunding HBCUs and MSIs since their inception. States also cut budgets for community colleges, even though these open-access institutions enable people to retool and upskill, especially during economic downturns.¹⁸ These budget cuts disproportionately harmed students of color.¹⁹

This policy brief analyzes state budgetary decisions made during the Great Recession and, through that lens, offers a path forward for policymakers today who seek to lead us out of these current crises while advancing racial justice and a more positive future for their communities.

Our analysis of state spending patterns during the Great Recession found that the severity of the recession led most states to cut funding for both their education and criminal legal systems. Even still, the majority of states prioritized spending on their criminal legal systems over funding for P-16 education.²⁰

Although the impact of the Great Recession varied across the country, the decision of some states to privilege education funding over criminal legal spending demonstrates clearly that investing in people and communities can endure during a downturn. All other states should follow this example when confronting budget shortfalls. The decision to invest in people and their education rather than in incarceration leads to myriad individual and social benefits, including: greater educational attainment,²¹ higher wages,²² and greater levels of innovation and tax revenues, as well as healthier, safer, and more thriving communities.²³

We found that in response to the Great Recession, from 2008 to 2012:

- **Thirty states prioritized spending on their criminal legal system over education funding.** A majority of states made the immoral and unjust decision to prioritize policing and incarcerating people over educating them. Although these states cut funding in both areas, the education cuts were made even more extreme by states' protection of funding for their criminal legal systems. At the low end, Maryland reduced education funding by 3 percentage points more than spending on its criminal legal system. On the high end, Colorado cut education by 28 percentage points more than funding for its criminal legal system.
- **Eight states treated funding for their education and criminal legal systems similarly.**²⁴ Had these states made larger cuts to their criminal legal system spending they could have lessened the cuts their education systems had to bear.
- **Thirteen states protected education funding over funding for their criminal legal systems.** In the face of significant revenue losses, these states chose to protect and prioritize funding for their P-16 education systems more than funding for their criminal legal systems. Six of the 13 states actually increased education funding during the Great Recession, albeit modestly. For example, Nebraska increased P-16 funding by 4 percent while cutting criminal legal system spending by 1 percent. Although the seven remaining states cut education, they did so less severely than they cut spending on their criminal legal systems. New Hampshire, for example, cut education by 4 percent but cut 12 percent from the budget for its criminal legal system.

With states facing significant losses in tax revenue in 2020 and beyond due to COVID-19,²⁵ policymakers once again face critical choices about what and who they value, and, correspondingly, how they will invest — or cut — state dollars. If past is prologue, state choices during the Great Recession paint a bleak picture: In moments of financial insecurity, we found state policymakers overwhelmingly choose to sustain funding for police, courts, and prisons at the expense of funding for schools. It is imperative that this current economic crisis produce a different result.

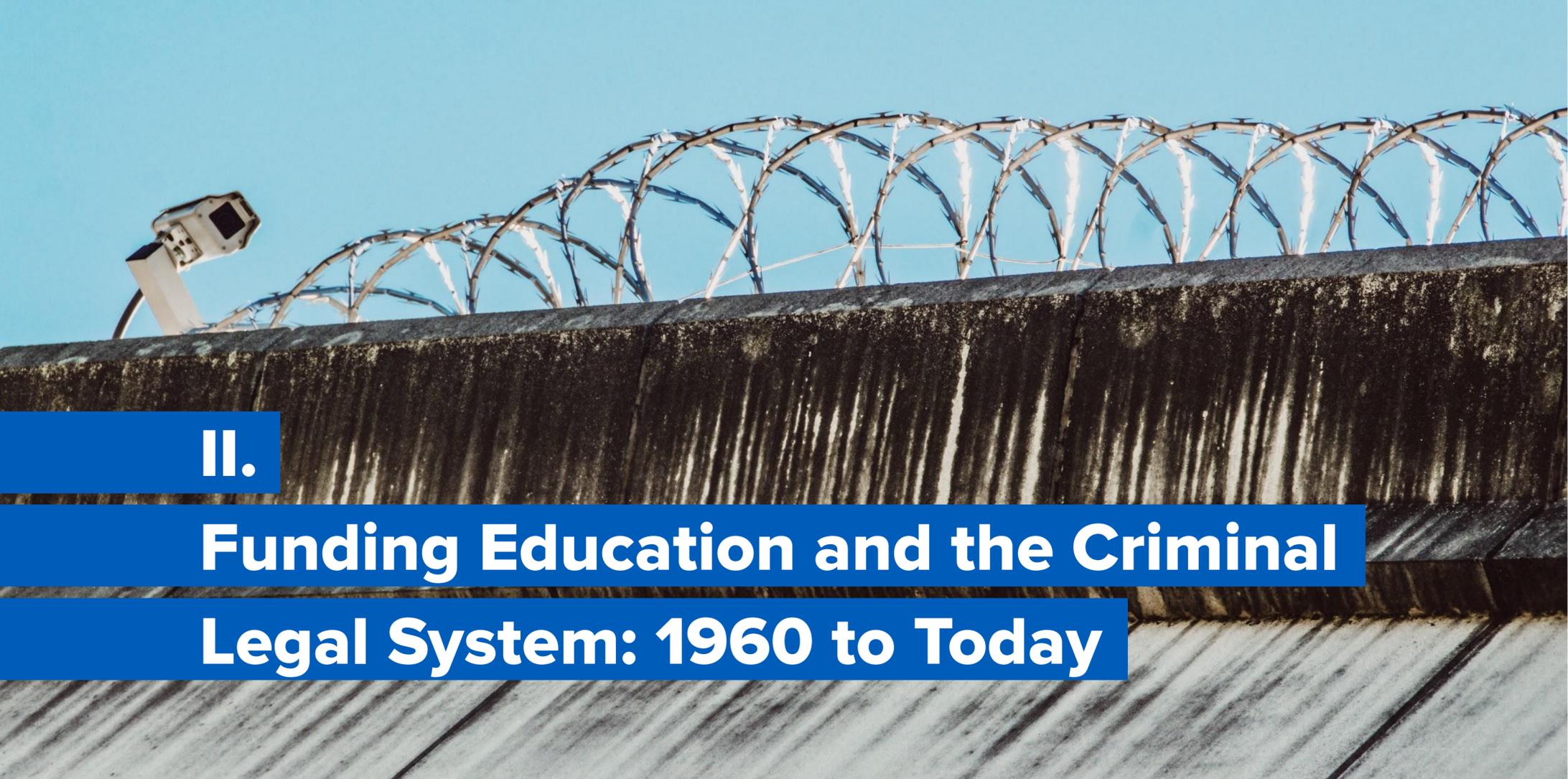


The COVID-19 public health crisis, economic fallout, and state violence against communities of color make clear that our nation requires a new paradigm that prioritizes racial equity in budget decision-making.

State policymakers must prioritize investing in education and the potential of historically oppressed children and communities, while also dramatically reducing the footprint of the criminal legal system in Black and Brown people's lives. We recommend all policymakers embrace the following three commitments for a just and fair state budget:

- **Increase and protect P-16 education funding.** Investments in education, while they benefit all people and communities, especially benefit communities of color, low-income communities, and others who face greater barriers to participating in the full social, political, and economic life of our society. Both the personal and the economic benefits of education are clear.²⁶
- **Focus education funding on historically oppressed communities.** Effective targeting will help to ensure that the students most likely to benefit from educational investments receive the adequate funding levels they need to succeed in school – even when funding is cut. While educational opportunity was not equally available before the COVID-19 public health crisis began, long-term school closures, the digital divide, and the disproportionate health and economic burden on communities of color create greater urgency for prioritizing educational opportunity for historically oppressed communities.²⁷
- **Reimagine public safety and transform the criminal legal system.** Though states have long used “public safety” as a justification for their criminal legal system investments, models of public safety that rely heavily on over-policing and criminalization actually threaten, rather than create, public safety. Policies that reduce police involvement, the likelihood or length of incarceration, and the collateral consequences of criminal legal system involvement can save states money while simultaneously strengthening communities and reshaping our criminal legal system into one that respects the dignity and human rights of all individuals. By adopting a new paradigm for public safety that prioritizes upfront investments in noncarceral programs, education, and social services,²⁸ state policymakers can consider fiscal policy a matter of justice and moral budgeting and transform their criminal legal systems through shifting resources away from criminalization and investing in the types of community supports that promote genuine public safety.²⁹

These guiding principles constitute a critical and long overdue paradigm shift away from spending billions to control and restrict communities of color and instead toward investing in them. These recommendations contribute meaningfully to a future in which all students, families, and communities have the opportunity to grow, thrive, and reach their full potential. These investments will yield short-and long-term benefits for individuals and society as a whole by providing greater access to high-quality education, productive careers, and the middle class. In turn, this will contribute to healthier, more productive, safer, and equitable communities. State policymakers can realize this vision and honor these commitments by restructuring and reprioritizing their budgets through an inclusive process and in collaboration with community members and key stakeholders.



II.

Funding Education and the Criminal Legal System: 1960 to Today

Nearly 70 years after *Brown v. Board of Education* required the provision of public education to all people “on equal terms,”³⁰ students of color, students with disabilities, and students from low-income families are routinely denied a high-quality education. They have inequitable access to funding,³¹ the most effective teachers,³² and advanced curricula and courses,³³ as well as extracurricular activities.³⁴ Together, these injustices perpetuate the longstanding and well-documented barriers that prevent students from receiving a high-quality education, leading to lower high school graduation rates³⁵ and rates of college attendance and completion.³⁶ Inequitable education robs students – and the nation – of the gifts of creativity, innovation, and leadership. It also costs the United States billions of dollars through lost productivity and tax revenue, and through increased spending on healthcare and social welfare programs.³⁷

Disparities in access to high-quality education initiate a cycle of negative generational consequences, including limited career opportunities,³⁸ lower earning potential,³⁹ lower home ownership rates,⁴⁰ and lower long-term wealth accrual.⁴¹ Altogether, these inequities contribute to inter-generational poverty⁴² and lower life expectancy.⁴³ Inequitable education also contributes to billions in lost Gross Domestic Product (GDP),⁴⁴ significantly lower voter participation rates,⁴⁵ and increased threats to national security.⁴⁶ These injustices are the intentional results of structural racism embedded within policy choices and budget decisions.

These problems persist even in the face of concerted federal efforts and legislation meant to level the playing field. The passage of the Civil Rights Act of 1964⁴⁷ outlawed discrimination in public accommodations and federally funded programs on the basis of race, religion, or national origin.

President Johnson’s Great Society of the 1960s⁴⁸ invested federal resources into low-income communities, which were – and continue to be – disproportionately communities of color. From 1965 to 1968, anti-poverty funding doubled; within a decade, the poverty rate dropped to 10 percent.⁴⁹ The Community Action Program funded local efforts to reduce poverty in cities across the country.⁵⁰ Additionally, the creation of Medicaid expanded health care to millions of families living in poverty.

Unfortunately, however, the War on Poverty was dealt a major blow by the “War on Drugs,” which began in the 1970s and escalated significantly in the 1980s, shifting the focus away from investing additional resources into Black and Latino communities and towards increasing the criminalization of them. Furthermore, ‘Reaganomics’ vilified and cut funding for public assistance programs, engaged in concerted union-busting practices, and invested in fiscal policy favoring corporations and the wealthy.⁵¹

National progress was made to desegregate schools through efforts from the 1960s to the 1980s. These efforts were mandated by the 1954 *Brown* decision and built on by the Civil Rights Act of 1964, the Elementary and Secondary Education Act of 1965, and the domestic programs of the Great Society. The majority of the progress was made in the South, where in 1964 a mere 2.3 percent of Black students attended majority White schools. But by 1988, that figure skyrocketed to nearly 44 percent.⁵² Integration allowed access to resources and reduced barriers to high-quality education, leading to significant growth in academic achievement for Black and Latino students,⁵³ increasing long-term educational attainment,⁵⁴ health,⁵⁵ and earnings.⁵⁶ However, these integration efforts were short-lived, as courts chipped away at local desegregation efforts and court orders were allowed to lapse.⁵⁷ Today, schools are as segregated and as inequitably resourced as they were 50 years ago, which directly connects to school funding inequities.⁵⁸

Beyond perniciously enforcing a racial caste system, segregation also hoards critical resources for schools in White communities. This is due in large part to the inequitable structure of school finance. Although school funding structures vary from state to state, about 45 percent of school funding is derived from local sources, which are most often property taxes.⁵⁹ This is problematic because wealthier communities with significantly higher property values can raise more money for their schools even with a lower tax rate.⁶⁰ Overall, the reliance on local property and other taxes to finance schools results in significant funding inequities that disadvantage students of color and students from low-income communities.⁶¹

State education funding does, at least to some extent, fill funding gaps created by regressive local school funding — structures in which districts in wealthier areas receive more money and other resources than districts with less property wealth. This is due to

somewhat progressive state funding formulas that allocate greater state-level resources to high-poverty districts. In some states, such as Ohio, New Jersey, and Massachusetts, high-poverty school districts actually receive more funding per pupil than wealthy districts.⁶² A considerable and growing body of research clearly demonstrates that increasing funding in high-poverty school districts has profound positive outcomes on people while they are students and into their adulthood.⁶³

And yet, despite state efforts to increase school finance equity, significant funding disparities exist across the county. School districts serving the largest populations of students from low-income families spend approximately \$1,000 less per pupil per year than school districts serving the wealthiest communities.⁶⁴ School districts serving mostly students of color receive about \$1,800 less per pupil per year than those districts serving mostly White students.⁶⁵

These sobering statistics make clear that policy decisions matter. How state policymakers construct school funding formulas, set zoning rules, and choose to distribute state education revenues across school districts can either advance equity or perpetuate injustices. Indeed, a recent study found school finance reform that focused on ensuring sufficient funding for students facing more barriers to learning produced gradual increases in student achievement.⁶⁶ Furthermore, another study found a 20 percent increase in per-pupil funding in high-poverty districts led to an additional year of completed education, a 25 percent increase in earnings as adults, and a 20 percent decrease in the annual adult poverty rate.⁶⁷ Funding schools equitably is a moral imperative, and the research is clear: Increasing funding for systematically under-resourced schools increases long- and short-term student success. Yet, time and again, state policymakers make decisions that preserve rather than disrupt historic injustices.

Funding schools equitably is a moral imperative, and the research is clear:

Increasing funding for systematically under-resourced schools increases long- and short-term student success.

Yet, time and again state policymakers make decisions that preserve rather than disrupt historic injustices.

An Overview of the School-to-Prison Pipeline

The problem of states deciding to spend critical resources on the criminal legal system is compounded by some education policies that directly undermine academic success and support criminalization. Specifically, zero tolerance policies, in-school and out-of-school suspensions, expulsions, threat assessment teams, school-based law enforcement, referrals to law enforcement, and school-based arrests create a school-to-prison pipeline. The behaviors of children of color, children with disabilities, and LGBTQ youth are disproportionately criminalized, while White students or those who do not have a disability or are not LGBTQ and who engage in the same behavior are treated far more leniently. Altogether, these policies and practices push children of color, children with disabilities, and LGBTQ youth out of school and into juvenile and criminal systems.

- Black students are suspended and expelled at **three times** the rate of White students.⁶⁸
- Students with disabilities are more than **twice as likely** to receive an out-of-school suspension as their peers.⁶⁹
- Black students represent **27 percent** of all students referred to law enforcement and **31 percent** of school-based arrests despite constituting only **16 percent** of student enrollment.⁷⁰
- Students with disabilities comprise **12 percent** of all students, but they make up **28 percent** of all students referred to law enforcement or subjected to school-based arrests.⁷¹ Students with disabilities are nearly **three times more likely** to be arrested, and this risk is increased even further at schools with police.⁷²
- Black students with disabilities are consistently suspended, expelled, or arrested at higher rates relative to their percentage in the population of students with disabilities. Black girls with disabilities are **four times more likely** than White girls with disabilities to be subject to school disciplinary practices such as out-of-school suspension.⁷³ Black boys with disabilities are arrested in school at **five times the rate** for all students.⁷⁴
- A single suspension increases a student's likelihood of being suspended again and increases their risk of dropping out.⁷⁵
- Black students often are punished **more harshly** than White students for the same offense.⁷⁶
- Black and Latino children are **more likely** than their White peers to attend schools with law enforcement and to be arrested, often for minor infractions.⁷⁷
- For children who are undocumented, disciplinary actions that lead to contact with law enforcement can place them on a path to deportation.⁷⁸
- American Indian and Alaska Native students represent **1 percent** of the student population but account for **2 percent** of out-of-school suspensions and **3 percent** of expulsions.⁷⁹ Pacific Island/Native Hawaiian and Native American students are arrested at **twice the rate** of White students.⁸⁰
- Approximately **20 percent** of youth in juvenile justice facilities identify as LGBTQ compared with **7 to 9 percent** of youth nationwide. Nearly 40 percent of girls in these facilities identify as LGBTQ. Among youth in juvenile facilities who identify as LGBTQ, **85 percent** are youth of color.⁸¹

The systematic underfunding of schools is one of the many longstanding racial disparities in education and is intertwined with the school-to-prison pipeline, the criminalization of marginalized children, and the over-policing of people of color in schools and communities. The decisions to institute zero tolerance policies and invest in school “hardening” by increasing school-based law enforcement and surveillance rather than counselors and mental health professionals has also had a profoundly harmful impact on students, particularly Black, Native, and Latino students, students with disabilities, LGBTQ students, and other historically marginalized students.⁸²

Increased police presence in schools and the implementation of zero tolerance or other harsh, discretionary discipline policies have caused devastating harm to young people’s futures and educational outcomes. The direct consequence of police in schools, coupled with the systemic biases and discriminatory enforcement patterns of police departments across the country, is the criminalization of typical adolescent behavior, with deep and disturbing racial implications.⁸³ Students of color and students with disabilities are severely and disproportionately harmed.⁸⁴ These policies and practices create and maintain a school-to-prison-pipeline.⁸⁵ Moreover, investing in school-based law enforcement and other security measures for too long has come at the expense of personnel and services that create safe, healthy, and inclusive school climates.⁸⁶

Significant distance remains in the long march toward justice in education. But the road is clear: Target investments in education to communities that have long been subjected to discriminatory policies, and eliminate practices that funnel students, particularly students of color, out of schools and toward poverty and prison. It is vitally important for state policymakers to take urgent action, especially as states, families, and communities face an economic crisis on the scale of the Great Depression.

Significant distance remains in the long march toward justice in education. But the road is clear:

Target investments

in education to

communities that

have long been

subjected to

discriminatory

policies, and

eliminate practices that funnel students, particularly students of color, out of schools and toward poverty and prison.

