

## Education and the 100-Year Life

### *The Linchpin for Thriving and Enjoyment*

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Each nation's approach to education will determine if the 100-year life is a blessing or a curse. As the 100-year life becomes more commonplace rather than an exception, nations should strive to empower every individual to develop the intellectual capacity and wisdom that will be needed to make decisions that will support thriving over a longer life rather than merely surviving or, worse yet, suffering. This goal should guide nations in two ways. First, nations should reduce opportunity and achievement gaps that have hindered too many students' professional and personal lives for generations. The longer life expectancy of today's students will result in these gaps imposing even greater harms than previously. Second, nations should aim for educational opportunities that enable individuals to choose a life path that leads to human flourishing. Therefore, the 100-year life should lead nations to overhaul how they design and operate their education systems, particularly in light of the sharp declines in academic achievement that followed the COVID-19 pandemic.<sup>1</sup>

In this chapter, I examine how the US should reform its education system to support the 100-year life. As an initial matter, I explore how a high-quality education is essential for enabling individuals to make smart and life-enhancing decisions that a fruitful 100-year life will require. I then analyze how educational opportunity gaps, if not reduced and ultimately closed, will hinder the lifespans and opportunities of many individuals from low-income households and persons of color. I explain the importance of closing these gaps by highlighting the influence of education on career opportunities, earnings, and health, which are three critical components for thriving throughout a 100-year life. Indeed, at the outset, it

<sup>1</sup> *Largest Score Declines in NAEP Mathematics at Grades 4 and 8 Since Initial Assessments in 1990*, THE NATION'S REPORT CARD (2022), <https://www.nationsreportcard.gov/highlights/mathematics/2022>; *Scores Decline in NAEP Reading at Grades 4 and 8 Compared to 2019*, THE NATION'S REPORT CARD (2022), <https://www.nationsreportcard.gov/highlights/reading/2022/>; Sarah D. Sparks, *Explaining That Steep Drop in Math Score on NAEP: 5 Takeaways*, EDUC. WK. (Oct. 24, 2022), <https://www.edweek.org/teaching-learning/explaining-that-steep-drop-in-math-scores-on-naep-5-takeaways/2022/10>.

is important to understand that improving school quality will serve as one of the key determinants of whether an individual will be able to live to 100 years because improvements in school quality – specifically, increasing the length of the school year, raising teacher wages, and reducing class sizes – have been shown to reduce the mortality rate.<sup>2</sup>

I then propose education law and policy reforms to reduce these gaps in ways that enable individuals to thrive and enjoy a 100-year life. I contend that a federal right to education is a comprehensive reform for this moment because it is particularly well positioned to accomplish this goal. I explore how the prospect of a 100-year life should inform assessment of competing scholarly proposals for recognition of this right and its content. I conclude with a vision for how embracing the increasing prevalence of the 100-year life can guide us to reimagine education.

### 3.1 EDUCATION DRIVES THRIVING OVER THE 100-YEAR LIFE

The 100-year life will transform many aspects of life as we know it – including how each individual pursues her life work, how she manages her finances, and how she invests in relationships, to name only a few of the transformations. A strong educational foundation will be critical for managing each of these areas of life in ways that support human flourishing. For instance, consider Jane, the fictional individual that *The 100-Year Life* creates to imagine life for an individual born in 1998. Jane will enter a rapidly changing world of work. Over her lifetime, technological innovation will cast a shadow over the job market through its elimination of some jobs and the creation of others. Jane must be flexible to adapt to the evolving employment landscape by choosing jobs that have either an absolute or a comparative advantage over artificial intelligence (AI).

Investing in education will enable Jane to build the skills and knowledge she will need to navigate this evolving workplace. Jane's long lifespan at a time when technology is rapidly changing will mean that education will play a key role as Jane enters college and graduate school or vocational training to prepare for a fulfilling career that is greatly impacted by technological innovation. Later in Jane's life, she must invest time and energy in developing new knowledge, skills, and specializations that respond to the evolving employment landscape. She will be particularly incentivized to pursue a postgraduate education to gain both the in-depth knowledge and demonstration of commitment that she will need to survive, at least initially, in a competitive job market.