Funding the Criminal Legal System and Mass Incarceration

The United States incarcerates more people per capita than any other country in the world.⁸⁷ Representing less than 5 percent of the global population, Americans constitute almost 25 percent of all incarcerated people on the planet.⁸⁸ The criminal legal system extends beyond incarceration to include individuals on probation or parole as well as those who may have been arrested or detained but have yet to be charged or convicted with any offense. In 2016, more than 6.6 million people were under some form of correctional control or supervision.⁸⁹

About 2.3 million are behind bars today across thousands of state and federal prisons, local jails, juvenile correctional facilities, and immigration detention centers.⁹⁰ Shockingly, at any given time, there are twice as many people sitting in local jails presumed innocent and awaiting trial as there are incarcerated across the entire federal prison system.⁹¹

Federal and state policies, such as mandatory minimum sentences, “three strikes” legislation, and harsh sentences, over-police and over-criminalize communities of color and subsequently result in the disproportionate incarceration of people of color. According to the latest data, more than 60 percent of people in prison are people of color.⁹² Black men are six times as likely and Latino men are nearly three times as likely to be incarcerated as White men.⁹³ In 2018, Native Americans were incarcerated in federal and state correctional facilities at nearly four times the rate of White people.⁹⁴ The incarceration rate of women has increased at twice the rate of men since 1980. In fact, Black women are incarcerated at 6.1 times the rate of White women, an even greater disparity than between Black and White men. Latina women are incarcerated at almost 2.5 times the rate of White women.⁹⁵

Federal and state policies over-criminalize people with disabilities which result in the disproportionate incarceration of people with disabilities. A recent study found that people with disabilities are more likely to be arrested than those without disabilities.⁹⁶ The study further found that police arrest Black people with disabilities at nearly twice the rate as White people with disabilities.⁹⁷ These higher and disproportionate rates of arrest contribute to the fact that incarcerated people, particularly people of color, are far more likely to report having a disability than those who are not incarcerated. For example, cognitive disabilities are four times as common among people in prisons as in the general population of the country.⁹⁸ Among those incarcerated, one in five are estimated to have a serious mental illness.⁹⁹ It is likely that these are undercounts as many people with disabilities are not identified or do not feel safe self-identifying in a jail or prison setting.¹⁰⁰

State and local laws that criminalize homelessness provide a clear example of how policies focused on punishment and incarceration fail to address the drivers of prohibited behaviors or improve the wellbeing of communities. People experiencing homelessness are ticketed, fined, arrested, and even incarcerated for running afoul of ordinances and laws against loitering,

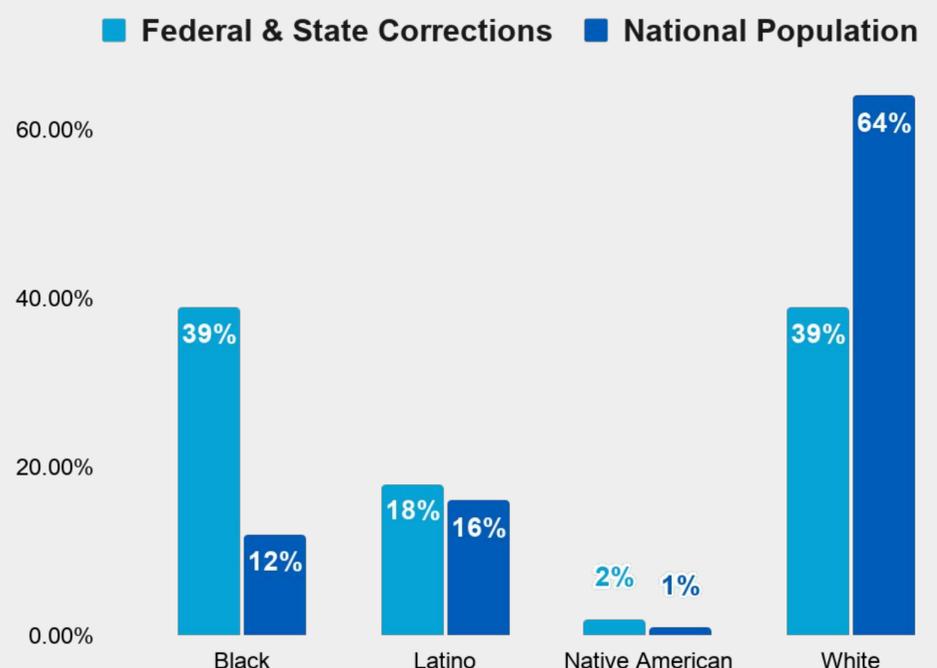
panhandling, sleeping in public, camping, living in vehicles, or storing personal property publicly.¹⁰¹ These laws do not address the root causes of homelessness, such as the lack of affordable housing, unemployment, poverty, and mental illness. Instead, they compound its challenges and further harm people by harassing and displacing them. Investing in a carceral response costs limited state funds, denies individuals their dignity and freedom, and fails to address the real needs of people in communities.

The criminal legal system is a blunt instrument that is far too frequently deployed to address the effects of social policy failures that could more appropriately and effectively be remedied through direct investments in social services and supports. Arresting homeless people will never be an effective response to decades of inadequate and unjust housing policies. But the problem of over-incarceration does not stop there. The criminal legal system is also used to improperly respond to public health crises. Rather than invest in treatment, prevention, and social supports for individuals with mental health or substance use disorders, our nation has criminalized such individuals to the point that a community's jail is oftentimes also its largest mental health care provider.¹⁰² The use of fines and fees, from parking tickets to cash bail, treat poverty as a crime itself.¹⁰³ Furthermore, children and adults with disabilities are often referred to the criminal legal system for behaviors that are the result of their disabilities.¹⁰⁴ To address this injustice, states must change the laws, policies, and state budgets that support the criminalization and further punishment of people who are underserved and mistreated by other systems. They also must invest in and improve their public education, health, and housing systems as well as other public benefits to better serve and support communities.

Racial Disproportionality in Incarceration

In addition to having the highest incarceration rate in the world, the United States' prison system is also plagued by gross racial disparities. As shown in the chart below, Black, Latino, and Native American people represent a disproportionately large share of the federal and state prison population compared with their percentage of the country's population as a whole.¹⁰⁵

Source: Carson, Anne E. "Prisoners in 2018." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. April 2020. <https://www.bjs.gov/content/pub/pdf/p18.pdf>; U.S. Census Bureau. "2018 Population Estimates by Age, Sex, Race and Hispanic Origin." U.S. Census Bureau. June 20, 2019. <https://www.census.gov/newsroom/press-kits/2019/detailed-estimates.html>.



In addition to being ineffective and unjust, our bloated criminal legal system is also unsustainably costly. In financial terms, the criminal legal system in the United States costs an estimated \$182 billion each year.¹⁰⁶ This includes spending on incarceration, police, courts, bail, and all other related expenses.¹⁰⁷ To put that into perspective, the financial cost of the U.S. criminal legal system is more than the GDP of most countries.¹⁰⁸

In human terms, the criminal legal system costs far more, depriving individuals of their dignity, rights, and freedom, as well as imposing compounding consequences. Serving any time in jail or prison greatly increases the likelihood of experiencing poverty.¹⁰⁹ It also dramatically decreases employment opportunities,¹¹⁰ limits affordable and adequate housing options,¹¹¹ decreases educational attainment,¹¹² and compromises physical and mental health.¹¹³ A period of incarceration actually increases the likelihood of future imprisonment.¹¹⁴

The costs of incarceration are not limited to the incarcerated individual, but can also lead to social, educational, and economic instability for their family. Indeed, the incarceration of a parent leads to negative consequences for children's development, health, education, and long-term outcomes.¹¹⁵ Children with an incarcerated parent are more likely to become involved with the criminal legal system themselves, often due to the lack of parental guidance, income, and support.¹¹⁶

Although the criminal legal system has been used to control and separate Black people and other marginalized people in the United State since the nation's founding, the current system of mass incarceration and its myriad harms are primarily the result of deliberate, racist policy decisions beginning in the 1970s.¹¹⁷ Although the Vietnam War was already siphoning attention and critical funding away from the Great Society programs, President Nixon foreclosed on the promises and positive results of that movement and sought to replace the War on Poverty with a War on Drugs in 1971. Coupled with a broader "Tough on Crime" approach, this inaugurated decades-long growth in the United States' prison population. In 1972, 161 people per 100,000 were incarcerated. By 2007, the rate increased more than 500 percent to 767 per 100,000.¹¹⁸

Nixon's "Law and Order" and "Tough on Crime" policy agenda led to more punitive sentencing laws and increased enforcement actions, particularly for low-level offenses. People of color were — and continue to be — disproportionately targeted by law enforcement and receive harsher sentences for similar offenses than White people.¹¹⁹ President Reagan expanded on these policies and introduced mandatory

minimum sentences which bind judges to imposing particularly harsh and lengthy sentences for certain offenses without leaving room for any individualized assessment and regardless of circumstances. As a result, between 1980 and 1988 the prison population doubled from over 300,000 to more than 600,000 people.¹²⁰

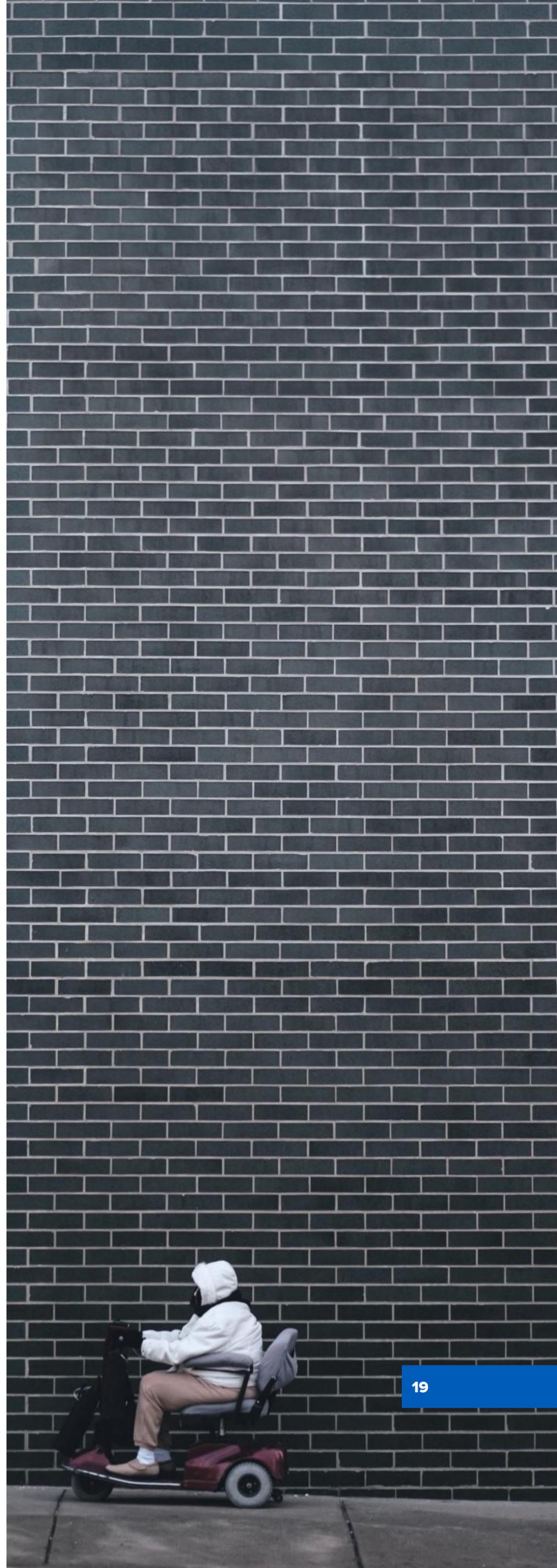
In 1994, the U.S. Congress passed the Violent Crime Control and Law Enforcement Act (1994 Crime Bill),¹²¹ which has had devastating consequences on communities of color and spurred mass incarceration. The law included a number of new draconian policies that were enforced disproportionately on people of color. For instance, the law permitted 13-year-olds to be tried as adults. The law also created 60 new death penalty offenses. It provided funding for 100,000 new police officers — principally through the Community Oriented Policing Services (COPS) Hiring Program — as well as an additional \$10 billion in new prison funding. The law also amended the Higher Education Reauthorization Act of 1994 to limit educational opportunities for incarcerated individuals by eliminating their eligibility for PELL grants — federal funds to mitigate the cost of college¹²² — while incarcerated. And in combination with those investments, the law created incentives for states to pass “truth-in-sentencing” laws requiring sentences be fully served and “three strikes” legislation, which fueled an explosive increase in the prison population.

Under the sustained federal push to increase criminalization and incarceration, states — where the majority of growth in the prison population and spending on police, the courts, and prisons occurs¹²³ — enacted similar policies. California, for example, instituted a three strikes law in 1994, which mandated longer prison sentences for people with a prior felony conviction. A person with two prior felony convictions was automatically sentenced to 25 years to life for their third offense.¹²⁴ (Note, the criteria of the law were amended in 2012 to be somewhat less severe.)¹²⁵

Growth in the prison population persisted through the 1990s and 2000s. Around 2010, the trend reversed slightly, and the number of people incarcerated began to decline marginally.¹²⁶ The decrease was partially due to a number of important policy changes. For example, the passage of the Fair Sentencing Act in 2010 reduced (but did not eliminate) the racially biased sentencing disparity between crack and powder cocaine.¹²⁷ And in 2011, the new sentencing guidelines were applied retroactively by the U.S. Sentencing Commission, granting thousands of people — the vast majority of whom were Black — a sentencing review that included the potential for a sentencing reduction.¹²⁸ The Obama administration rolled back mandatory minimum sentences for

low-level drug offenses.¹²⁹ The administration also took steps to address the racially discriminatory policing practices that serve as a driver of disproportionate arrests and criminal legal system involvement for people of color by entering into consent decrees with local police departments to address systemic civil rights violations.

Although the federal government sets the tone on many criminal legal system policies and practices, states hold responsibility for many policies and practices that fuel mass incarceration. Much of the state growth of incarceration was due to the 1994 Crime Bill, which gave states money to perpetuate policies and pass laws that bred bloated prisons. As such, state policymakers have the power to fundamentally transform our justice system by making different policy and budgetary choices that reduce the footprint of the criminal legal system and end its carceral approach. State policymakers should abandon the failed policies that have led to over-policing, over-criminalizing, and over-incarcerating, and instead prioritize supporting and growing communities through greater investments in programs that bring about genuine public safety, such as equitable public education.





III.

Study Overview

COVID-19 continues to infect millions of people in the United States and has killed hundreds of thousands of individuals — and counting.¹³⁰ The devastation does not stop with public health. COVID-19 also has destroyed the economy,¹³¹ sent as many as eight million people into poverty,¹³² exacerbated food insecurity,¹³³ triggered a housing crisis,¹³⁴ and kept millions of children out of school buildings for nearly a year.¹³³

The economic crisis wrought by the pandemic is double-edged. It both further damages communities — particularly communities of color — and decreases the resources available to combat the virus and its broad consequences. Facing significant budget shortfalls, state policymakers must make critical choices on how best to spend their limited resources to support communities.

The need to contend with lost revenue compels state policymakers to consider moving away from decades of harmful policies and investments in the criminal legal system, and instead make greater investments in people and communities through equitable and adequate public education spending. Restructuring state budgets to redirect resources away from the carceral state and toward improving access, equity, and quality of education is a matter of justice, as well as fiscal prudence.

To help inform state policymakers' decisions during the current economic crisis, we look back at how states managed their budgets during the Great Recession. We juxtapose states' funding for their criminal legal systems with their funding of P-16 education. We contrast these investments both because they consume a considerable share of state budgets¹³⁶ and, more importantly, because they are diametrically opposed societal pursuits. Funding the criminal legal system is a commitment to controlling people, removing them from their communities, and limiting their opportunities. Financing public education, on the other hand, is an investment in opportunity, growth, and human potential.

It is worth noting that there are differences in scale between the total spending on P-16 education and spending on the criminal legal system. Among the more than 56 million school-aged children in the United States, nearly 90 percent participate in the public P-12 education system.¹³⁷ Additionally, more than 20 million people are enrolled in postsecondary and graduate programs nationwide.¹³⁸ As a result, hundreds of billions of dollars more are spent in the aggregate each year on P-12 and higher education than on the criminal legal system, as they should be. However, even with a larger aggregate total for spending on the education system, states spend roughly three times as much to incarcerate a person as they do to educate a student enrolled in public school.¹³⁹

Despite the obvious benefits of education and the countless harms created by the carceral system, we found that during the Great Recession most states elected to prioritize funding for police, courts, and prisons over early childhood education, public schools, and higher education. In other words, as millions of people struggled through unemployment, poverty, and other crises, state policymakers chose to invest in controlling people rather than supporting them.

Our analysis makes clear that despite facing significant budget shortfalls, policymakers nevertheless retain considerable flexibility to decide what and who they value and correspondingly how they should spend taxpayer money. Policymakers in a handful of states made the righteous decision to prioritize education funding over criminal legal system funding. Most, however, chose to do the opposite. Even in the face of the economic collapse caused by the COVID-19 public health crisis, state policymakers retain the opportunity and responsibility to make intentional choices about how and where to prioritize funds. This study demonstrates clearly that state policymakers can — and indeed should — increase and protect education funding, target funding to historically oppressed communities, reimagine public safety, transform the criminal legal system, and route funding to public education instead of toward the criminal legal system.

Funding the criminal legal system is a commitment to controlling people, removing them from their communities, and limiting their opportunities.

Financing public

education, on the other

hand, is an investment

in opportunity, growth,

and human potential.



Methodology

To study how state budgets changed in response to the Great Recession, we analyzed publicly available state-level expenditure data for both the criminal legal systems and P-16 education systems between 2008 and 2012. This policy brief specifically focuses on the areas where state policymakers have direct control. Revenue and expenditures at the local level (e.g., property taxes, wage taxes, and bond measures) were excluded from this analysis, as were federal funds.

The criminal legal spending data is derived from the Justice Expenditures and Employment Extracts Series, which is based on the Census Bureau's Annual Government Finance Survey and Annual Survey of Public Employment and published by the Bureau of Justice Statistics.¹⁴⁰ The data includes overall expenditures, as well as spending on police protection, judicial and legal services, and corrections. Police protection includes all activities related to enforcing the law and apprehending those who violate it. Judicial and legal services includes activities associated with civil and criminal courts, such as attorneys general and grand juries.

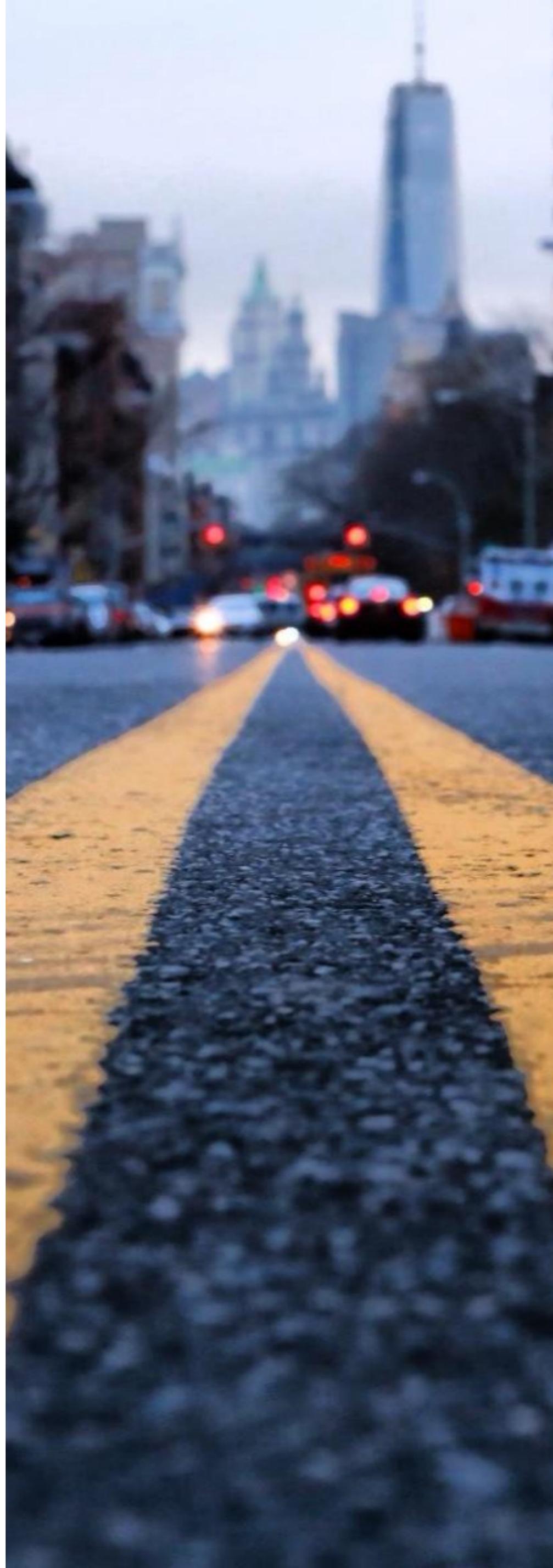
The P-16 education spending numbers are comprised of state-level P-12 funding and state appropriations for higher education. P-12 revenues and expenditures are from the Local Education Agency Finance Survey (LEA Finance Survey), collected by the U.S. Census Bureau.¹⁴¹ The LEA Finance Survey data is reported by Local Education Agency (LEA), or school district. For our analysis we aggregated school district level expenditures to the state-level. Since the LEA Finance Survey does not specifically report expenditures only from state-level revenues, we estimated state-level expenditures by subtracting federal and local revenues, as well as payments to private schools, from the total expenditures.¹⁴²

To make sure that our estimated state expenditures are reasonable, we compared them with the state-level revenues reported in the LEA Finance Survey. On average, we found state revenues to be within a percent of our estimated state expenditure value. See Appendix on page 43 for a state-by-state table detailing state revenues and expenditures.

Higher education spending data is based on state tax appropriations for higher education, including state-level student financial aid, from the State Higher Education Finance (SHEF) Report produced by the State Higher Education Executive Officers Association (SHEEO).¹⁴³ State appropriations include revenues allocated to an institution of higher education from the state's legislative body. These data do not include funding from the American Recovery and Reinvestment Act (ARRA) or state funding for specific grants, such as research projects or training programs.

To create our P-16 expenditure variable, we combined P-12 state-level expenditures and higher education state appropriations together. Although this approach will not identify state P-16 expenditures to the precise dollar, the methodology nevertheless allows us to understand state policymakers funding values and prioritization during a fiscal crisis. Our analysis does not compare spending in one state to another. Instead, we analyze only how expenditures changed year-over-year within states. As such, we report funding changes using 2008 spending as a baseline. We chose 2008 as the baseline for this study since that is the first year states had to make budgeting decisions in response to the Great Recession.

All the figures in our analyses were adjusted for inflation using the Consumer Price Index (CPI) by the Bureau of Labor Statistics (BLS).¹⁴⁴ Thus, all values were adjusted to 2012 dollars. This allows us to compare effectively state funding dollar amounts from year to year. Using these adjusted funds, we calculated per capita expenditures using total populations at the state level. Throughout this paper, when we refer to funding or changes in spending, it is on a per capita basis. See Appendix on page 43 for detailed state data tables.





IV.

Findings

The Great Recession devastated state economies¹⁴⁵ and forced state policymakers to make meaningful high-stakes budget decisions.

Unfortunately, significant revenue shortfalls led states to slash budgets for education, health, and other public services. In 2009, states cut their budgets by an average of just over 4 percent. That increased to more than 7 percent the following year.¹⁴⁶ And by 2011, states closed budget shortfalls of more than \$425 billion.¹⁴⁷

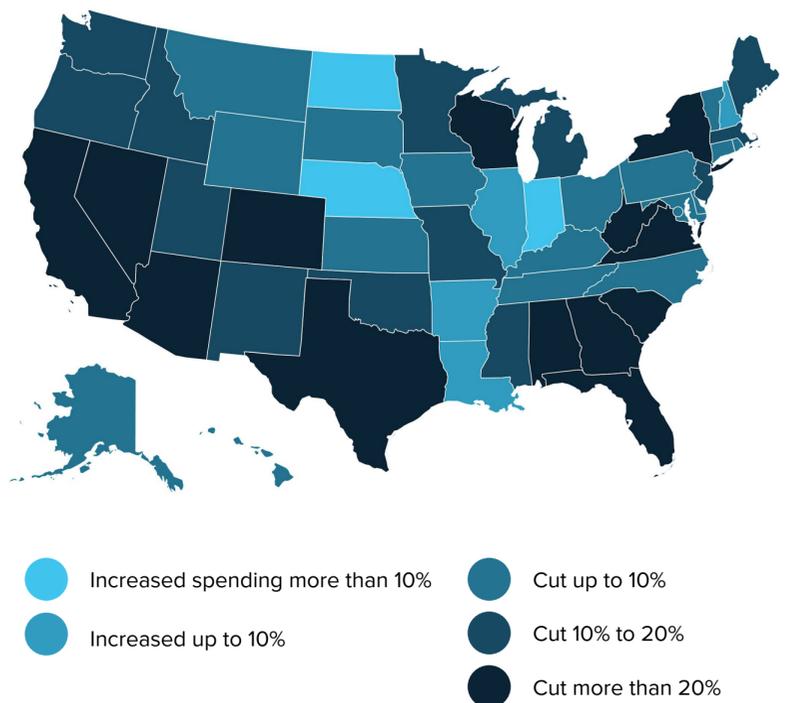
State policymakers frequently targeted public education for budget cuts. Colorado, for example, slashed K-12 education funding by more than 5 percent — or about \$260 million — between 2010 and 2011.¹⁴⁸ Florida hiked college tuition costs in consecutive years, resulting in a 32 percent increase in the cost of attending a public institution of higher education in the state.¹⁴⁹

The federal American Reinvestment and Recovery Act of 2009 (ARRA) provided an infusion of more than \$800 billion in federal funds to help mitigate some of the damage wrought on state spending on public services.¹⁵⁰ However, those funds largely ran out by 2011, leading states to make even deeper cuts. The consequences of these cuts to state education budgets were devastating and longstanding. By 2015, 29 states still spent fewer dollars in state funding per student than they did in 2008.¹⁵¹

State cuts to education funding did not occur in a vacuum but were made in relationship with other state budget priorities. Budget choices amid an economic crisis reveal state policymakers' values even more starkly than in times of plenty. Tragically, our analysis of state budgeting choices during the Great Recession reveals that most state policymakers valued their criminal legal systems — which have a history of exploiting and oppressing communities of color — over their education systems.

As shown in the following three maps, after adjusting for inflation, 11 states increased criminal legal system spending, six increased P-12 education funding, and only four increased higher education appropriations between 2008 and 2012. The majority of states cut their P-12 education and criminal legal funding: Thirteen states cut P-12 education and six states cut criminal legal funding by more than 20 percent. Across the country, state policymakers enacted the most severe cuts to their higher education budgets. Higher education appropriations plummeted during this period: Twenty-four states cut their higher education appropriations by at least 20 percent. A staggering 10 states cut their higher education funding by more than 30 percent between 2008 and 2012.

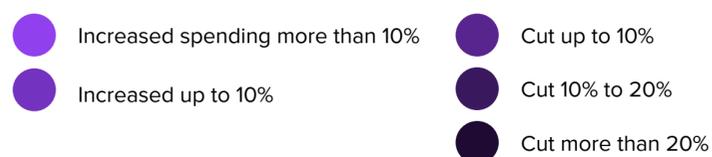
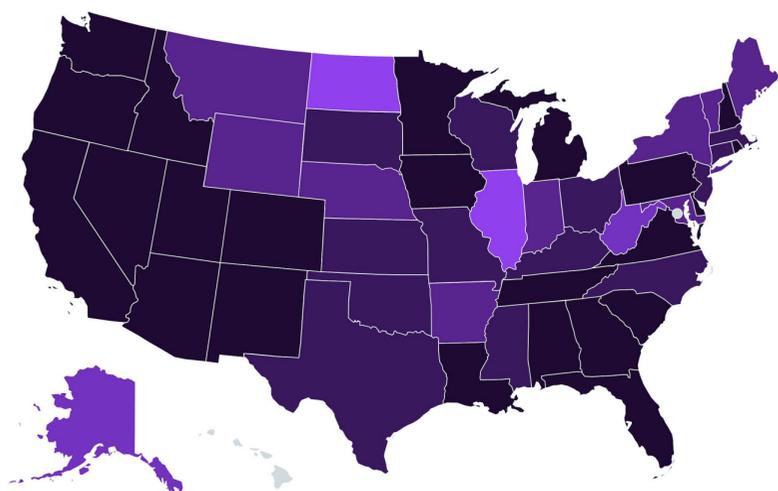
[Figure 1]: Changes in State P-12 Spending from 2008 to 2012



Source: Author's analysis of the National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

As shown in the map above, seven states — Arkansas, Illinois, Indiana, Louisiana, Nebraska, New Hampshire, and North Dakota — increased their P-12 spending from 2008 to 2012 after adjusting for inflation. Eighteen states cut their P-12 spending up to 10 percent, while another 13 states cut spending between 10 and 20 percent. Thirteen states cut their P-12 education funding by more than 20 percent.

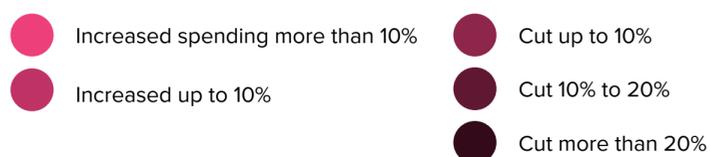
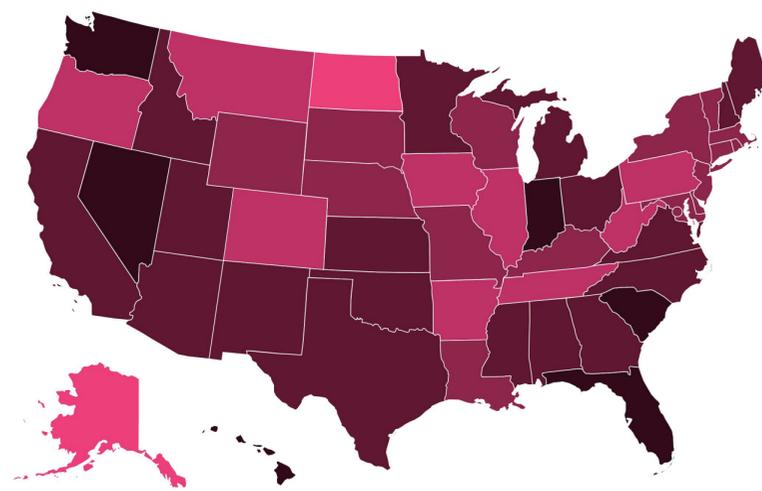
[Figure 2]: Changes in State Higher Education Appropriations from 2008 to 2012



Source: Author's analysis of the State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

As shown in the map above, four states — Alaska, Illinois, North Dakota, and West Virginia — increased state appropriations for higher education between 2008 and 2012. All other states cut, often drastically, higher education spending. Thirteen states cut their higher education appropriations between 10 and 20 percent, while another six states cut higher education appropriations by more than 20 percent.

[Figure 3]: Changes in State Criminal Legal System Spending from 2008 to 2012



Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

As shown in the map above, 11 states — Alaska, Arkansas, Colorado, Illinois, Iowa, Montana, North Dakota, Oregon, Pennsylvania, Tennessee, and West Virginia — increased spending on their criminal legal systems from 2008 to 2012. Fifteen states cut their criminal legal spending by up to 10 percent. Another 19 states cut their spending between 10 and 20 percent. One state cut its spending on its criminal legal system by more than 40 percent.

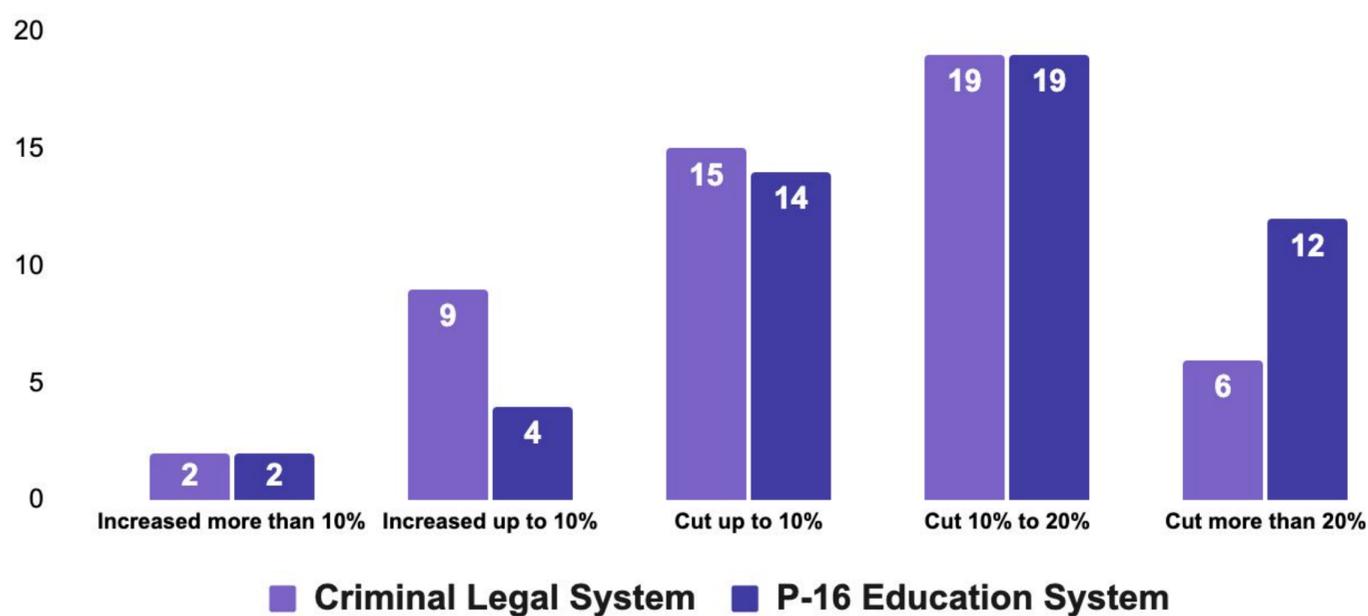
Comparing state funding decisions across these three systems reveals whether states valued education more than criminal legal spending. Across the country, 30 states cut their P-12 education funding more significantly than they cut spending on their criminal legal system.¹⁵² Additionally, 45 states cut their higher education appropriations at a higher rate than funding for their criminal legal systems. This suggests that reductions in state-level appropriations for higher education was a key driver of the decrease in state P-16 education funding during the Great Recession.

As shown in the chart below, after adjusting for inflation, six states increased state-level P-16 education funding between 2008 and 2012. On the other hand, 11 states chose to increase the spending on their criminal legal system despite the Great Recession. More than 60 percent of states cut their P-16 education funding by more than 10 percent. Less than half of states made a similarly large reduction in spending on their criminal legal system.

More than 60 percent of states cut their P-16 education funding by more than 10 percent.

Fewer than half of states made a similarly large reduction in spending on their criminal legal system.

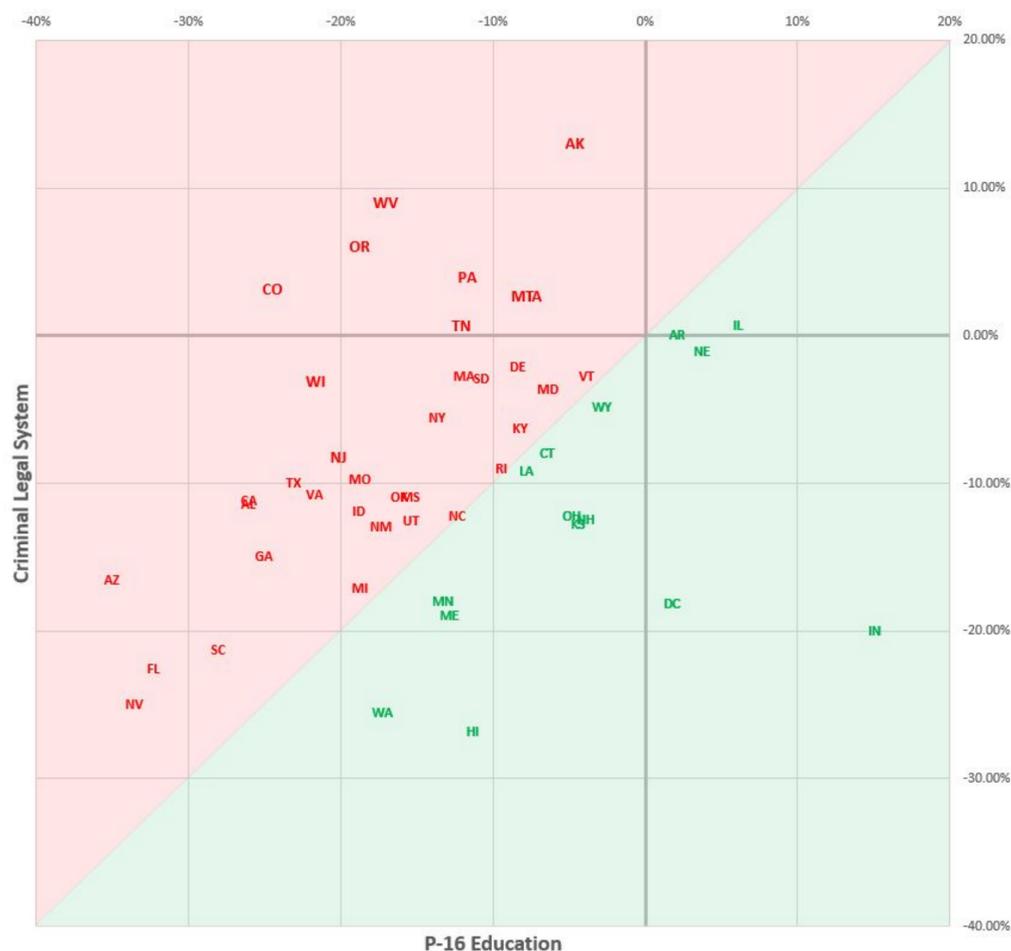
[Figure 4]: Count of States by P-16 Education and Criminal Legal System Funding Change: 2008 to 2012



Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

As alarming as these figures are, even more disturbing are the decisions states made regarding funding their education and criminal legal systems. In most instances, state cuts to education underwrote smaller reductions in spending on the criminal legal system. We found that during the Great Recession, 58 percent of states cut criminal legal spending less dramatically than spending on education. The graph on the following page illustrates how each state's per capita spending on P-16 education and criminal legal system funding changed between 2008 and 2012.

[Figure 5]: P-16 Education and Criminal Legal System Funding Change from 2008 to 2012



Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.htm?searchType=web&cssp=SERP&q=current%20population%20reports>.

Note: For clarity, this graph does not include North Dakota. The state increased P-16 education funding by 43 percent and criminal legal system funding by 31 percent. Furthermore, Montana (MT) and Iowa (IA) are in similar positions on the graph so both states appear as "MTA."

The states in green on the right side of the graph protected education funding over funding for their criminal legal system. For example, Minnesota cut P-16 education funding by 13 percent and cut criminal legal funding by 18 percent. Indiana cut criminal legal spending by 20 percent, while actually increasing education funding by 15 percent. The states in red on the left side of the graph prioritized funding their criminal legal systems over their P-16 education systems. For example, New Jersey cut P-16 education funding by 20 percent and criminal legal system spending by 8 percent. Colorado, on the other hand, increased criminal legal spending by 3 percent, while decreasing education funding by 24 percent.

These data reveal that when forced to make budget cuts, most states chose to maintain funding for their criminal legal systems at the expense of education. But more importantly, this analysis makes clear that even during an economic catastrophe, protecting education funding is possible. Deep cuts to education budgets are not an unavoidable reality in moments of economic hardship, but a choice. And during the Great Recession, more than two dozen states decided that funding schools, investing in people, and supporting their potential and growth was not only the moral choice, but financially smart as well.

**But more importantly,
this analysis makes clear
that even during an
economic catastrophe,
protecting education
funding is possible.**

**Deep cuts to education
budgets are not an
unavoidable reality in
moments of economic
hardship, but a choice.**



Thirty states cut their criminal legal system spending less than their education spending during the Great Recession.

To negotiate the economic collapse caused by the Great Recession, the majority of states decided to cut spending on their criminal legal systems at a lesser rate than P-16 education funding. In other words, policymakers in most states valued controlling, confining, and policing their communities over educating them.