Jane also must work smartly and embrace transformation as a core value for her working life, which will have great implications for her education. Technological advances will force individuals to seek new education and training when their fields

<sup>2</sup> Shahar Sansani, *The Effects of School Quality on Long-Term Health*, 30 ECON. ED. REV. 1320, 1329 (2011).

of employment are rendered obsolete. Such advances also will result in workplace skills losing value more quickly than in previous generations. As a result, Jane will need to become a lifelong learner who regularly reinvents herself as she acquires new knowledge and skills.<sup>3</sup> A report, *The Age of Agility: Education Pathways for the Future of Work* by America Succeeds, describes the required shift as one in which “each one of us will have to take ownership of a lifetime of learning, a constant process of retraining and reeducating ourselves as the world around us lurches into the uncertain future.”<sup>4</sup>

In addition, Jane is more likely to need to return to higher education for additional formal education after spending significant time in the workforce than individuals in prior generations. Rapid technological innovation also will require employers to make greater investments in professional development and training so that employees are equipped to respond to the employer’s evolving needs. Future scholarship might explore how to structure and implement the types of higher education that returning adults will need to thrive in this rapidly evolving workforce.

Research confirms that to empower herself with the skills she needs for the future workforce, Jane will need to acquire a set of durable skills, which are defined as “a combination of how you use what you know – skills like critical thinking, communication, collaboration, and creativity – as well as character skills like fortitude, growth mindset, and leadership.”<sup>5</sup> These durable skills not only are in high demand by employers now but also have the lowest probability of being automated. These skills, which individuals keep with them from job to job, enable individuals to respond to change with resilience rather than resignation. Rapid innovation demands that individuals develop durable skills as well as academic and digital literacy skills.

Jane must face head-on the reality that her longer lifespan demands earning more over her lifetime. She must acknowledge the needs of her future self and create the saving and consumption patterns that will enable her to pay for her long life. Jane’s longer life also requires her to invest in the education and training that yield the financial rewards that will enable her to enjoy her retirement. If Jane does not make such investments in her education and training, she will quickly find herself either unemployed or in positions that are insufficiently remunerative to sustain her and her family for the additional years that her longer life entails. She will have no choice but to work for more years than prior generations. Otherwise, she will become either a burden to her family or the responsibility of the government, with little freedom to design the life that she desires.

In addition, Jane will need to build and sustain relationships that support a happy long life. Marriage can provide her with a life partner to share this longer journey

<sup>3</sup> Jinyoung Kim & Cyn-Young Park, *Education, Skill Training, and Lifelong Learning in the Era of Technological Revolution: A Review*, 34 ASIAN-PAC. ECON. LITERATURE 3, 7–8 (2020).

<sup>4</sup> JASON GAULDEN & ALAN GOTTLIEB, AM. SUCCEEDS, *THE AGE OF AGILITY: EDUCATION PATHWAYS FOR THE FUTURE OF WORK* 5 (2017).

<sup>5</sup> LAUREN COLE ET AL., AM. SUCCEEDS, *THE HIGH DEMAND FOR DURABLE SKILLS* 5 (2021).

and provide financial support as she ages. A spouse or partner may be more critical for Jane than for previous generations because a spouse or partner can support the household as Jane steps in and out of professional opportunities to acquire the education and training she needs to remain relevant and successful in the job market. To support a successful marriage, she will need “a great deal more skill and the capacity to make commitments and negotiate resources over a long period of time.”<sup>6</sup> She will need to make smart choices with her partner and invest in sustaining her relationship over a long period of time.

In the next section I explore how opportunity and achievement gaps within the United States could create insurmountable roadblocks to a successful 100-year life for many students from low-income households and students of color.

### 3.2 EDUCATIONAL OPPORTUNITY AND ACHIEVEMENT GAPS WILL UNDERMINE THE POTENTIAL FOR A THRIVING 100-YEAR LIFE FOR GENERATIONS OF YOUNG PEOPLE

Although the 100-year life presents an array of opportunities, from multiple careers to more intergenerational relationships over a longer life, it may also become a crushing burden without the skills and capacity to capitalize on these opportunities. Socioeconomic and racial opportunity gaps throughout the US establish different educational worlds for our students, with some students enjoying the educational opportunities that lead to a prosperous and engaged future while others are placed on the road to nowhere. Too often, the nature and scope of educational opportunity gaps are overlooked due to the greater focus on achievement gaps. Yet, it is these opportunity gaps that drive the achievement gap that separates the outlook for many students from low-income households and students of color from their more affluent and white peers.<sup>7</sup>

Educational opportunity and achievement gaps will inflict even greater harms over a 100-year life because they can rob individuals of the knowledge and skills they need to reimagine and embrace novel career opportunities, to engage in financial planning for longevity, and to invest in their health and well-being, to name a few of the critical investments needed for an enjoyable 100-year life. Education is often heralded as the engine of opportunity. Yet, if existing opportunity and achievement

<sup>6</sup> LYNDIA GRATTON & ANDREW SCOTT, *THE 100-YEAR LIFE: LIVING AND WORKING IN AN AGE OF LONGEVITY* 297 (2016).