Among the 30 states that made this ill-conceived and ill-fated decision, the degree to which funding for their criminal legal systems was prioritized over education varied widely. In Maryland, the state cut its criminal legal spending by 3 percentage points less than it cut education. On the other hand, Colorado cut criminal legal spending by 28 percentage points less than it cut education. By 2012, for every dollar Colorado cut from education, it correspondingly only cut criminal legal spending by 72 cents.

[Table 1]: 30 States Cut Criminal Legal Spending Less than Education Funding

State	Change in Criminal Legal System Spending	Change in P-16 Education Funding	Percentage Point Difference	State	Change in Criminal Legal System Spending	Change in P-16 Education Funding	Percentage Point Difference
Colorado	3.18%	-24.48%	27.66	Iowa	2.66%	-7.28%	9.94
West Virginia	9.01%	-17.05%	26.06	Florida	-22.57%	-32.30%	9.72
Oregon	6.01%	-18.77%	24.78	Massachusetts	-2.80%	-11.90%	9.10
Wisconsin	-3.08%	-21.65%	18.56	Missouri	-9.71%	-18.73%	9.02
Arizona	-16.57%	-35.03%	18.46	Nevada	-24.97%	-33.56%	8.59
Alaska	13.04%	-4.63%	17.67	New York	-5.54%	-13.67%	8.13
Pennsylvania	3.97%	-11.68%	15.65	South Dakota	-2.92%	-10.76%	7.84
California	-11.20%	-26.03%	14.83	Idaho	-11.92%	-18.81%	6.88
Alabama	-11.39%	-26.07%	14.68	South Carolina	-21.32%	-28.05%	6.73
Texas	-10.01%	-23.10%	13.09	Delaware	-2.12%	-8.38%	6.26
Tennessee	0.64%	-12.08%	12.72	Oklahoma	-10.95%	-16.16%	5.21
New Jersey	-8.27%	-20.15%	11.88	Mississippi	-10.93%	-15.43%	4.50
Virginia	-10.82%	-21.72%	10.90	New Mexico	-12.97%	-17.35%	4.38
Montana	2.67%	-8.06%	10.73	Utah	-12.52%	-15.38%	2.86
Georgia	-14.97%	-25.04%	10.07	Maryland	-3.67%	-6.39%	2.72

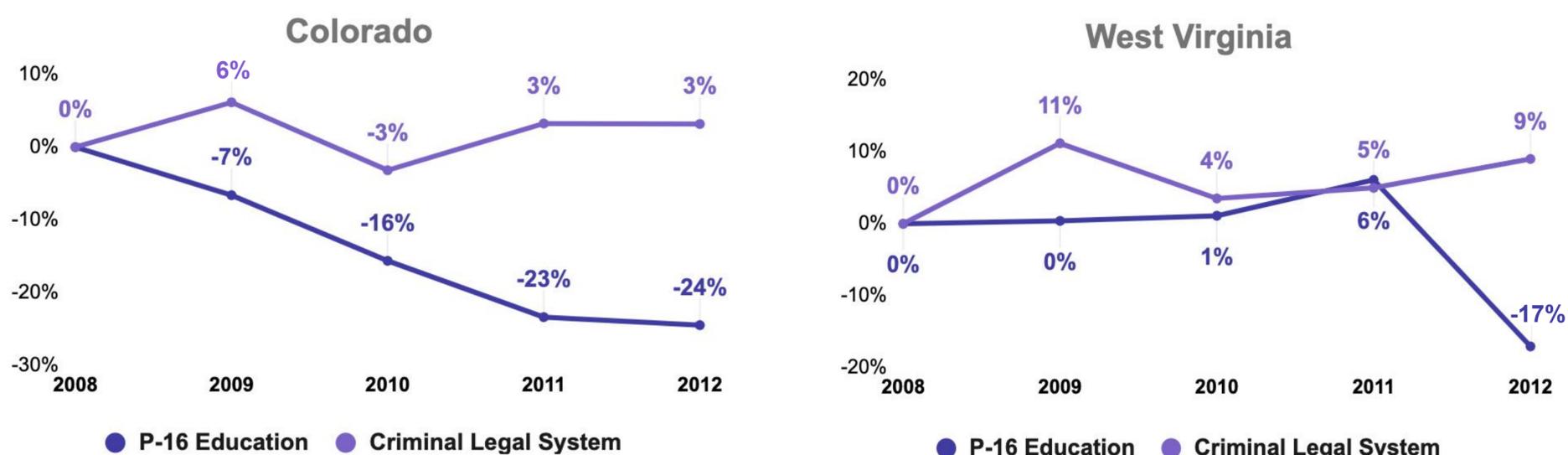
Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

A closer study of year-by-year spending patterns reveals how policymakers from different states approached restructuring their budgets to navigate through the Great Recession. By 2012, both Colorado and West Virginia ultimately cut their criminal legal system funding by less than their education system funding. However, they made very different funding choices on the road to that result.

As shown in the graphs below, Colorado steadily cut education funding each year while slightly increasing funding for the state’s criminal legal system. Indeed, the state cut education funding each year, resulting in a nearly 25 percent reduction in education expenditures by 2012. Over the same period, the state increased criminal legal spending by just over 3 percent.

Although West Virginia produced a similarly large disparity in changes to the P-16 and criminal legal system budgets, the state made markedly different funding choices. Between 2008 and 2011, West Virginia managed to increase both P-16 and criminal legal system spending by about five percent each. Despite staving off the fiscal consequences of the Great Recession for several years, the bill came due in 2011. That year, West Virginia cut P-16 education by a staggering 23 percent. At the same time, the state increased criminal legal spending again by an additional 4 percent. This decision makes clear that even when facing an economic downturn that requires budget cuts, states have discretion to privilege some funding priorities over others. Hopefully, during the economic crises wrought by COVID-19, states will instead choose to protect education funding over funding for the criminal legal system.

[Figure 6]: Comparing Changes to P-16 Education and Criminal Legal System Budgets in Colorado and West Virginia: 2008 to 2012



Source: Author’s analysis of the Bureau of Justice Statistics. “Criminal Justice Expenditure/Employment Survey.” Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. “Local Education Agency (School District) Finance Survey (F-33) Data.” U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. “State Higher Education Finance.” State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. “Current Population Reports.” U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

The Great Recession undeniably required many states to cut their budgets. But the majority of states made the shortsighted and ultimately harmful choice to slash their funding for public education and protect financing for their criminal legal systems. This decision makes clear that most state policymakers valued controlling and policing communities, particularly communities of color, over providing them with their educational rights.

Eight states cut their education spending at the same rate as their criminal legal system spending during the Great Recession.

By 2012, eight states cut their spending on P-16 education at effectively the same rate as funding for their criminal legal system. Although preferable to slashing education budgets more aggressively, this approach nevertheless is an insufficient response to the economic crisis. Ultimately, this approach serves to preserve historic inequities in school finance and perpetuate injustices carried out by criminal legal systems.

The table below details the change in state expenditures on P-16 education and criminal legal spending between 2008 and 2012.

[Table 2]: 8 States Cut Criminal Legal Spending at the Same Rate as Education Funding

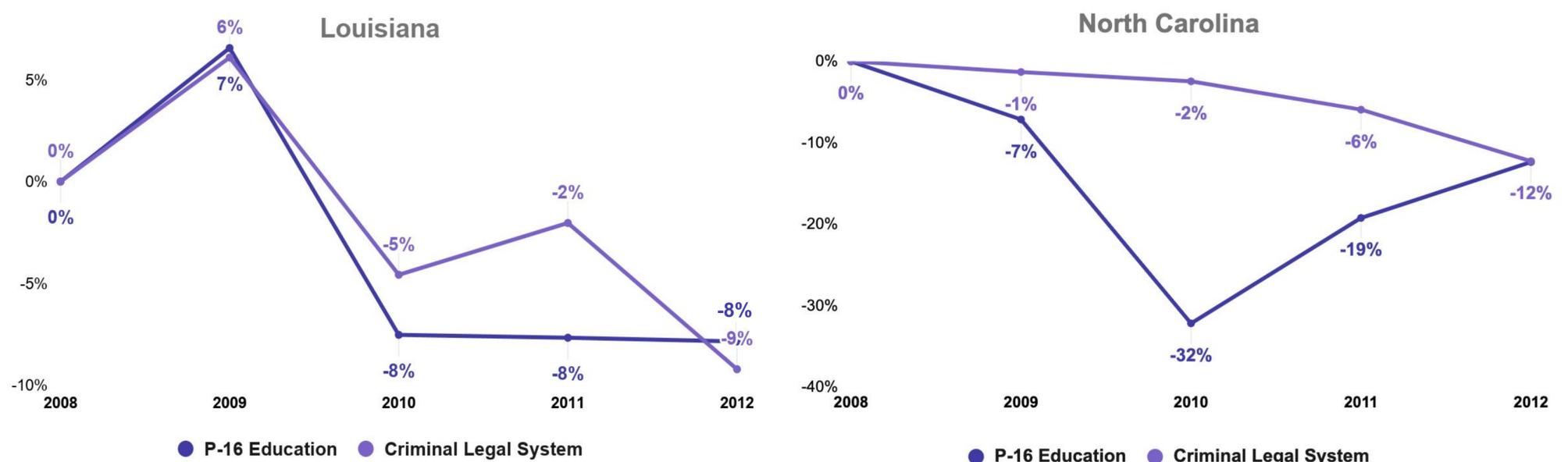
State	Change in Criminal Legal System Spending	Change in P-16 Education Funding	Percentage Point Difference
Kentucky	-6.31%	-8.22%	1.90
Michigan	-17.14%	-18.74%	1.59
Wyoming	-4.83%	-2.90%	1.93
Connecticut	-7.97%	-6.49%	1.49
Louisiana	-9.21%	-7.85%	1.36
Vermont	-2.75%	-3.85%	1.11
North Carolina	-12.24%	-12.35%	0.11
Rhode Island	-9.01%	-9.44%	0.44

Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shf.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Even though in the end these eight states reduced funding for P-16 education at approximately the same rate as criminal legal spending, the year-by-year funding levels reveal key points when state policymakers could have made better, more just choices. As shown in the graphs below, Louisiana cut education funding more aggressively than criminal legal funding from 2009 to 2010. At that point, the state maintained that reduced level of P-16 funding through 2012, while increasing criminal legal funding for one year from 2010 to 2011 before cutting it again. Had Louisiana instead elected to forgo the increase in criminal legal spending from 2010 to 2011, the state would have recuperated nearly \$42 million. Allocating all of those additional dollars to P-12 education amounts to \$59 additional dollars per pupil in 2011.¹⁵³

By 2012, North Carolina cut P-16 education as much as its criminal legal system. However, from 2009 to 2010, the state slashed per capita P-16 education funding by 25 percent, while only cutting criminal legal spending by just over 1 percent during the same period. From 2010 to 2012, the state invested aggressively in P-16 education while continuing to slowly decrease criminal legal spending. In the end, the state cut both by slightly more than 12 percent per capita. Had North Carolina instead elected to double its cut in its criminal legal system, the state would have saved an additional \$380 million by 2012. That translates to \$252 per pupil. Spread out from 2009 to 2012, each primary and secondary student's education could have received \$63 additional dollars.¹⁵⁴

[Figure 7]: Comparing Changes to P-16 Education and Criminal Legal System Budgets in Louisiana and North Carolina: 2008 to 2012



Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Making parallel cuts to education and criminal legal systems is, of course, preferable to gutting education in order to finance police and prisons. That said, it is a mistake to assume that this budgeting approach during an economic crisis is evenhanded. As mentioned previously in this policy brief, the status quo of education finance is already inequitable. And cutting state-level funding likely will exacerbate existing disparities since high-poverty communities are more reliant on state funding than are low-poverty communities.

Thirteen states cut their criminal legal system spending more than their education spending during the Great Recession.

To varying degrees, the Great Recession forced the vast majority of states to cut spending. Faced with the challenge of reconciling lost revenues with an increased demand for support during the recession, 13 states made the righteous decision to cut education funding less significantly than funding for their criminal legal system. A few states increased P-16 education funding and simultaneously reduced spending on their criminal legal system. For example, Nebraska increased P-16 funding by 5 percent and cut criminal legal funding by 1 percent.

In most cases, however, states were unable to avoid reducing their education spending at least somewhat. Nevertheless, they recognized that funding schools and colleges is a critical investment in people and communities that was rendered more vital by the economic downturn. Ohio, for example, cut its education funding by 5 percent and cut its funding for the criminal legal system by 12 percent.

The table below details the change in state expenditures on P-16 education and criminal legal spending between 2008 and 2012. As a reminder, these figures are based on per capita funding levels and have been adjusted for geographic differences and inflation.

[Table 3]: 13 States Cut Criminal Legal Spending More than Education Funding

State	Change in Criminal Legal System Spending	Change in P-16 Education Funding	Percentage Point Difference
Indiana	-20.03%	15.02%	35.05
District of Columbia	-18.17%	1.72%	19.89
Hawaii	-26.87%	-11.37%	15.49
North Dakota	31.13%	42.55%	11.42
New Hampshire	-12.48%	-3.95%	8.53
Kansas	-12.80%	-4.46%	8.33
Washington	-25.57%	-17.30%	8.27
Ohio	-12.22%	-4.87%	7.35
Maine	-18.97%	-12.90%	6.07
Illinois	0.66%	6.04%	5.38
Nebraska	-1.10%	3.68%	4.78
Minnesota	-18.02%	-13.32%	4.70
Arkansas	0.02%	2.04%	2.02

Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

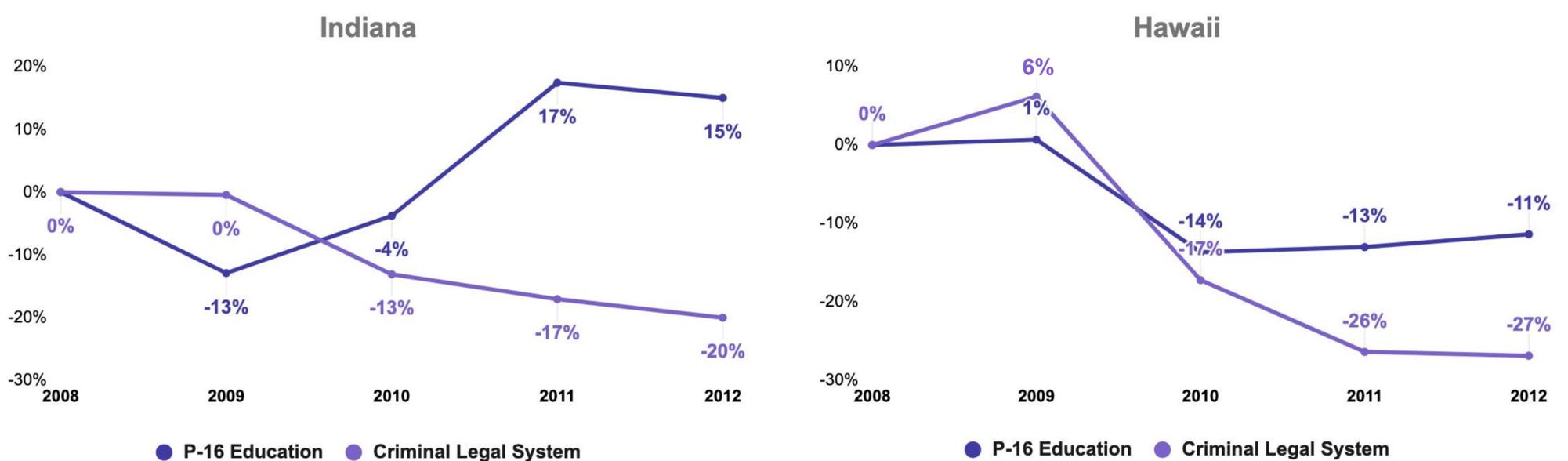
Note: Due to data availability, Washington, D.C. includes only P-12 expenditures.

Indiana and Hawaii created the largest differences in funding between P-16 education and their criminal legal systems between 2008 and 2012. However, the two states went about it differently.

As shown in the graphs below, both states cut P-16 education and criminal legal spending in response to the Great Recession. Then, Indiana slashed education funding in 2009 resulting in a 13 percent cut. At the same time, its funding for the criminal legal system remained nearly constant. However, the state reversed course quickly after the recession officially ended and increased funding for P-16 education significantly in 2010 and 2011, while simultaneously cutting criminal legal spending more aggressively. Ultimately, between 2008 and 2012, Indiana increased P-16 funding by 15 percent and cut criminal legal funding by 20 percent.

Hawaii began cutting both P-16 education and criminal legal spending in 2010. Afterward the state continued to make cuts to its criminal legal system every year until 2012. By 2011, however, Hawaii began to slowly reinvest in P-16 education. Between 2008 and 2012, Hawaii cut P-16 funding by 11 percent and criminal legal spending by 27 percent.

[Figure 8]: Comparing Changes to P-16 Education and Criminal Legal System Budgets in Indiana and Hawaii: 2008 to 2012



Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012. <https://www.bjs.gov/index.cfm?ty=tp&tid=5>; National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

The 13 states that cut criminal legal system spending more than education spending did so in two principal ways. Throughout the Great Recession, some states, such as Maine and Minnesota, cut both but decreased education funding more gradually than their criminal legal systems. Others, such as Indiana and Washington, D.C., aggressively reinvested in education once the Great Recession ended, prioritizing it over allocating additional resources to their criminal legal systems.

Altogether, these states demonstrate clearly that slashing education budgets is not an inevitable consequence brought on by an economic downturn, but rather a policy choice. Yet facing dire economic circumstances again — this time due to COVID-19 — state policymakers should protect education funding and rollback spending on their criminal legal systems.





V.

Recommendations

How states will confront the economic crisis caused by COVID-19 will vary considerably. Their options will be influenced both by the severity of the economic downturn and its impact on their budgets, as well as their ability to generate additional revenues. How they respond will be a political — and moral — question. As such, our recommendations are general strategies and approaches that states can take to maintain or increase education funding while decreasing their investments in the criminal legal system.

These recommendations center on equity and the resultant need to provide more substantial financial support for historically marginalized communities and the institutions that serve them well.

Increase and protect P-16 education funding

As we demonstrated in our analysis, state policymakers reacted to the economic consequences of the Great Recession by cutting — often drastically — P-16 education funding. And while they also cut financing for their criminal legal systems, too many states decided that police and prisons were a higher priority than education, despite enduring the most significant economic downturn in generations. This decision was a mistake, and children and families continue to pay the price more than a decade later.

Now, the country is in the midst of an economic collapse akin to the Great Depression, and this moment requires a new paradigm shift in decision making. Simply put, we cannot afford to repeat the past mistake of cutting investments in schools, in communities, and in the future. If we do, we betray millions of students, rob them of the education they need to realize their full potential, and harm the country in the process. State policymakers must instead choose to protect and even to increase P-16 education funding — as some did in response to the Great Recession.

We believe the most effective long-term strategy is for states to increase and protect P-16 education funding by significantly reducing their financing of their criminal legal systems. This can be easily done by limiting the number of people who come into contact with the system, decarcerating those who already have, and ending funding for enforcement-focused, costly, and discriminatory policies and programs. This approach offers a twofold method to advancing justice and increasing critical investments in historically underserved communities.

Finally, revising state budgets during a recession should be an inclusive process. As such, state policymakers should engage with community members and other key stakeholders to determine the most equitable approach to respond to the economic crisis.

We cannot afford to repeat the past mistake of cutting investments in schools, in communities, and in the future.

If we do, we betray millions of students, rob them of the education they need to realize their full potential, and harm the country in the process.