<sup>7</sup> Kimberly Jenkins Robinson, *An American Dream Deferred: A Federal Right to Education*, in *A FEDERAL RIGHT TO EDUCATION: FUNDAMENTAL QUESTIONS FOR OUR DEMOCRACY* 327, 329, 332 (Kimberly Jenkins Robinson ed., 2019) [hereinafter *A FEDERAL RIGHT TO EDUCATION*]; JAMES E. RYAN, *FIVE MILES AWAY, A WORLD APART: ONE CITY, TWO SCHOOLS, AND THE STORY OF EDUCATIONAL OPPORTUNITY IN MODERN AMERICA* 3–4, 145–178, 305 (2010); Prudence L. Carter & Kevin Welner, *Achievement Gaps Arise from Opportunity Gaps*, in *CLOSING THE OPPORTUNITY GAP: WHAT AMERICA MUST DO TO GIVE EVERY CHILD AN EVEN CHANCE* 1, 3 (Prudence L. Carter & Kevin Welner eds., 2013) [hereinafter *CLOSING THE OPPORTUNITY GAP*].

gaps are not closed, education will serve as an engine of opportunities for some but a doorway to despair for others.

Given the potential for educational opportunity gaps to inflict even greater harm upon students as the 100-year life becomes more commonplace, this section describes the current anatomy of these gaps and then explains some of the ways that these gaps could hinder individuals from living a fulfilled 100-year life. Understanding educational opportunity gaps is particularly essential because the perception of these gaps' existence varies by race and class. Although the vast majority of whites – 81 percent – believe that students of color receive the same opportunities in education as they do, just 43 percent of Black people believe this. Similarly, low-income parents are significantly less likely than wealthier ones to believe that schools provide adequate support for students from low-income backgrounds.<sup>8</sup> The research and data are clear that students of color and students from low-income families far too often receive substantially inferior educational opportunities compared to their peers, which will hinder their ability to thrive over a 100-year life.

The technology gaps in educational opportunities and disparate access to courses that enable students to engage effectively with technology will serve as pivotal roadblocks to individuals enjoying the 100-year life. Scholars emphasize that young people need to embrace reskilling to adapt to emerging technologies. Our future workforce will need training that enables them not only to produce new products and applications but also to understand technology's societal impact and to use their training to advance ethical and sustainable technological and scientific advancements. As noted earlier, durable skills will be essential, as well as a wide array of additional skills, such as comprehending science and technology, understanding how to collaborate with AI, and developing skills that AI cannot duplicate.<sup>9</sup>

Yet, contrast the needs of our future workforce with the realities in today's schools. Consider the startling reality that more than 40 percent of teachers in Title I schools, which are those with significant student poverty, do not assign schoolwork that relies

<sup>8</sup> Pathways in Educ. & YouGov, *Parent Views on Education, Equality* (2016), [www.education-surveyresults.org](http://www.education-surveyresults.org).

<sup>9</sup> Lina Markauskaite et al., *Rethinking the Entwinement between Artificial Intelligence and Human Learning: What Capabilities Do Learners Need for a World with AI?* 3 *COMPUTS. AND EDUC.: A.I.* 3, 6 (2022); Alexandre Oliveira Junior et al., *Hands-On Learning Modules for Upskilling in Industry 4.0 Technologies*, 2022 IEEE 5TH INT'L CONF. ON INDUS. CYBER-PHYSICAL SYS. 2; COLE ET AL., *supra* note 5, at 7; David Chrisinger, *The Solution Lies in Education: Artificial Intelligence & the Skills Gap*, 27 *ON HORIZON* 1, 3 (2019); Brian E. Penprase, *The Fourth Industrial Revolution and Higher Education*, in *HIGHER EDUCATION IN THE ERA OF THE FOURTH INDUSTRIAL REVOLUTION*, 207, 217–218, 224 (Nancy W. Gleason ed., 2018); Tom Vander Ark, *Growing Talent for the 4th Industrial Revolution*, *EDUC. WK.* (Nov. 29, 2017), <https://www.edweek.org/education/opinion-growing-talent-for-the-4th-industrial-revolution/2017/11> (explaining the need for “a focus on science, technology and creativity in education”).