Focus education funding on historically oppressed communities

With fewer education resources to go around, it is more important than ever to target those funds to the students and communities who need them the most. It is all too common, however, for high-poverty school districts and school districts serving predominantly students of color to actually receive fewer resources per student than more affluent school districts. This pattern needs to change under normal financial circumstances — and especially when facing an economic crisis akin to the Great Depression.

Prior to the COVID-19 public health crisis, P-12 public schools in the United States were among the most inequitably funded of any in the industrialized world¹⁵⁵ and state and local education funds were routinely used in a way that provided greater funding to school districts with a higher concentration of White children than of children of color.¹⁵⁶ Similar disparities can be seen in higher education with states and the federal government sending more funding to predominantly White institutions than HBCUs and MSIs.¹⁵⁷

As states adjust their budgets, they should both increase or maintain overall P-12 education funding levels and restructure how they distribute those funds. To that end, states should review the equity of their funding formulas and make adjustments as necessary to target greater resources to high-poverty districts. While wholesale reforms to the entire system of education finance may be the best way to prioritize marginalized students and ensure their needs are met, even without rewriting their entire funding formula, states can and should funnel a larger share of funding through mechanisms — either within the formula or through other means — to ensure that more resources go to the students facing the most significant barriers to a high-quality education.

To open greater pathways to college for more people, states should increase their investment in need-based financial aid for students. Increasing the overall funding for need-based aid is critical to advancing equitable access to higher education. Additionally, states should expand their investment in HBCUs and MSIs, which disproportionately serve students of color and students from low-income backgrounds. Finally, states should invest in community colleges to open greater and more affordable higher education pathways to more students. States also have the power to make more of their students, including students who are undocumented or are eligible for Deferred Action for Childhood Arrivals (DACA), eligible for in-state tuition — a benefit to their students, their communities, and the state as a whole.¹⁵⁸

Reimagine public safety and transform the criminal legal system

The criminal legal system is a costly enterprise both in financial and human terms. Nearly \$200 billion is spent annually across the system and millions of communities and families are harmed in the process.¹⁵⁹ And worse still, our fixation on “tough on crime” policies has actively undermined real safety.

Given these realities, states should significantly roll back their investments in the criminal legal system and do so responsibly. Decreasing funding by eliminating crucial health and educational supports for incarcerated people or support for returning citizens, for example, would be costly mistakes, as would reducing funding to ensure every individual is able to access counsel. Instead, states should cut costs by reducing the overall footprint of the criminal legal system by limiting the number of people who come into contact with the system, dramatically reducing incarceration levels, and ending our reliance on criminal justice policy as social policy.

Reducing expenditures on the criminal legal system will require changing criminal statutes and decriminalizing certain behaviors. States could also repeal school disturbance laws and status offenses that disproportionately send students of color through the school-to-prison pipeline. Comprehensive revisions of state criminal statutes and sentencing guidelines that result in fewer criminalized activities, reduced sentencing punishment levels, elimination of sentencing enhancements, and the imposition of collateral consequences will go a long way toward justice and produce lasting economic and social benefits. For a full description of the types of policy changes that would lead to real public safety, true justice, and significant reductions in expenditures for the criminal legal system, see the *Vision for Justice 2020 and Beyond: A New Paradigm for Public Safety*.¹⁶⁰

Additionally, the criminal legal system is grossly inequitable. People of color, immigrants, people with disabilities, low-income individuals, and people experiencing homelessness are disproportionately involved in the system. Moreover, they are frequently stopped, harassed, abused, and even killed by police.

Even with reduced budgets, there are a number of additional strategies that states can undertake to reduce and ultimately eliminate these disparities. For example, states can stop purchasing military-grade equipment, prohibit racial profiling, end incarceration for nonpayment of child support, eliminate cash bail, and create alternatives to incarceration.



VI.

Conclusion

States invest in who and what they value. This is particularly true during an economic crisis when resources are scarce. Funding choices during the Great Recession revealed that the majority of policymakers valued spending precious resources on the criminal legal system at the expense of education. That decision was doubly harmful for low-income communities and communities of color. Students from low-income communities disproportionately attend already under-resourced schools and state funding cuts exacerbated that inequity. Moreover, maintaining funding for the criminal legal system has perpetuated and continues to maintain longstanding racial disparities.

Without a doubt, the COVID-19 pandemic and the severe economic consequences of the ongoing health emergency will have lasting effects for many decades to come. There is an opportunity and a responsibility to minimize the harm to the next generation. State policymakers should learn from the mistakes of the past and pursue justice by making moral funding decisions in the current economic crisis that support marginalized communities — not harm those communities. They should reduce funding for the criminal legal system by decreasing the number of people who come into contact the system overall and changing laws and policies that perpetuate the criminalization and further punishment of people, and reinvest those resources in the P-16 education system.

The choice is about more than just dollars. It is about choosing to make the necessary investments in communities to advance equity and justice, and create opportunities for people to realize their full social, economic, and political rights. Failing to do so, again, will not only harm those communities, but will hurt us all.

VII.

Appendix



Although they track very closely, revenues and expenditures are not the same. To approximate state P-12 expenditures using the Local Education Agency Finance Survey (F-33), we subtracted federal and local revenues, and payments to private schools from the overall P-12 expenditures. We compared those estimates with the state level revenues to test their validity. As shown in the table below, our expenditure estimates are similar to reported state revenues and thereby serve as effective estimates of state P-12 expenditures.

Unadjusted P-12 Revenues Compared with Expenditures, 2012

State	State Revenue, 2012	State Expenditure, 2012	Expenditures as a % of Revenue	State	State Revenue, 2012	State Expenditure, 2012	Expenditures as a % of Revenue
Alabama	\$3,948,650,921	\$4,031,489,158	102%	Montana	\$761,028,865	\$785,248,135	103%
Alaska	\$1,507,912,998	\$1,607,831,002	107%	Nebraska	\$1,166,373,966	\$1,282,835,034	110%
Arizona	\$3,676,775,878	\$3,851,734,122	105%	Nevada	\$1,365,017,000	\$1,422,791,000	104%
Arkansas	\$2,681,696,973	\$3,165,543,054	118%	New Hampshire	\$1,029,324,784	\$1,026,094,432	100%
California	\$36,423,704,775	\$37,700,148,225	104%	New Jersey	\$10,650,712,976	\$8,683,605,048	82%
Colorado	\$3,767,204,876	\$3,615,684,248	96%	New Mexico	\$2,422,276,974	\$2,565,817,026	106%
Connecticut	\$3,804,733,985	\$3,326,546,030	87%	New York	\$23,315,295,632	\$22,940,449,736	98%
Delaware	\$1,162,780,995	\$1,215,169,010	105%	North Carolina	\$7,876,556,954	\$8,507,801,046	108%
D.C.		\$1,543,003,010		North Dakota	\$658,254,962	\$693,447,038	105%
Florida	\$8,702,316,988	\$9,915,098,012	114%	Ohio	\$10,120,478,890	\$10,172,538,220	101%
Georgia	\$7,511,568,980	\$7,386,263,040	98%	Oklahoma	\$2,875,332,896	\$2,681,990,208	93%
Hawaii	\$2,161,254,000	\$1,970,949,000	91%	Oregon	\$3,038,051,991	\$3,214,466,018	106%
Idaho	\$1,292,727,988	\$1,224,129,012	95%	Pennsylvania	\$9,611,737,943	\$9,519,085,114	99%
Illinois	\$9,479,125,847	\$8,569,197,306	90%	Rhode Island	\$811,823,988	\$766,529,024	94%
Indiana	\$7,645,459,977	\$6,623,917,046	87%	South Carolina	\$3,646,643,979	\$3,703,815,042	102%
Iowa	\$2,681,034,983	\$2,669,053,017	100%	South Dakota	\$395,053,976	\$386,412,048	98%
Kansas	\$3,173,204,945	\$3,173,157,110	100%	Tennessee	\$4,017,945,993	\$4,291,244,007	107%
Kentucky	\$3,920,970,960	\$4,173,070,040	106%	Texas	\$20,985,859,924	\$21,030,731,076	100%
Louisiana	\$3,782,906,988	\$3,805,981,012	101%	Utah	\$2,329,324,972	\$2,595,235,028	111%
Maine	\$1,017,339,972	\$982,189,056	97%	Vermont	\$1,383,912,920	\$1,300,486,160	94%
Maryland	\$5,980,540,998	\$5,439,769,002	91%	Virginia	\$5,564,503,818	\$5,747,836,364	103%
Massachusetts	\$6,203,877,980	\$5,611,293,040	90%	Washington	\$7,001,109,986	\$7,233,417,014	103%
Michigan	\$10,700,393,950	\$10,184,173,050	95%	West Virginia	\$2,014,016,996	\$1,580,047,004	78%
Minnesota	\$7,044,998,958	\$7,061,532,042	100%	Wisconsin	\$4,786,355,945	\$4,370,766,055	91%
Mississippi	\$2,195,719,976	\$2,141,162,024	98%	Wyoming	\$851,895,975	\$857,641,025	101%
Missouri	\$3,234,483,979	\$3,102,683,021	96%				

Source: Author's analysis of the National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>.

State Population 2009 to 2012

	2009	2010	2011	2012
Alabama	4,708,708	4,779,736	4,799,918	4,815,960
Alaska	698,473	710,231	722,713	731,089
Arizona	6,595,778	6,392,017	6,467,163	6,549,634
Arkansas	2,889,450	2,915,918	2,939,493	2,950,685
California	36,961,664	37,253,956	37,676,861	38,011,074
Colorado	5,024,748	5,029,196	5,118,360	5,189,867
Connecticut	3,518,288	3,574,097	3,589,893	3,593,795
Delaware	885,122	897,934	907,924	916,993
D.C.	599,657	601,723	620,477	635,327
Florida	18,537,969	18,801,310	19,096,952	19,344,156
Georgia	9,829,211	9,687,653	9,811,610	9,914,668
Hawaii	1,295,178	1,360,301	1,377,864	1,391,820
Idaho	1,545,801	1,567,582	1,584,143	1,595,911
Illinois	12,910,409	12,830,632	12,860,012	12,870,798
Indiana	6,423,113	6,483,802	6,516,480	6,537,743
Iowa	3,007,856	3,046,355	3,065,223	3,076,310
Kansas	2,818,747	2,853,118	2,869,503	2,885,262
Kentucky	4,314,113	4,339,367	4,369,354	4,384,799
Louisiana	4,492,076	4,533,372	4,575,404	4,603,429
Maine	1,318,301	1,328,361	1,328,231	1,328,895
Maryland	5,699,478	5,773,552	5,843,603	5,889,651
Massachusetts	6,593,587	6,547,629	6,611,923	6,658,008
Michigan	9,969,727	9,883,640	9,876,213	9,887,238
Minnesota	5,266,214	5,303,925	5,348,562	5,380,285
Mississippi	2,951,996	2,967,297	2,978,162	2,984,945
Missouri	5,987,580	5,988,927	6,010,717	6,025,415
Montana	974,989	989,415	997,821	1,005,196
Nebraska	1,796,619	1,826,341	1,842,283	1,855,725
Nevada	2,643,085	2,700,551	2,718,379	2,752,565
New Hampshire	1,324,575	1,316,470	1,318,473	1,321,182
New Jersey	8,707,739	8,791,894	8,841,243	8,873,211
New Mexico	2,009,671	2,059,179	2,077,756	2,083,784
New York	19,541,453	19,378,102	19,519,529	19,602,769
North Carolina	9,380,884	9,535,483	9,650,963	9,746,175
North Dakota	646,844	672,591	685,476	702,087
Ohio	11,542,645	11,536,504	11,544,824	11,550,839
Oklahoma	3,687,050	3,751,351	3,786,274	3,817,054
Oregon	3,825,657	3,831,074	3,868,031	3,899,116
Pennsylvania	12,604,767	12,702,379	12,744,293	12,771,854
Rhode Island	1,053,209	1,052,567	1,052,451	1,052,901
South Carolina	4,561,242	4,625,364	4,672,637	4,720,760
South Dakota	812,383	814,180	824,398	834,441
Tennessee	6,296,254	6,346,105	6,397,634	6,454,306
Texas	24,782,302	25,145,561	25,646,389	26,071,655
Utah	2,784,572	2,763,885	2,816,124	2,855,782
Vermont	621,760	625,741	626,730	626,444
Virginia	7,882,590	8,001,024	8,110,035	8,192,048
Washington	6,664,195	6,724,540	6,822,520	6,895,226
West Virginia	1,819,777	1,852,994	1,854,972	1,856,560
Wisconsin	5,654,774	5,686,986	5,709,640	5,726,177
Wyoming	544,270	563,626	567,725	576,765
USA	307,006,550	308,745,538	311,663,358	313,998,379

Source: U.S. Census Bureau. 2008-2012.

<https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Change in Adjusted State P-12 Expenditures Per Capita

	2008	2009	2010	2011	2012
Alabama	0%	-0.58%	-17.47%	-21.91%	-23.88%
Alaska	0%	4.11%	-7.05%	-9.40%	-6.77%
Arizona	0%	-4.07%	-30.95%	-27.03%	-33.03%
Arkansas	0%	6.23%	8.46%	8.53%	5.23%
California	0%	-9.99%	-19.51%	-24.03%	-24.97%
Colorado	0%	-5.73%	-10.59%	-24.29%	-24.39%
Connecticut	0%	-1.10%	-10.85%	-18.54%	-3.06%
Delaware	0%	1.96%	-11.61%	-9.75%	-5.51%
D.C.	0%	-19.71%	1.62%	3.09%	-2.54%
Florida	0%	-13.46%	-33.03%	-32.25%	-33.04%
Georgia	0%	-2.90%	-26.49%	-29.03%	-24.78%
Hawaii	0%	-1.67%	-13.76%	-10.68%	-8.54%
Idaho	0%	6.37%	-12.96%	-11.61%	-15.77%
Illinois	0%	-0.49%	3.15%	0.46%	2.22%
Indiana	0%	-18.10%	-4.20%	24.00%	22.18%
Iowa	0%	3.12%	-6.44%	-4.84%	-1.67%
Kansas	0%	20.83%	11.75%	-0.35%	-0.53%
Kentucky	0%	-1.12%	-7.68%	-9.70%	-5.48%
Louisiana	0%	11.53%	0.05%	0.86%	3.20%
Maine	0%	0.82%	-9.87%	-3.95%	-13.96%
Maryland	0%	2.04%	-0.29%	-4.49%	-5.87%
Massachusetts	0%	-7.08%	-11.34%	-15.56%	-10.20%
Michigan	0%	-1.84%	-5.79%	-17.47%	-17.05%
Minnesota	0%	7.83%	-13.30%	-16.61%	-10.61%
Mississippi	0%	7.81%	-10.59%	-21.96%	-14.91%
Missouri	0%	7.67%	-13.83%	-22.66%	-18.98%
Montana	0%	1.64%	-4.95%	-9.84%	-7.66%
Nebraska	0%	13.71%	1.09%	-14.70%	10.92%
Nevada	0%	-21.89%	-30.59%	-27.10%	-33.75%
New Hampshire	0%	-7.83%	-3.33%	6.12%	1.52%
New Jersey	0%	-8.30%	-20.08%	-24.36%	-21.99%
New Mexico	0%	9.99%	-9.10%	-11.19%	-11.69%
New York	0%	7.24%	4.35%	-10.05%	-14.82%
North Carolina	0%	-6.42%	-41.36%	-21.97%	-9.62%
North Dakota	0%	7.49%	29.75%	55.98%	61.67%
Ohio	0%	9.79%	3.59%	1.86%	-1.58%
Oklahoma	0%	1.65%	-5.57%	-17.16%	-16.33%
Oregon	0%	3.97%	-14.38%	-19.52%	-16.54%
Pennsylvania	0%	11.18%	-0.12%	-3.16%	-6.81%
Rhode Island	0%	-5.73%	-11.59%	-3.11%	-6.38%
South Carolina	0%	0.20%	-15.54%	-23.79%	-24.69%
South Dakota	0%	12.48%	0.18%	7.96%	-6.23%
Tennessee	0%	3.15%	-3.39%	-4.08%	-6.59%
Texas	0%	3.83%	-12.21%	-17.52%	-25.41%
Utah	0%	-5.30%	-10.88%	-16.19%	-13.94%
Vermont	0%	2.41%	-2.83%	1.31%	-3.43%
Virginia	0%	0.86%	-19.88%	-23.22%	-21.04%
Washington	0%	-2.39%	-13.02%	-15.80%	-13.80%
West Virginia	0%	-0.71%	3.14%	8.99%	-21.36%
Wisconsin	0%	-9.63%	-11.00%	-8.15%	-22.40%
Wyoming	0%	19.36%	3.28%	4.63%	-3.21%

Source: Author's analysis of the National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Change in Adjusted State Higher Education Appropriations Per Capita

	2008	2009	2010	2011	2012
Alabama	0%	-20.20%	-31.42%	-32.36%	-31.42%
Alaska	0%	5.62%	4.81%	5.79%	6.09%
Arizona	0%	-14.29%	-18.31%	-20.20%	-43.57%
Arkansas	0%	-0.82%	-2.71%	-5.66%	-7.97%
California	0%	-16.82%	-17.16%	-14.21%	-30.25%
Colorado	0%	-11.68%	-44.65%	-18.13%	-25.01%
Connecticut	0%	0.57%	-2.32%	-2.70%	-16.78%
Delaware	0%	-0.49%	-11.68%	-18.96%	-21.90%
D.C.	0%	0%	0%	0%	0%
Florida	0%	-8.57%	-23.24%	-21.07%	-29.53%
Georgia	0%	-8.28%	-23.92%	-18.89%	-25.98%
Hawaii	0%	8.54%	-13.39%	-20.83%	-20.84%
Idaho	0%	-0.16%	-19.93%	-23.58%	-28.54%
Illinois	0%	3.68%	13.25%	12.25%	15.70%
Indiana	0%	3.81%	-2.46%	-3.75%	-8.04%
Iowa	0%	4.45%	-17.18%	-18.45%	-23.09%
Kansas	0%	-3.83%	-14.08%	-15.64%	-18.23%
Kentucky	0%	-6.02%	-15.57%	-15.55%	-17.88%
Louisiana	0%	-3.89%	-23.47%	-25.62%	-31.10%
Maine	0%	-3.16%	-8.31%	-6.90%	-8.77%
Maryland	0%	2.54%	-2.74%	-5.14%	-8.10%
Massachusetts	0%	-13.04%	-30.18%	-20.37%	-19.07%
Michigan	0%	0.95%	-11.41%	-10.72%	-28.30%
Minnesota	0%	-3.04%	-12.70%	-16.98%	-25.70%
Mississippi	0%	-6.98%	-7.79%	-15.72%	-16.60%
Missouri	0%	7.73%	-9.16%	-12.20%	-17.77%
Montana	0%	2.93%	-19.10%	-19.84%	-9.60%
Nebraska	0%	1.98%	-4.34%	-4.34%	-8.46%
Nevada	0%	-1.12%	-40.36%	-18.63%	-32.96%
New Hampshire	0%	3.40%	1.04%	-1.11%	-42.45%
New Jersey	0%	-3.19%	-5.95%	-5.57%	-11.05%
New Mexico	0%	-9.42%	-20.43%	-27.24%	-32.53%
New York	0%	2.08%	0.17%	-2.24%	-7.79%
North Carolina	0%	-8.63%	-12.17%	-13.23%	-18.25%
North Dakota	0%	-0.83%	13.42%	10.14%	15.11%
Ohio	0%	7.61%	-15.81%	-16.82%	-18.60%
Oklahoma	0%	-1.47%	-2.82%	-7.89%	-15.67%
Oregon	0%	-6.35%	-15.17%	-18.81%	-29.52%
Pennsylvania	0%	-2.47%	-18.98%	-21.09%	-32.24%
Rhode Island	0%	-0.23%	-19.25%	-21.23%	-21.60%
South Carolina	0%	-24.46%	-33.41%	-42.70%	-42.73%
South Dakota	0%	-6.69%	-10.15%	-13.11%	-19.39%
Tennessee	0%	-7.92%	-21.17%	-26.70%	-28.86%
Texas	0%	-6.45%	-5.52%	-10.60%	-13.71%
Utah	0%	-9.52%	-19.12%	-20.31%	-20.20%
Vermont	0%	-3.35%	-0.10%	-3.23%	-9.74%
Virginia	0%	-0.71%	-13.84%	-17.08%	-24.03%
Washington	0%	0.56%	-16.10%	-17.09%	-31.97%
West Virginia	0%	4.84%	-6.98%	-5.46%	0.18%
Wisconsin	0%	3.49%	-3.73%	1.16%	-18.53%
Wyoming	0%	9.91%	-3.75%	4.74%	-2.05%

Source: Author's analysis of the State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Change in Adjusted State P-16 Spending Per Capita

	2008	2009	2010	2011	2012
Alabama	0%	-6.30%	-21.54%	-24.96%	-26.07%
Alaska	0%	4.36%	-5.08%	-6.87%	-4.63%
Arizona	0%	-6.01%	-28.56%	-25.73%	-35.03%
Arkansas	0%	4.53%	5.76%	5.10%	2.04%
California	0%	-11.36%	-19.04%	-22.06%	-26.03%
Colorado	0%	-6.61%	-15.64%	-23.38%	-24.48%
Connecticut	0%	-0.69%	-8.72%	-14.59%	-6.49%
Delaware	0%	1.53%	-11.62%	-11.37%	-8.38%
D.C.	0%	-19.71%	1.62%	7.52%	1.72%
Florida	0%	-12.42%	-30.95%	-29.87%	-32.30%
Georgia	0%	-4.05%	-25.94%	-26.85%	-25.04%
Hawaii	0%	0.68%	-13.67%	-13.02%	-11.37%
Idaho	0%	4.81%	-14.62%	-14.45%	-18.81%
Illinois	0%	0.69%	6.01%	3.80%	6.04%
Indiana	0%	-12.91%	-3.79%	17.43%	15.02%
Iowa	0%	3.46%	-9.25%	-8.40%	-7.28%
Kansas	0%	15.35%	6.01%	-3.75%	-4.46%
Kentucky	0%	-2.20%	-9.42%	-10.99%	-8.22%
Louisiana	0%	6.56%	-7.53%	-7.67%	-7.85%
Maine	0%	0.00%	-9.55%	-4.55%	-12.90%
Maryland	0%	2.15%	-0.86%	-4.64%	-6.39%
Massachusetts	0%	-8.23%	-14.95%	-16.48%	-11.90%
Michigan	0%	-1.43%	-6.63%	-16.46%	-18.74%
Minnesota	0%	5.88%	-13.19%	-16.68%	-13.32%
Mississippi	0%	3.20%	-9.72%	-20.01%	-15.43%
Missouri	0%	7.68%	-12.87%	-20.50%	-18.73%
Montana	0%	1.91%	-7.85%	-11.89%	-8.06%
Nebraska	0%	9.33%	-0.93%	-10.83%	3.68%
Nevada	0%	-16.75%	-33.01%	-25.00%	-33.56%
New Hampshire	0%	-6.44%	-2.79%	5.22%	-3.95%
New Jersey	0%	-7.44%	-17.71%	-21.20%	-20.15%
New Mexico	0%	4.72%	-12.18%	-15.55%	-17.35%
New York	0%	6.40%	3.67%	-8.77%	-13.67%
North Carolina	0%	-7.12%	-32.14%	-19.21%	-12.35%
North Dakota	0%	4.07%	23.04%	37.16%	42.55%
Ohio	0%	9.37%	-0.16%	-1.75%	-4.87%
Oklahoma	0%	0.83%	-4.84%	-14.73%	-16.16%
Oregon	0%	2.20%	-14.52%	-19.40%	-18.77%
Pennsylvania	0%	8.56%	-3.73%	-6.59%	-11.68%
Rhode Island	0%	-4.63%	-13.13%	-6.76%	-9.44%
South Carolina	0%	-4.39%	-18.86%	-27.31%	-28.05%
South Dakota	0%	5.89%	-3.37%	0.71%	-10.76%
Tennessee	0%	0.42%	-7.77%	-9.66%	-12.08%
Texas	0%	1.80%	-10.89%	-16.16%	-23.10%
Utah	0%	-6.27%	-12.77%	-17.13%	-15.38%
Vermont	0%	2.02%	-2.65%	1.00%	-3.85%
Virginia	0%	0.51%	-18.51%	-21.82%	-21.72%
Washington	0%	-1.82%	-13.62%	-16.05%	-17.30%
West Virginia	0%	0.40%	1.11%	6.10%	-17.05%
Wisconsin	0%	-7.08%	-9.59%	-6.34%	-21.65%
Wyoming	0%	16.81%	1.38%	4.66%	-2.90%

Source: Author's analysis of the National Center for Education Statistics. "Local Education Agency (School District) Finance Survey (F-33) Data." U.S. Department of Education. 2008-2012. <https://nces.ed.gov/ccd/f33agency.asp>; State Higher Education Executive Officers Association. "State Higher Education Finance." State Higher Education Executive Officers Association. 2019. <https://shef.sheeo.org/report/>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

Change in Adjusted State Criminal Legal Spending Per Capita

	2008	2009	2010	2011	2012
Alabama	0%	1.38%	-2.88%	-3.01%	-11.39%
Alaska	0%	4.62%	10.14%	5.56%	13.04%
Arizona	0%	5.15%	-1.41%	-14.48%	-16.57%
Arkansas	0%	-16.62%	-7.92%	1.51%	0.02%
California	0%	2.16%	-9.34%	-5.75%	-11.20%
Colorado	0%	6.17%	-3.18%	3.25%	3.18%
Connecticut	0%	0.67%	-8.78%	-7.31%	-7.97%
Delaware	0%	-4.60%	-11.21%	-4.95%	-2.12%
D.C.	0%	-2.88%	-6.66%	-8.94%	-18.17%
Florida	0%	-5.88%	-13.66%	-16.23%	-22.57%
Georgia	0%	-11.91%	-13.02%	-12.36%	-14.97%
Hawaii	0%	6.18%	-17.23%	-26.38%	-26.87%
Idaho	0%	3.67%	-11.65%	-14.88%	-11.92%
Illinois	0%	4.00%	2.62%	10.54%	0.66%
Indiana	0%	-0.44%	-13.11%	-17.07%	-20.03%
Iowa	0%	0.63%	-6.83%	-0.30%	2.66%
Kansas	0%	-0.79%	-6.65%	-8.72%	-12.80%
Kentucky	0%	-1.95%	-2.19%	-1.53%	-6.31%
Louisiana	0%	6.09%	-4.58%	-2.03%	-9.21%
Maine	0%	1.82%	-4.63%	-12.95%	-18.97%
Maryland	0%	4.64%	0.79%	-0.13%	-3.67%
Massachusetts	0%	-0.39%	-1.77%	1.89%	-2.80%
Michigan	0%	-5.02%	-12.60%	-14.74%	-17.14%
Minnesota	0%	2.67%	-6.51%	-5.81%	-18.02%
Mississippi	0%	1.51%	-3.79%	-9.77%	-10.93%
Missouri	0%	-0.87%	-7.82%	-8.57%	-9.71%
Montana	0%	5.64%	4.73%	5.70%	2.67%
Nebraska	0%	2.48%	1.24%	1.64%	-1.10%
Nevada	0%	7.22%	-19.43%	-23.95%	-24.97%
New Hampshire	0%	1.39%	0.43%	-7.96%	-12.48%
New Jersey	0%	-0.32%	-2.70%	-6.18%	-8.27%
New Mexico	0%	2.63%	0.26%	-4.94%	-12.97%
New York	0%	2.29%	6.69%	-0.53%	-5.54%
North Carolina	0%	-1.30%	-2.45%	-5.92%	-12.24%
North Dakota	0%	9.21%	17.09%	29.55%	31.13%
Ohio	0%	3.50%	-6.93%	-6.06%	-12.22%
Oklahoma	0%	2.52%	-4.74%	-9.16%	-10.95%
Oregon	0%	-0.69%	1.48%	9.01%	6.01%
Pennsylvania	0%	0.56%	3.23%	3.25%	3.97%
Rhode Island	0%	-3.39%	-6.11%	-5.66%	-9.01%
South Carolina	0%	-6.20%	-16.61%	-18.17%	-21.32%
South Dakota	0%	2.67%	-1.70%	-1.84%	-2.92%
Tennessee	0%	6.69%	3.67%	1.69%	0.64%
Texas	0%	2.29%	-0.32%	-0.01%	-10.01%
Utah	0%	-1.82%	-7.06%	-10.18%	-12.52%
Vermont	0%	-1.64%	-4.40%	1.41%	-2.75%
Virginia	0%	-1.88%	-10.66%	-7.86%	-10.82%
Washington	0%	-4.02%	-14.92%	-20.15%	-25.57%
West Virginia	0%	11.18%	3.52%	4.99%	9.01%
Wisconsin	0%	2.79%	-0.43%	-0.57%	-3.08%
Wyoming	0%	16.05%	-1.36%	-4.00%	-4.83%

Source: Author's analysis of the Bureau of Justice Statistics. "Criminal Justice Expenditure/Employment Survey." Bureau of Justice Statistics. 2008-2012.

<https://www.bjs.gov/index.cfm?ty=tp&tid=5>; U.S. Census Bureau. "Current Population Reports." U.S. Census Bureau. 2008-2012. <https://www.census.gov/search-results.html?searchType=web&cssp=SERP&q=current%20population%20reports>.

VIII.

Endnotes



- ¹ U.S. Department of Education. "State and Local Expenditures on Corrections and Education." *U.S. Department of Education, Policy and Programs Studies Service*. July 2016.
<https://www.ed.gov/news/press-releases/report-increases-spending-corrections-far-outpace-education>.
- ² Heckman, James J. "There's More to Gain by Taking a Comprehensive Approach to Early Childhood Development." *The Heckman Equation*.
https://heckmanequation.org/www/assets/2017/01/F_Heckman_CBAOnePager_120516.pdf; Carnevale, Anthony P., Cheah, Ban, and Van Der Werf, Martin. "A First Try at ROI: Ranking 4,500 Colleges." *Georgetown University, Center on Education and the Workforce, McCourt School of Public Policy*. 2019.
<https://cew.georgetown.edu/cew-reports/CollegeROI/>; Jackson, C. Kirabo, Johnson, Rucker, and Persico, Claudia. "The Effect of School Finance Reforms on the Distribution of Spending, Academic Achievement, and Adult Outcomes." *National Bureau of Economic Research*. May 2014.
https://gsppi.berkeley.edu/~ruckerj/Jackson_Johnson_Persico_SFR_LRImpacts.pdf.
- ³ Harding, David J. "Do Prisons Make Us Safer? New Research Shows that Prisons Prevent Far Less Violent Crime Than You Might Think." *Scientific American*. June 21, 2019.
<https://www.scientificamerican.com/article/do-prisons-make-us-safer/>; Justice Policy Institute. "Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety." *Justice Policy Institute*. May 2009. http://www.justicepolicy.org/images/upload/09_05_REP_PruningPrisons_AC_PS.pdf; Justice Policy Institute. "Sticker Shock: Calculating the Full Price Tag for Youth Incarceration." *Justice Policy Institute*. December 2014. <http://www.justicepolicy.org/research/8477>; Stemen, Don. "The Prison Paradox: More Incarceration Will Not Make Us Safer." *Vera Institute of Justice*. July 2017.
https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf; Zarkin, Gary A., Cromell, Alexander J., Hicks, Katherine A., et al. "Lifetime Benefits and Costs of Diverting Substance-Abusing Offenders from State Prison." *Crime & Delinquency*. 2015. 61(6). Pgs. 829-850.
<https://journals.sagepub.com/doi/abs/10.1177/001128712461904>.
- ⁴ Jackson, C. Kirabo, Wigger, Cora, and Xiong, Heyu. "Do School Spending Cuts Matter? Evidence from the Great Recession." *American Economic Journal: Economic Policy*. 2020.
https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/b/3664/files/2020/11/accepted_school_spending_stamped.pdf; Leachman, Michael, Masterson, Kathleen, and Figueroa, Eric. "A Punishing Decade for School Funding." *Center on Budget and Policy Priorities*. November 29, 2017.
<https://www.cbpp.org/research/state-budget-and-tax/a-punishing-decade-for-school-funding>; Enns, Peter K., Shanks-Booth, Delphia. "The Great Recession and State Criminal Justice Policy: Do economic hard times matter?" *Russell Sage Foundation*. December 2015.
https://www.russellsage.org/sites/all/files/Recession_Enns_Criminal.pdf.
- ⁵ Centers for Disease Control and Prevention. "Risk for COVID-19 Hospitalization and Death by Race/Ethnicity." *Centers for Disease Control and Prevention*. March 12, 2021.
<https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>; Gould, Elise and Wilson, Valerie. "Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus—Racism and Economic Inequality." *Economic Policy Institute*. June 1, 2020.
<https://www.epi.org/publication/black-workers-covid/>; Wilson, Valerie. "Inequities Exposed: How COVID-19 Widened Racial Inequities in Education, Health, and the Workforce: Testimony before the U.S. House of Representatives Committee on Education and Labor." *Economic Policy Institute*. June 22, 2020.
<https://www.epi.org/publication/covid-19-inequities-wilson-testimony/>; Lopez, Mark H., Rainie, Lee, and Budiman, Abby. "Financial and Health Impacts of COVID-19 Vary Widely by Race and Ethnicity." *Pew Research Center*. May 5, 2020.
<https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/>; <https://mappingpoliceviolence.org/>.

⁶ Lansing, Kevin J. “Gauging the Impact of the Great Recession.” *Federal Reserve Bank of San Francisco*. July 11, 2011.

<https://www.frbsf.org/economic-research/publications/economic-letter/2011/july/impact-great-recession/>.

⁷ Ibid.

⁸ Isidore, Chris. “America’s Lost Trillions.” *CNN Money*. June 9, 2011.

https://money.cnn.com/2011/06/09/news/economy/household_wealth/index.htm.

⁹ Campbell, Andrea L. and Sances, Michael. “State Fiscal Policy During the Great Recession: Budgetary Impacts and Policy Responses.” *The Annals of the American Academy of Political and Social Science*. 2013. 650(1). Pgs. 252-273. <https://journals.sagepub.com/doi/10.1177/0002716213500459>.

¹⁰ Gordon, Tracy. “State and Local Budgets and the Great Recession.” *The Brookings Institution*. December 31, 2012. <https://www.brookings.edu/articles/state-and-local-budgets-and-the-great-recession/>; Lou, Cary. “The Great Recession’s Lessons on State and Local Aid’s Importance in Combating Economic Downturn and Supporting Children.” *Urban Institute*. May 5, 2020.

<https://www.urban.org/urban-wire/great-recessions-lessons-state-and-local-aids-importance-combating-economic-downturn-and-supporting-children>; Pew Charitable Trust. “‘Lost Decade’ Casts a Post-Recession Shadow on State Finances: Despite Almost 10 Years of National Economic Recovery, Strains from the 2007-2009 Downturn Still Linger in Many States.” *Issue Brief, Pew Charitable Trust*. June 4, 2019. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/06/lost-decade-casts-a-post-recession-shadow-on-state-finances>.

¹¹ Carr, James H. “Why Recovery from the Great Recession Favored the Wealthy: The Role of Public Policy.” *Nonprofit Quarterly*. March 25, 2020.

<https://nonprofitquarterly.org/why-recovery-from-the-great-recession-favored-the-wealthy-the-role-of-public-policy/>; Weller, Christian E., Fields, Jaryn, and Agbede, Fodayemi. “The State of Communities in Color in the U.S. Economy.” *Center for American Progress*. January 21, 2011.

<https://www.americanprogress.org/issues/economy/reports/2011/01/21/8881/the-state-of-communities-of-color-in-the-u-s-economy/>; U.S. Congress Joint Economic Committee. “Income Inequality and the Great Recession.” *U.S. Congress Joint Economic Committee*. September 2010. https://www.jec.senate.gov/public/_cache/files/91975589-257c-403b-8093-8f3b584a088c/income-inequality-brief-fall-2010-cmb-and-ces.pdf.

¹² Kuhn, Moritz, Schularick, Mortiz, and Steins, Ulrike. “Research: How the Financial Crisis Drastically Increased Wealth Inequality in the U.S.” *Harvard Business Review*. September 13, 2018.

<https://hbr.org/2018/09/research-how-the-financial-crisis-drastically-increased-wealth-inequality-in-the-u-s>;

Kochhar, Rakesh and Fry, Richard. “Wealth Inequality Has Widened Along Racial, Ethnic Lines Since End of Great Recession.” *Pew Research Center*. December 12, 2014.

<https://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession/>.

¹³ U.S. Commission on Civil Rights. “Public Education Funding Inequity: In an Era of Increasing Concentration of Poverty and Resegregation.” *U.S. Commission on Civil Rights*. January 2018.

<https://www.usccr.gov/pubs/2018/2018-01-10-Education-Inequity.pdf>; Turner, Cory. “America’s Schools Are ‘Profoundly Unequal’ Says U.S. Civil Rights Commission.” *National Public Radio*. January 11, 2018.

<https://www.npr.org/sections/ed/2018/01/11/577000301/americas-schools-are-profoundly-unequal-says-u-s-civil-rights-commission>; Baker, Bruce D., Farrie, Danielle, and Sciarra, David. “Is School Funding Fair? A National Report Card.” *Education Law Center*. February 2018.

<http://www.schoolfundingfairness.org/is-school-funding-fair/reports>.

- ¹⁴ Evans, William N., Schwab, Robert M., and Wagner, Katheryn L. “The Great Recession and Public Education.” *The MIT Press Journals*. 2019. 14(2). Pgs. 298-326.
https://www.mitpressjournals.org/doi/abs/10.1162/edfp_a_00245?journalCode=edfp.
- ¹⁵ Ibid.
- ¹⁶ Leachman, Michael, Masterson, Kathleen, and Figueroa, Eric. 2017.
- ¹⁷ Boland, William and Gasman, Marybeth. “America’s Public HCBUs: A Four State Comparison of Institutional Capacity and State Funding Priorities.” *Penn Center for Minority Serving Institutions*. 2014.
https://repository.upenn.edu/gse_pubs/340/.
- ¹⁸ Jenkins, Davis, Fink, John, and Brock, Thomas. “More Clues from the Great Recession: How will COVID-19 Affect Community College Funding?” *Community College Research Center*. May 19, 2020.
<https://ccrc.tc.columbia.edu/easyblog/community-college-funding-covid-19.html>.
- ¹⁹ Carnevale, Anthony P., Van der Werf, Martin, Quinn, Michael C., et al. “Our Separate & Unequal Public Colleges.” *Georgetown University, Center on Education and the Workforce, McCourt School of Public Policy*. 2018.
https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/SAUStates_FR.pdf.
- ²⁰ In our analysis, P-16 funding includes state financial resources supplied to public schools serving pre-Kindergarten through 12th grade students, as well as state appropriations for higher education, including state-level student financial aid. The methodology section includes a more detailed discussion of our P-16 funding definition and data sources.
- ²¹ Northwestern Institute for Policy Research. “The Benefits of Increased School Spending.” *Northwestern Institute for Policy Research*. March 2017.
<https://www.ipr.northwestern.edu/documents/policy-briefs/school-spending-policy-research-brief-Jackson.pdf>; Berger, Noah and Fisher, Peter. “A Well-Educated Workforce Is Key to State Prosperity.” *Economic Policy Institute*. August 22, 2013.
<https://www.epi.org/publication/states-education-productivity-growth-foundations/>.
- ²² U.S. Bureau of Labor Statistics. “Employment Projections: Unemployment rates and earnings by educational attainment.” *U.S. Bureau of Labor Statistics*. September 4, 2019.
<https://www.bls.gov/emp/chart-unemployment-earnings-education.htm>.
- ²³ Teachers College, Columbia University. “Cost of Inadequate Education to Society is Hundreds of Billions of Dollars, Researchers Say.” *Teachers College, Columbia University*. October 24, 2005.
<https://www.tc.columbia.edu/articles/2005/october/cost-of-inadequate-education-to-society-is-hundreds-of-billi/>; Sawhill, Isabel V., Tebbs, Jeffrey, and Dickens, William T. “The Effects of Investing in Early Education on Economic Growth.” *The Brookings Institution*. April 30, 2006.
<https://www.brookings.edu/research/the-effects-of-investing-in-early-education-on-economic-growth/>.
- ²⁴ We considered states to have enacted equivalent cuts if they decreased their spending on both systems at a rate within 2 percentage points.