upon internet access due to concerns that such assignments would worsen inequalities. Close to 60 percent of Title I teachers state that the absence of home access to computers and the internet hinders student learning.<sup>10</sup>

The technological opportunity gaps are compounded by opportunity gaps in funding, teacher quality, and course offerings. Students from low-income households and students of color are being shortchanged in funding, the quality of teachers, access to rigorous courses, and other educational opportunities. For instance, a study by EdBuild found that school districts that serve 75 percent or more students of color receive \$23 *billion less* than school districts that serve 75 percent or more white students, despite serving the same number of students.<sup>11</sup> Likewise, a study by school finance expert Bruce Baker and his associates found that 75 percent of African American students and 71 percent of Latino students attend schools in districts that are underfunded, as measured by the funding needed to reach average US test scores, while just over a third (35 percent) of white students and almost half (44 percent) of Asian students attend underfunded districts. The size of the funding gap also varies by race, with African American students experiencing the largest funding gap, receiving 17.2 percent less funding than is considered adequate, and Latino students experiencing an 11 percent funding gap. In contrast, Asian students typically receive 14.8 percent more funding than what is considered adequate and white students receive 21.9 percent more.<sup>12</sup>

Students in the nation's poorest districts similarly receive the short end of the stick when it comes to school funding. The two quintiles of districts with the highest poverty rates receive, respectively, 13.1 percent less and 11.4 percent less than adequate funding, while the two quintiles with the lowest poverty receive, respectively, 32.4 and 9 percent more than adequate funding. Given that one in five students in the US live in low-income and nonwhite districts, these opportunity gaps will shackle a generation of young people as they are preparing to run a much longer race.<sup>13</sup>

Students from low-income households and students of color also have access to far fewer quality and effective teachers, which matters because teacher quality greatly impacts student achievement. Research confirms that less experienced teachers and those who gain certification through alternative teacher certification

<sup>10</sup> Kelsey Clark et al., *Closing the Digital Divide Benefits Everyone, Not Just the Disconnected: An Analysis of How Universal Connectivity Benefits Education, Health Care, Government Services, and Employment*, BOST. CONSULTING GRP. & COMMON SENSE 8 (2022), [www.commonssensemedia.org/sites/default/files/research/report/2022-cs-bcg-closing-digital-divide\\_final-release-3-for-web.pdf](http://www.commonssensemedia.org/sites/default/files/research/report/2022-cs-bcg-closing-digital-divide_final-release-3-for-web.pdf).

<sup>11</sup> EdBuild, \$23 *Billion* (2019), <https://staging.edbuild.org/content/23-billion/full-report.pdf>.

<sup>12</sup> BRUCE D. BAKER ET AL., ALBERT SHANKER INST. & RUTGERS UNIV. GRADUATE SCH. EDUCATION, *THE ADEQUACY AND FAIRNESS OF STATE SCHOOL FINANCE SYSTEMS* 35 (5th ed. Dec. 2022).

<sup>13</sup> *Id.* at 27; EdBuild, *supra* note 11.

programs inflict an adverse impact on student achievement.<sup>14</sup> These teachers are employed at higher rates in schools with high concentrations of students from low-income households and students of color. A child in a school with high concentrations of minority students is almost four times as likely to be educated by an inexperienced teacher and twice as likely to have an uncertified teacher. As the concentration of students of color increases, so too does the percentage of teachers who took an alternative route to teacher certification.

Students in high-poverty schools also receive instruction from a higher-than-average percentage of alternative-route teachers. Schools serving higher concentrations of students of color and students who live in low-income households receive instruction from teachers who are less qualified based on nearly every measure of qualification.<sup>15</sup> These disparities in teacher quality adversely affect the achievement outcomes of students from low-income households and students of color. Conversely, consistently receiving instruction from high-quality teachers, as determined by their expertise in a subject matter, experience, effectiveness, and education level, significantly improves outcomes for high school students, such as their likelihood of earning a bachelor's degree.<sup>16</sup>

Other impactful disparities in educational opportunities also hinder the educational experiences of students from low-income households and students of color.<sup>17</sup> The opportunity for coursework that prepares students for a successful entry into college is far less available to students of color and students from low-income households. While calculus is offered in 60 percent of majority-white high schools, it is offered in only 36 percent of majority-Black high schools. Algebra I for seventh- and eighth-graders is provided in 42 percent of majority-Black schools, while

<sup>14</sup> LINDA DARLING-HAMMOND & JEANNIE OAKES, PREPARING TEACHERS FOR DEEPER LEARNING, 3 (2019); Linda Darling-Hammond, *Education and the Path to One Nation, Indivisible*, LEARNING POL'Y INST. 8 (Feb. 27, 2018), <https://learningpolicyinstitute.org/product/education-path-one-nation-indivisible-brief> ("Studies at the state, district, school, and individual student level have found that teachers' academic background, preparation for teaching, certification status, and experience, significantly affect their students' learning gains.").

<sup>15</sup> *Understanding Teacher Shortages: 2018 Update*, LEARNING POL'Y INST. (Aug. 24, 2018), <https://learningpolicyinstitute.org/product/understanding-teacher-shortages-interactive> (defining "high-minority schools" as those with the top 25 percent of minority student enrollment for the state and "low-minority schools" as those in the bottom 25 percent of schools for minority enrollment within a state); *Understanding Teacher Shortages: Notes and Sources*, LEARNING POL'Y INST., [https://learningpolicyinstitute.org/understanding-teacher-shortages-notes-sources#\\_edn19](https://learningpolicyinstitute.org/understanding-teacher-shortages-notes-sources#_edn19); Darling-Hammond, *supra* note 14, at 4, 7–8; JOEL MCFARLAND ET AL., U.S. DEP'T EDUCATION, THE CONDITION OF EDUCATION 20–21 (2018), <https://nces.ed.gov/pubs2018/2018144.pdf>.

<sup>16</sup> Se Woong Lee, *Pulling Back the Curtain: Revealing the Cumulative Importance of High-Performing, Highly Qualified Teachers on Students' Educational Outcome*, 40 EDUC. EVALUATION & POL'Y ANALYSIS 359, 372–374 (2018).

<sup>17</sup> Linda Darling-Hammond, *Inequality and School Resources: What It Will Take to Close the Opportunity Gap*, in *CLOSING THE OPPORTUNITY GAP*, *supra* note 7, at 77, 84; Darling-Hammond, *supra* note 14, at 7–8.

66 percent of majority-white schools offer it. Data from the Office for Civil Rights at the Department of Education reveals that schools with high Latino and African American enrollment lag behind other schools in offering courses in science and mathematics.<sup>18</sup> These data also confirm that while 52.4 percent of white students enrolled in an Advanced Placement class in the 2017–2018 academic year, only 9.3 percent of African American students enrolled in such a course. Furthermore, wealthier schools provide greater access to foreign languages, as well as comprehensive music and art programs and science-based hands-on learning, while poorer schools often do not offer foreign languages even in high school and fail to consistently deliver music, art, and science learning opportunities. Wealthier communities also enjoy greater access to resources and technology.<sup>19</sup> As the 100-year life is increasing the importance of a high-quality educational experience, these and other opportunity gaps drive achievement gaps that will leave many students from low-income households and students of color without the educational foundation that they will need to gain entry to and complete college or to compete successfully in the world of work.<sup>20</sup> Beginning a career with a great academic disadvantage would not just hinder Jane's initial employment opportunities and earnings if she only graduates from a high school but also hamper her ability to enter higher education and thereafter explore new employment opportunities.

Opportunity and achievement gaps also will encumber individuals' earnings and health, to name just a couple of the additional impacts linked closely to an

<sup>18</sup> Off. for C.R., US Dep't of Educ., 2017–18 *State and National Tables* (2021), <https://ocrdata.ed.gov/estimations/2017-2018>. The 2017–2018 data are the most recent data that the Office for Civil Rights was reporting on its website at the time of writing.

<sup>19</sup> David Hinojosa, *Essential Building Blocks for State School Finance Systems and Promising State Practices*, LEARNING POL'Y INST. 17–18 (Dec. 2018), [https://learningpolicyinstitute.org/media/290/download?inline&file=Essential\\_Building\\_Blocks\\_State\\_School\\_Finance\\_Systems\\_REPORT.pdf](https://learningpolicyinstitute.org/media/290/download?inline&file=Essential_Building_Blocks_State_School_Finance_Systems_REPORT.pdf); Darling-Hammond, *supra* note 14, at 7; Dick Startz, *Equal Opportunity in American Education*, BROOKINGS INST., BROWN CTR. CHALKBOARD (Jan. 15, 2019), <https://www.brookings.edu/blog/brown-center-chalkboard/2019/01/15/equal-opportunity-in-american-education/>; Joyce Winslow, *America's Digital Divide*, PEW (July 26, 2019), <https://www.pewtrusts.org/en/trust/archive/summer-2019/americas-digital-divide>.