- ²⁵ National Conference of State Legislatures. “Coronavirus (COVID-19): Revised state revenue projections.” *National Conference of State Legislatures*. January 18, 2021. <https://www.ncsl.org/research/fiscal-policy/coronavirus-covid-19-state-budget-updates-and-revenue-projections637208306.aspx>.
- ²⁶ Jackson, C. Kirabo, Johnson, Rucker, and Persico, Claudia. 2014; Jackson, C. Kirabo. “Does School Spending Matter? The New Literature on an Old Question.” *Northwestern Institute for Policy Research, Working Paper*. January 4, 2019. <https://www.ipr.northwestern.edu/documents/working-papers/2019/wp-19-02.pdf>; Trostel, Phillip. “It’s Not Just the Money: The Benefits of College Education to Individuals and to Society.” *Margaret Chase Smith Policy Center & School of Economics University of Maine*. October 14, 2015. <https://www.luminafoundation.org/files/resources/its-not-just-the-money.pdf>.
- ²⁷ Jackson, C. Kirabo, Johnson, Rucker, and Persico, Claudia. 2014; Heckman, J. “School, Skills, and Synapses,” *National Bureau of Economic Research*. June 2008. https://www.nber.org/system/files/working_papers/w14064/w14064.pdf.
- ²⁸ The Leadership Conference on Civil and Human Rights. “Vision for Justice 2020 and Beyond: A new paradigm for public safety.” *The Leadership Conference on Civil and Human Rights*. September 2019. <http://civilrightsdocs.info/pdf/reports/Vision-For-Justice-2020-SHORT.pdf>.
- ²⁹ Ibid.
- ³⁰ *Brown v. Board of Education of Topeka et al.*, 347 U.S. 483 (1954).
- ³¹ Baker, Bruce D. and Corcoran, Sean P. “The Stealth Inequalities of School Funding: How State and Local School Finance Systems Perpetuate Inequitable Student Spending.” *Center for American Progress*. September 19, 2012. <https://www.americanprogress.org/issues/education-k-12/reports/2012/09/19/38189/the-stealth-inequities-of-school-funding/>; Morgan, Ivy and Amerikaner, Ary. “Funding Gaps 2018.” *The Education Trust*. February 27, 2018. <https://edtrust.org/resource/funding-gaps-2018/>; Jackson, C. Kirabo. 2019. https://works.bepress.com/c_kirabo_jackson/38/; Baker, Bruce D., Farrie, Danielle, and Sciarra, David. 2018.
- ³² Cardichon, Jessica, Darling-Hammond, Linda, Yang, Min, et al. “Inequitable Opportunity to Learn: Student Access to Certified and Experienced Teachers.” *The Learning Policy Institute*. February 12, 2020. <https://learningpolicyinstitute.org/product/crdc-teacher-access-report>; Partee, Glenda L. “Attaining Equitable Distribution of Effective Teachers in Public Schools.” *Center for American Progress*. April 2014. <https://cdn.americanprogress.org/wp-content/uploads/2014/04/TeacherDistro.pdf>; Adamson, Frank and Darling-Hammond, Linda. “Addressing the Inequitable Distribution of Teachers: What it Will Take to Get Qualified, Effective Teachers in All Communities.” *Stanford Center for Opportunity Policy in Education*. December 2011. <https://edpolicy.stanford.edu/sites/default/files/publications/addressing-inequitable-distribution-teachers-what-it-will-take-get-qualified-effective-teachers-all-0.pdf>.

³³ U.S. Department of Education Office for Civil Rights. “Civil Rights Data Collection.” *U.S. Department of Education Office for Civil Rights*. <https://ocrdata.ed.gov/>; Walston, J. and McCarroll, J. C. “Eighth-Grade Algebra: Findings from the Eighth-Grade Round of the Early Childhood Longitudinal Study, Kindergarten Class of 1998–99 (ECLS-K).” *National Center for Education Statistics*. 2010. <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2010016>; Deruy, Emily. “Where Calculus Class Isn’t an Option,” *The Atlantic*. June 7, 2016. <https://www.theatlantic.com/education/archive/2016/06/where-calculus-class-isnt-an-option/485987/>; Theokas, Christina and Saaris, Reid. “Finding America’s Missing AP and IB Students.” *The Education Trust*. June 2013. https://edtrust.org/wp-content/uploads/2013/10/Missing_Students.pdf.

³⁴ Putnam, Robert D. “Inequity Outside the Classroom: Growing Class Differences in Participation in Extracurricular Activities.” *Voices in Urban Education*. 2015. 40. Pgs. 7-14. <https://www.hks.harvard.edu/publications/inequity-outside-classroom-growing-class-differences-participation-extracurricular>; Little, Priscilla. “Taking a Systemic Approach to Access and Equity in Afterschool.” *John W. Gardner Center for Youth and Their Communities, Stanford Graduate School of Education*. May 26, 2016. <https://gardnercenter.stanford.edu/news/taking-systemic-approach-access-and-equity-afterschool>.

³⁵ The 2017-18 adjusted cohort graduation rate for public high school students by race/ethnicity: American Indian/Alaska Native, 74 percent; Asian/Pacific Islander, 92 percent; Hispanic, 81 percent; Black, 79 percent; White, 89 percent. National Center for Education Statistics. “Public High School Graduation Rates.” *Institute for Education Science, National Center for Education Statistics*. May 2020. https://nces.ed.gov/programs/coe/indicator_coi.asp.

³⁶ College enrollment rates of 18-24 year olds, by race/ethnicity, 2018. Two or more races, 44 percent; American Indian/Alaska Native, 24 percent; Pacific Islander, 24 percent; Asian, 59 percent; Hispanic, 36 percent; Black, 37 percent; White, 42 percent. The Condition of Education 2020. “College Enrollment Rates.” *Institute of Education Sciences, National Center for Education Statistics*. 2020. https://nces.ed.gov/programs/coe/pdf/coe_cpb.pdf; six-year graduation rate for first-time, full-time students attending four-year institutions, cohort 2010, by race/ethnicity: Two or more races, 60 percent; American Indian/Alaska Native, 39 percent; Pacific Islander, 51 percent; Asian, 74 percent; Hispanic, 54 percent; Black, 40 percent; White, 64 percent. Status and Trends in the Education of Racial and Ethnic Groups. “Indicator 23: Postsecondary Graduation Rates.” *Institute of Education Sciences, National Center for Education Statistics*. February 2019. https://nces.ed.gov/programs/raceindicators/indicator_red.asp.

³⁷ Teachers College, Columbia University. 2005.

³⁸ Torpey, Elka and Watson, Audrey. “Education Level and Jobs: Opportunities by state.” *U.S. Bureau of Labor Statistics*. September 2014. <https://www.bls.gov/careeroutlook/2014/article/education-level-and-jobs.htm>; Carnevale, Anthony P., Smith, Nicole, and Strohl, Jeff. “Recovery: Job Growth and Education Requirements through 2020. *Georgetown University, Georgetown Public Policy Institute, Center on Education and the Workforce*. June 2013. <https://cew.georgetown.edu/cew-reports/recovery-job-growth-and-education-requirements-through-2020/>.

³⁹ U.S. Bureau of Education Statistics. 2019; Carnevale, Anthony P., Rose, Stephen J., and Cheah, Ban. “The College Payoff: Education, Occupations, Lifetime Earnings.” *Georgetown University Center on Education and the Workforce*. 2011. https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/collegepayoff-complete_d.pdf; U.S. Department of Education, National Center for Education Statistics. “Fast Facts: Income of young adults.” *The Condition of Education 2020*. <https://nces.ed.gov/fastfacts/display.asp?id=77>.

- ⁴⁰ Famighetti, Christopher and Hamilton, Darrick. "The Great Recession, Education, Race, and Homeownership." *Economic Policy Institute*. May 15, 2019. <https://www.epi.org/blog/the-great-recession-education-race-and-homeownership/>; Loudenback, Tanza. "There's a Stronger Relationship Between Getting a College Degree and Buying a Home Than Ever Before." *Business Insider*. July 9, 2018. <https://www.businessinsider.com/college-degree-indicates-future-homeownership-2018-7>.
- ⁴¹ Pfeffer, Fabian T. "Growing Wealth Gaps in Education." *Demography*. 2018. 55(3). Pgs. 1033-1068. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5993612/>; Braga, Breno, McKernan, Signe-Mary, et al. "Wealth Inequality Is a Barrier to Education and Social Mobility." *Urban Institute*. April 2017. https://www.urban.org/sites/default/files/publication/89976/wealth_and_education_4.pdf.
- ⁴² Ratcliffe, Caroline. "Child Poverty and Adult Success." *Urban Institute*. September 2015. <https://www.urban.org/sites/default/files/publication/65766/2000369-Child-Poverty-and-Adult-Success.pdf>.
- ⁴³ Assari, Shervin. "This is The Toll That Everyday Racism Takes on Black Men in America." *World Economic Forum*. July 2, 2020. <https://www.weforum.org/agenda/2020/07/george-floyd-racism-opportunities-life-expectancy/>; Chetty, Raj, et al. "The Association Between Income and Life Expectancy in the United States, 2001-2014." *JAMA*. 2016. 315(16). Pgs. 1750-1766. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4866586/>; Mackenzie, Debora. "More Education Is What Makes People Live Longer, Not More Money." *New Scientist*. April 18, 2018. <https://www.newscientist.com/article/2166833-more-education-is-what-makes-people-live-longer-not-more-money/>.
- ⁴⁴ Levin, Henry M. "The Social Costs of Inadequate Education." *Teachers College Symposium on Educational Equity*. October 2005. http://www.equitycampaign.org/media/centers/cee/2014/3082_socialcostsofinadequateEducation.pdf.
- ⁴⁵ Kam, Cindy D. and Palmer, Carl L. "Reconsidering the Effects of Education on Political Participation." *The Journal of Politics*. 2008. 70(3). Pgs. 612–631. <https://www.jstor.org/stable/10.1017/s0022381608080651?seq=1>; Levin, Henry M. "The Social Costs of Inadequate Education." *Teachers College Symposium on Educational Equity*. October 2005. http://www.equitycampaign.org/media/centers/cee/2014/3082_socialcostsofinadequateEducation.pdf.
- ⁴⁶ Klein, Joel L. and Rice, Condoleezza. "U.S. Education Reform and National Security." *Council on Foreign Relations*. 2012. <https://www.cfr.org/report/us-education-reform-and-national-security>.
- ⁴⁷ Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241 (1964).
- ⁴⁸ History.com editors. "Great Society." *The History Channel*. August 28, 2018. <https://www.history.com/topics/1960s/great-society>.
- ⁴⁹ The Washington Post. "Evaluating The Success of The Great Society: Lyndon B. Johnson's Visionary Set of Legislation Turns 50." *The Washington Post*. <https://www.washingtonpost.com/wp-srv/special/national/great-society-at-50/>.
- ⁵⁰ Ibid.

- ⁵¹ McCartin, Joseph A. “The Strike That Busted Unions.” *The New York Times*. August 2, 2011. <https://www.nytimes.com/2011/08/03/opinion/reagan-vs-patco-the-strike-that-busted-unions.html>; Schalch, Kathleen. “1981 Strike Leaves Legacy for American Workers.” *National Public Radio*. August 3, 2016. <https://www.npr.org/2006/08/03/5604656/1981-strike-leaves-legacy-for-american-workers>; Danziger, Sheldon and Haveman, Robert. “The Reagan Administration’s Budget Cuts: Their Impact on the Poor.” <https://www.irc.wisc.edu/publications/focus/pdfs/foc52b.pdf>; Rowland, Diane, Lyons, Barbara, and Edwards, Jennifer. “MEDICAID: Health Care for the Poor in the Reagan Era.” *Annual Reviews Public Health*. 1988. 9. Pgs. 427-450. <https://www.annualreviews.org/doi/pdf/10.1146/annurev.pu.09.050188.002235>; Tax Foundation. “Federal Individual Income Tax Rates History. Nominal Dollars. Income Years 1913-2013.” *Tax Foundation*. https://files.taxfoundation.org/legacy/docs/fed_individual_rate_history_nominal.pdf; Amadeo, Kimberly. “President Ronald Reagan’s Economic Policies: How Reagan Ended the 1980s Recession.” *The Balance*. February 5, 2021. <https://www.thebalance.com/president-ronald-reagan-s-economic-policies-3305568#citation-7>.
- ⁵² Orfield, Gary et al. “Brown at 60: Great Progress, a Long Retreat and an Uncertain Future.” *The Civil Rights Project*. 2014. <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf>.
- ⁵³ Johnson, Rucker. “The Grandchildren of Brown: The Long Legacy of School Desegregation.” *University of California, Berkeley*. March 15, 2012. https://gsppi.berkeley.edu/~ruckerj/RJabstract_BrownDeseg_Grandkids.pdf; Johnson, Rucker C. “Children of the Dream: Why School Integration Works.” *New York: Basic Books*. 2019; Reber, Sarah J. “School Desegregation and Educational Attainment for Blacks.” *National Bureau of Economic Research*. June 2007. <https://www.nber.org/papers/w13193>.
- ⁵⁴ Reber, Sarah J. 2007; Johnson, Rucker C. “Long-run Impacts of School Desegregation & School Quality on Adult Attainments.” *National Bureau of Economic Research*. September 2015. <https://www.nber.org/papers/w16664>.
- ⁵⁵ Johnson, Rucker C. 2015.
- ⁵⁶ Johnson, Rucker C. 2015; Tuttle, Cody. “The Long-run Economic Effects of School Desegregation.” October 17, 2019. http://econweb.umd.edu/~tuttle/files/tuttle_busing.pdf.
- ⁵⁷ Reardon, Sean F. et al. “Brown Fades: The End of Court-Ordered School Desegregation and the Resegregation of American Public Schools.” *Journal of Policy Analysis and Management*. Fall 2012. 31(4). Pgs. 876-904. <https://www.jstor.org/stable/41653800?seq=1>.
- ⁵⁸ Orfield, Gary et al. 2014; Ed Build. “Nonwhite School Districts Get \$23 Billion Less Than White Districts Despite Serving The Same Number of Students.” *Ed Build*. <https://edbuild.org/content/23-billion>; Chang, Ailsa and Mehta, Jonaki. “Why U.S. Schools Are Still Segregated – And One Idea To Help Change That.” *National Public Radio*. July 7, 2020. <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/07/07/888469809/how-funding-model-preserves-racial-segregation-in-public-schools>; U.S. Commission on Civil Rights. 2018.
- ⁵⁹ The Condition of Education. “Public School Revenue Sources.” *U.S. Department of Education National Center for Education Statistics*. April 2020. https://nces.ed.gov/programs/coe/indicator_cma.asp.

- ⁶⁰ Ed Build. "Building Equity: Fairness in Property Tax Effort for Education." *Ed Build*. February 21, 2017. <https://edbuild.org/content/building-equity>.
- ⁶¹ Baker, Bruce D. and Corcoran, Sean P. 2012; Urban Institute. "School Funding: Do Poor Kids Get Their Fair Share?" *Urban Institute*. May 2017. <https://apps.urban.org/features/school-funding-do-poor-kids-get-fair-share/>.
- ⁶² Baker, Bruce D., Farrie, Danielle, and Sciarra, David. 2018.
- ⁶³ Johnson, Rucker C. 2015; Jackson, C. Kirabo, Johnson, Rucker, and Persico, Claudia. 2014.
- ⁶⁴ Morgan, Ivy and Amerikaner, Ary. 2018.
- ⁶⁵ Ibid.
- ⁶⁶ Lafortune, Julien, Rothstein, Jesse, and Schazzenbach, Diane W. "School Finance Reform and the Distribution of Student Achievement." *National Bureau of Economic Research*. February 2016. https://www.nber.org/system/files/working_papers/w22011/w22011.pdf.
- ⁶⁷ Jackson, C. Kirabo, Johnson, Rucker, and Persico, Claudia. 2014.
- ⁶⁸ U.S. Department of Education Office for Civil Rights. "Civil Rights Data Collection Data Snapshot: School Discipline." *U.S. Department of Education Office for Civil Rights*. March 21, 2014. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.
- ⁶⁹ Ibid.
- ⁷⁰ U.S. Department of Education Office for Civil Rights. 2014.
- ⁷¹ U.S. Department of Education Office for Civil Rights. "2015-16 Civil Rights Data Collection: School Climate and Safety." *U.S. Department of Education Office for Civil Rights*. May 2019. <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.
- ⁷² Whitaker, Amir et al. "Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students." *American Civil Liberties Union*. 2019. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.
- ⁷³ U.S. Commission on Civil Rights. "Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities." *U.S. Commission on Civil Rights*. July 2019. <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.
- ⁷⁴ Whitaker, Amir et al. 2019.
- ⁷⁵ Balfanz, Robert, Byrnes, Vaughan, and Fox, Joanna. "Sent Home and Put off Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in Ninth Grade." *National Conference on Race and Gender Disparities in Discipline*. December 21, 2012. <http://www.sese.org/wp-content/uploads/2013/08/Sent-Home-and-Put-Off-Track.pdf>; Balfanz, Robert, Herzog, Liza, and Mac Iver, Douglas J. "Preventing Student Disengagement and Keeping Students on the Graduation Track in High-Poverty Middle-Grades Schools: Early identification and effective interventions." *Educational Psychologist*. 2007. 42(4). Pgs. 223-235. https://new.every1graduates.org/wp-content/uploads/2012/03/preventing_student_disengagement.pdf.

- ⁷⁶ Okonofua, Jason A. and Eberhardt, Jennifer L. "Two Strikes: Race and the Disciplining of Young Students." *Psychological Science*. 2015. 26(5). Pgs. 617-624.
<https://journals.sagepub.com/doi/abs/10.1177/0956797615570365>; U.S. Department of Education, "U.S. Department of Education Announces Voluntary Resolution of Kentucky's Christian County Public Schools Discipline Investigation." *U.S. Department of Education*. February 28, 2014.
<https://www.ed.gov/news/press-releases/us-department-education-announces-voluntary-resolution-kentucky%E2%80%99s-christian-coun>; U.S. Government Accountability Office. "K-12 Education: Discipline disparities for black students, boys, and students with disabilities." *U.S. Government Accountability Office*. March 2018.
<https://www.gao.gov/assets/700/690828.pdf>.
- ⁷⁷ Whittenberg, Tyler and Fernandez, Maria. "Ending Student Criminalization and the School-to-Prison pipeline." *NYU Steinhardt Metropolitan Center for Research on Equity and the Transformation of Schools*.
https://steinhardt.nyu.edu/sites/default/files/2020-05/01222020_SchoolDiscipline.pdf.
- ⁷⁸ Marquez, Nikki and Prandini, Rachel. "The School to Prison to Deportation Pipeline: The Relationship Between School Delinquency and Deportation Explained." *Immigrant Legal Resource Center*. February 2018. https://www.ilrc.org/sites/default/files/resources/school_delinq_faq_nat-rp-20180212.pdf.
- ⁷⁹ U.S. Department of Education Office for Civil Rights. 2014.
- ⁸⁰ Whitaker, Amir et al. 2019.
- ⁸¹ Movement Advancement Project, Center for American Progress, and Youth First. "Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System." *Movement Advancement Project, Center for American Progress, and Youth First*. June 2017. <https://www.lgbtmap.org/criminal-justice-youth-detention>.
- ⁸² Lafortune, Julien, Rothstein, Jesse, and Schazenbach, Diane W. 2016; Whitaker, Amir et al. 2019; U.S. Department of Education Office for Civil Rights. 2014; U.S. Department of Education Office for Civil Rights. 2019.
- ⁸³ Whitaker, Amir et al. 2019. Documented behaviors leading to school arrest and criminal charges: Disrupting school (spraying perfume, fake fart spray, refusing to change a t-shirt depicting a hunting rifle, not following instructions, criticizing a police officer); Disorderly conduct (arguing, documenting bullying, kicking a trash can, cursing, refusing to leave the lunchroom); Assault (throwing a paper plane, throwing a baby carrot, throwing Skittles, fake fart spray). See also Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign, NAACP Legal Defense and Educational Fund, Inc. "Police In Schools Are Not The Answer To School Shootings." *Dignity in Schools Campaign*. March 2018.
<http://dignityinschools.org/wp-content/uploads/2018/03/Police-In-Schools-2018-FINAL.pdf>; Theriot, Matthew T. "School Resource Officers and the Criminalization of Student Behavior." *Journal of Criminal Justice*. 2009. 37. Pgs. 280–287.
https://www.researchgate.net/publication/222199181_School_Resource_Officers_and_the_Criminalization_of_Student_Behavior; Nance, Jason P. "Students, Police, and the School-to-Prison Pipeline." *University of Washington Law Review*. 2016. 93(919).
https://www.researchgate.net/publication/316459570_Students_Police_and_the_School-To-Prison_Pipeline
- ⁸⁴ U.S. Department of Education Office for Civil Rights. 2014.
- ⁸⁵ American Civil Liberties Union. "School-to-Prison Pipeline." *American Civil Liberties Union*.
<https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>.

⁸⁶ The Leadership Conference on Civil and Human Rights et al. “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates.” June 2020.

https://civilrights.org/wp-content/uploads/2021/02/Civil-Rights-Principles-for-Safe-Healthy-and-Inclusive-School-Climates_2.pdf.

⁸⁷ Sawyer, Wendy and Wagner, Peter. “Mass Incarceration: The Whole Pie 2020.” *Prison Policy Initiative*. March 24, 2020. <https://www.prisonpolicy.org/reports/pie2020.html>.

⁸⁸ American Civil Liberties Union. “Mass Incarceration.” *American Civil Liberties Union*. <https://www.aclu.org/issues/smart-justice/mass-incarceration>.

⁸⁹ Kaeble, Danielle and Cowhig, Mary. “Correctional Populations in the United States, 2016.” *U.S. Department of Justice Bureau of Justice Statistics*. April 2018. <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>.

⁹⁰ Sawyer, Wendy and Wagner, Peter. 2020.

⁹¹ American Civil Liberties Union. “Mass Incarceration.”

⁹² The Sentencing Project. “Trends in U.S. Corrections.” *The Sentencing Project*. August 25, 2020. <https://www.sentencingproject.org/publications/trends-in-u-s-corrections/>.

⁹³ Ibid.

⁹⁴ Carson, E. Anne. “Prisoners in 2018.” *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. April 2020. <https://www.bjs.gov/content/pub/pdf/p18.pdf>; U.S. Census Bureau. “2018 Population Estimates by Age, Sex, Race and Hispanic Origin.” *U.S. Census Bureau*. June 20, 2019. <https://www.census.gov/newsroom/press-kits/2019/detailed-estimates.html>.

⁹⁵ Ibid.

⁹⁶ McCauley, Erin J. “The Cumulative Probability of Arrest by Age 28 Years in the United States by Disability Status, Race/Ethnicity, and Gender.” *American Public Health Association*. November 8, 2017. <https://ajph.aphapublications.org/doi/10.2105/AJPH.2017.304095>.

⁹⁷ Ibid.

⁹⁸ Vallas, Rebecca. “Disabled Behind Bars: The Mass Incarceration of People with Disabilities in America’s Jails and Prisons.” *Center for American Progress*. July 18, 2016. <https://www.americanprogress.org/issues/criminal-justice/reports/2016/07/18/141447/disabled-behind-bars/>.

⁹⁹ Ibid.

¹⁰⁰ Fazel, Seena et al. “The Mental Health of Prisoners: A review of prevalence, adverse outcomes and interventions.” *Lancet Psychiatry*. 2016. 3(9). Pgs. 871-881. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5008459/>; Morgan, Jamelia. “Prisoners with Physical Disabilities Are Forgotten and Neglected in America.” *The ACLU National Prison Project*. January 12, 2017. <https://www.aclu.org/blog/prisoners-rights/solitary-confinement/prisoners-physical-disabilities-are-forgotten-and>.

¹⁰¹ National Law Center on Homelessness & Poverty. “Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities.” *National Law Center on Homelessness & Poverty*. 2019. <http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>.

¹⁰² Ford, Matt. “America’s Largest Mental Hospital is a Jail.” *The Atlantic*. June 8, 2015. <https://www.theatlantic.com/politics/archive/2015/06/americas-largest-mental-hospital-is-a-jail/395012/>.

¹⁰³ Alston, Philip. “Report of the Special Rapporteur on Extreme Poverty and Human Rights on his Mission to the United States of America.” *Human Rights Council*. 2018. <http://undocs.org/A/HRC/38/33/ADD.1>.

¹⁰⁴ National Disability Rights Network. “Probation Referral: A Model for Diversion of Children and Youth with Disabilities from the Juvenile Justice System.” *National Disability Rights Network*. October 2019. https://www.ndrn.org/wp-content/uploads/2019/10/Probation_Referral_Report_FINAL_w_Appendices.pdf.

¹⁰⁵ These data are based on: “Prisoners under jurisdiction of state or federal correctional authorities,” in 2018 as reported by the Bureau of Justice Statistics. Due to availability, these data do not include Washington, D.C.

¹⁰⁶ Wagner, Peter and Rabuy, Bernadette. “Following the Money of Mass Incarceration.” *Prison Policy Initiative*. January 25, 2017. <https://www.prisonpolicy.org/reports/money.html>.

¹⁰⁷ Ibid.

¹⁰⁸ International Monetary Fund. “World Economic Outlook Databases.” <https://www.imf.org/external/pubs/ft/weo/2020/01/weodata/weoselqr.aspx>.

¹⁰⁹ Gottlieb, Aaron. “Incarceration and Relative Poverty in Cross-National Perspective: The Moderating Roles of Female Employment and Welfare State.” *The Social Service Review*. 2017. 91(2). Pgs. 293-318. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5663300/>; DeFina, Robert and Hannon, Lance. “The Impact of Mass Incarceration on Poverty.” *Crime & Delinquency*. 2009. 59(4). Pgs. 562-586. <https://journals.sagepub.com/doi/abs/10.1177/001128708328864?journalCode=cadc>.

¹¹⁰ Couloute, Lucius and Kopf, Daniel. “Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People.” *Prison Policy Initiative*. July 2018. <https://www.prisonpolicy.org/reports/outofwork.html>.

¹¹¹ Couloute, Lucius. “Nowhere to Go: Homelessness Among Formerly Incarcerated People.” *Prison Policy Initiative*. August 2018. <https://www.prisonpolicy.org/reports/housing.html>; Fontaine, Jocelyn and Biess, Jennifer. “Housing as a Platform for Formerly Incarcerated Persons.” *Urban Institute*. April 2012. <https://www.urban.org/sites/default/files/publication/25321/412552-Housing-as-a-Platform-for-Formerly-Incarcerated-Persons.PDF>; Duran, Jack. “Finding Housing is Hard – But For People Leaving Prison and Jail, It’s Almost Impossible.” *Vera Institute of Justice* August 30, 2018. <https://www.vera.org/blog/finding-housing-is-hard-but-for-people-leaving-prison-and-jail-its-almost-impossible>.

¹¹² Couloute, Lucius. “Getting Back on Course: Educational Exclusion and Attainment Among Formerly Incarcerated People.” *Prison Policy Initiative*. October 2018. <https://www.prisonpolicy.org/reports/education.html>.

- ¹¹³ Massoglia, Michael and Pridemore, William A. "Incarceration and Health." *Annual Review of Psychology*. 2015. 41. Pgs. 291-310. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6124689/>; Schnittker, Jason and John, Andrea. "Enduring Stigma: The Long-Term Effects of Incarceration on Health." *Journal of Health and Social Behavior*. 2007. 48. Pgs. 115–130. <https://pubmed.ncbi.nlm.nih.gov/17583269/>; Daza, Sebastian, Pallonia, Alberto, and Jones, Jerrett. "The Consequences of Incarceration for Mortality in the United States." *Demography*. April 1, 2020. 57. Pgs. 577-598 <https://pubmed.ncbi.nlm.nih.gov/32193877/>.
- ¹¹⁴ Stemen, Don. "The Prison Paradox: More Incarceration Will Not Make Us Safer." *The Vera Institute for Justice*. July 2017. <https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer>.
- ¹¹⁵ Morsy, Leila and Rothstein, Richard. "Mass Incarceration and Children's Outcomes: Criminal Justice Policy is Education Policy." *Economic Policy Institute*. December 15, 2016. <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>; Martin, Eric. "Hidden Consequences: The Impact of Incarceration on Dependent Children." *National Institute of Justice Journal*. May 2017. <https://www.ncjrs.gov/pdffiles1/nij/250349.pdf>; La Vigne, Nancy G., Davies, Elizabeth, and Brazzell, Diana. "Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents." *Urban Institute*. February 12, 2008. <https://www.urban.org/research/publication/broken-bonds-understanding-and-addressing-needs-children-in-carcerated-parents>; Lee, Rosalyn D., Fang, Xiangming, and Luo, Feijun. "The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults." *Pediatrics*. April 2013. 131(4). Pgs. 1188-1195. <https://pediatrics.aappublications.org/content/131/4/e1188.short>.
- ¹¹⁶ Martin, Eric. May 2017.
- ¹¹⁷ Alexander, Michelle. "The New Jim Crow." 2010. <https://newjimcrow.com/>; Stevenson, Bryan. "Slavery Gave America a Fear of Black People and a Taste for Violent Punishment. Both Still Define Our Criminal-Justice System." *The New York Times*. August 14, 2019. <https://www.nytimes.com/interactive/2019/08/14/magazine/prison-industrial-complex-slavery-racism.html>.
- ¹¹⁸ Travis, Jeremy, Western, Bruce, and Redburn, Steve. "The Growth of Incarceration in the United States: Exploring Causes and Consequences." *National Research Council of the National Academies*. 2014. https://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf.
- ¹¹⁹ Pryor, William H. et al. "Demographic Differences in Sentencing: An update to the 2012 Booker report." *United States Sentencing Commission*. November 2017. <https://www.ussc.gov/research/research-reports/demographic-differences-sentencing>.
- ¹²⁰ The Sentencing Project. "Criminal Justice Facts." *The Sentencing Project*. <https://www.sentencingproject.org/criminal-justice-facts/>.
- ¹²¹ Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355, 103rd Cong. (1993).
- ¹²² Federal Student Aid. "Federal Pell Grant Program." *U.S. Department of Education*. <https://studentaid.gov/help-center/answers/article/federal-pell-grant-program>.
- ¹²³ Wagner, Peter. "Tracking State Prison Growth in 50 States." *Prison Policy Initiative*. May 28, 2014. <https://www.prisonpolicy.org/reports/overtime.html>.

¹²⁴ California Courts. “California’s Three Strikes Law.” <https://www.courts.ca.gov/20142.htm>.

¹²⁵ Ibid.

¹²⁶ The Sentencing Project. “Criminal Justice Facts.” <https://www.sentencingproject.org/criminal-justice-facts/>.

¹²⁷ Fair Sentencing Act of 2010, S. 1789, 111th Cong. (2009).

¹²⁸ American Civil Liberties Union. “Fair Sentencing Act.” *American Civil Liberties Union*. <https://www.aclu.org/issues/criminal-law-reform/drug-law-reform/fair-sentencing-act>.

¹²⁹ Merica, Dan and Perez, Evan. “Eric Holder Seeks to Cut Mandatory Minimum Drug Sentences.” CNN. August 12, 2013. <https://www.cnn.com/2013/08/12/politics/holder-mandatory-minimums/index.html>.

¹³⁰ National Center for Health Statistics. “Daily Updates of Totals by Week and State: Provisional Death Counts for Coronavirus Disease 2019 (COVID-19).” *Centers for Disease Control and Prevention*. Retrieved December 29, 2020. <https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm>.

¹³¹ Bauer, Lauren et al. “Ten Facts about COVID-19 and the U.S. Economy.” *Brookings Institute*. September 17, 2020. <https://www.brookings.edu/research/ten-facts-about-covid-19-and-the-u-s-economy/>.

¹³² Parolin, Zachary et al. “Monthly Poverty Rates in the United States During the COVID-19 Pandemic.” *Center on Poverty & Social Policy, School of Social Work, Teachers College, Columbia University*. October 15, 2020. <https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5f87c59e4cd0011fabd38973/1602733471158/COVID-Projecting-Poverty-Monthly-CPSP-2020.pdf>.

¹³³ Center on Budget and Policy Priorities. “Tracking the COVID-19 Recession’s Effects on Food, Housing, and Employment Hardships.” *Center on Budget and Policy Priorities*. March 29, 2021. <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>.

¹³⁴ Parolin, Zachary et al. October 15, 2020; Lee, Lauren. “There are 9.9 Million Americans Who are Not Up-To-Date on Their Rent or Mortgage Payments. Here’s How You Can Get Help Now.” CNN. November 12, 2020. <https://www.cnn.com/2020/10/30/us/housing-insecurity-rent-relief-help-iyw-trnd/index.html>.

¹³⁵ McCarthy, Niall. “Nearly 300 Million Children Are Being Kept Out of School Due to The Coronavirus.” *Forbes*. March 5, 2020. <https://www.forbes.com/sites/niallmccarthy/2020/03/05/nearly-300-million-children-are-being-kept-out-of-school-due-to-the-coronavirus-infographic/?sh=361b39ff24f9>; Feuer, Will. “At Least 24 Million Students Could Drop Out of School Due to The Coronavirus Pandemic, UN Says.” *CNBC*. September 15, 2020. <https://www.cnbc.com/2020/09/15/at-least-24-million-students-could-drop-out-of-school-due-to-the-coronavirus-un-says.html>; Save the Children. “Almost 10 Million Children May Never Return to School Following COVID-19 Lockdown.” *Save the Children*. July 12, 2020. <https://www.savethechildren.org/us/about-us/media-and-news/2020-press-releases/10-million-children-may-never-return-to-school-following-coronavirus-lockdown>.

¹³⁶ The precise share of state budgets dedicated to P-16 education and the criminal legal system varies by source. The National Association of State Budget Officers reports 29 percent for P-16 education and 3 percent on corrections.

https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2020_State_Expenditure_Report_S.pdf; The Center on Budget and Policy Priorities reports 41 percent on P-16 education and 5 percent on corrections.
<https://www.cbpp.org/research/state-budget-and-tax/policy-basics-where-do-our-state-tax-dollars-go>.

¹³⁷ National Center for Education Statistics. “Fast Facts: Enrollment College and University Education.” *U.S. Department of Education*. https://nces.ed.gov/fastfacts/display.asp?id=372#PK12_enrollment.

¹³⁸ Educationdata. “College Enrollment & Student Demographic Statistics.” *Educationdata.org*. <https://educationdata.org/college-enrollment-statistics>.

¹³⁹ The Vera Institute for Justice. “Prison Spending in 2015.” *The Vera Institute for Justice*. <https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending>; U.S. Census Bureau. “Spending Per Pupil Increased for Sixth Consecutive Year.” *U.S. Census Bureau*. May 11, 2020. <https://www.census.gov/newsroom/press-releases/2020/school-system-finances.html>.

¹⁴⁰ Bureau of Justice Statistics. “Data Collection: Justice Expenditure and Employment Extract Series.” *Bureau of Justice Statistics*. <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=286>.

¹⁴¹ National Center for Education Statistics. “Local Education Agency (School District) Finance Survey (F-33) Data.” *U.S. Department of Education*. <https://nces.ed.gov/ccd/f33agency.asp>.

¹⁴² Washington, D.C. is based on local level data.

¹⁴³ State Higher Education Executive Officers Association. “State Higher Education Finance.” *State Higher Education Executive Officers Association*. 2019. <https://shef.sheeo.org/report/>.

¹⁴⁴ U.S. Bureau of Labor Statistics. “Consumer Price Index.” *U.S. Bureau of Labor Statistics*. <https://www.bls.gov/cpi/>.

¹⁴⁵ Irons, John. “Economic Scarring: The long-term impacts of the recession.” *Economic Policy Institute*. September 30, 2009. <https://www.epi.org/publication/bp243/>.

¹⁴⁶ Johnson, Nicholas, Oliff, Phil, and Williams, Erica. “An Updated on State Budget Cuts: At Least 46 States have Imposed Cuts that Hurt Vulnerable Residents and the Economy.” *Center on Budget and Policy Priorities*. February 9, 2011. <https://www.cbpp.org/research/an-update-on-state-budget-cuts>.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ American Recovery and Reinvestment Act of 2009, H.R. 1, 111th Cong. (2009).

¹⁵¹ Leachman, Michael, Masterson, Kathleen, and Figueroa, Eric. 2017.

¹⁵² We considered states that cut budgets at a rate within 2 percentage points to have cut them at the same rate.

¹⁵³ National Center for Education Statistics, Common Core of Data. “Enrollment in Public Elementary and Secondary Schools, by Region, State, and Jurisdiction: Selected Years, Fall 1990 Through Fall 2023.” *U.S. Department of Education*. https://nces.ed.gov/programs/digest/d13/tables/dt13_203.20.asp.

¹⁵⁴ These calculations relied on the aggregate, rather than per capita, spending amounts.

¹⁵⁵ Darling-Hammond, Linda. “Investing for Student Success: Lessons from State School Finance Reforms.” *Learning Policy Institute*. August 2019. https://learningpolicyinstitute.org/sites/default/files/product-files/Investing_Student_Success_BRIEF.pdf.

¹⁵⁶ Morgan, Ivy and Amerikaner, Ary. 2018.

¹⁵⁷ Gasman, Marybeth. “Comprehensive Funding Approaches for Historically Black Colleges and Universities.” *University of Pennsylvania Graduate School of Education and North Carolina Central University*. 2010. https://repository.upenn.edu/cgi/viewcontent.cgi?article=1400&context=gse_pubs.

¹⁵⁸ The Leadership Conference Education Fund. “Civil Rights Principles for Higher Education: Policy Recommendations to Achieve Equity and Protect Civil Rights.” *The Leadership Conference Education Fund*. July 2019. <http://civilrightsdocs.info/pdf/reports/Higher-Ed-Civil-Rights-Principles.pdf>.

¹⁵⁹ Wagner, Peter and Rabuy, Bernadette. 2017.

¹⁶⁰ The Leadership Conference on Civil and Human Rights. 2019.





The Leadership
Conference
Education Fund



1620 L Street NW, Suite 1100
Washington, DC 20036



(202) 466-3434



education@civilrights.org



www.civilrights.org



[@civilrightsorg](https://twitter.com/civilrightsorg)



[@civilandhumanrights](https://www.facebook.com/civilandhumanrights)



[@civilrightsorg](https://www.instagram.com/civilrightsorg)