<sup>20</sup> Carter & Welner, *supra* note 7, at 2–6; *The Great Divergence: Growing Disparities between the Nation's Highest and Lowest Achievers in NAEP Mathematics and Reading between 2009 and 2019*, US DEP'T OF EDUC., NAEPPLUS+: THE OFFICIAL BLOG OF THE NATION'S REPORT CARD (Oct. 30, 2019), [https://nces.ed.gov/nationsreportcard/blog/mathematics\\_reading\\_2019.aspx](https://nces.ed.gov/nationsreportcard/blog/mathematics_reading_2019.aspx); Jonathan Rabinovitz, *Local Education Inequities Across U.S. Revealed in New Stanford Data Set*, STAN. NEWS (Apr. 29, 2016), <https://news.stanford.edu/2016/04/29/local-education-inequities-across-u-s-revealed-new-stanford-data-set/> (“The most and least socioeconomically advantaged districts have average performance levels more than four grade levels apart.”); Michael Hansen et al., *Have We Made Progress on Achievement Gaps? Looking at Evidence from the New NAEP Results*, BROOKINGS INST., BROWN CTR. CHALKBOARD (Apr. 17, 2018), <https://www.brookings.edu/blog/brown-center-chalkboard/2018/04/17/have-we-made-progress-on-achievement-gaps-looking-at-evidence-from-the-new-naep-results> (“Reducing the achievement gap by 0.2 standard deviations could be loosely interpreted as reducing the gap by about a half-year of typical academic instruction.”).



individual's education. Jane will need more income and savings to sustain her 100-year life. The amount of education, particularly higher education, that she receives will directly determine her income and earnings. The substantial differences in income between a high school dropout and a college graduate accumulate over time to drive large lifetime earning gaps that will impact whether Jane can support her need to take breaks from work so as to retrain in order to reap the advantages of emerging opportunities, as well as to fund a pension and pay off her mortgage before retirement. Jane's lifetime earnings also will need to sustain her quality of life through a longer retirement. Jane would be wise to pursue and secure a college degree at minimum because such a degree provides additional benefits beyond higher earnings, including greater job security, retirement plans, and a 47 percent greater likelihood of obtaining employer-provided health insurance.<sup>21</sup>

To thrive throughout a 100-year life, Jane also will need to invest in her health and well-being in sustained ways. Maximizing her education provides a vehicle for protecting her health because research confirms that education and health are strongly linked, with investments in additional education being correlated with improved health. Education may serve this function because it encourages positive behaviors, such as eating vegetables and fruits, exercising, and wearing a seat belt, and discourages negative behaviors, such as smoking, a sedentary lifestyle, a substandard diet, and alcohol abuse.<sup>22</sup> Jane's investment in higher education also can delay the onset of "accelerated cognitive decline."<sup>23</sup> Higher educational attainment provides access to resources such as knowledge, prestige, power, and social relationships that Jane can employ to prevent adverse health outcomes. Additionally, Jane can use the accumulation of wealth that education provides to strengthen her health through such actions as acquiring or improvising resources to achieve desirable health outcomes.<sup>24</sup>

<sup>21</sup> PHILIP TROSTEL, IT'S NOT JUST THE MONEY: THE BENEFITS OF COLLEGE EDUCATION TO INDIVIDUALS AND TO SOCIETY 1, 10, 13, 16–21 (2015); SANDY BAUM, HIGHER EDUCATION EARNINGS PREMIUM: VALUE, VARIATION, AND TRENDS 2 (2014).

<sup>22</sup> ERICH STRIESSNIG, TOO EDUCATED TO BE HAPPY? AN INVESTIGATION INTO THE RELATIONSHIP BETWEEN EDUCATION AND SUBJECTIVE WELL-BEING 23 (2015); TROSTEL, *supra* note 21, at 29–30; David M. Cutler & Adriana Lleras-Muney, *Understanding Differences in Health Behaviors by Education*, 29 J. HEALTH ECON. 1, 24 (2010); Carina A. Fumée et al., *The Health Effects of Education: A Meta-Analysis*, 18 EUR. J. PUB. HEALTH 417, 420 (2008). Cf. Titus J. Galama et al., *The Effect of Education on Health and Mortality: A Review of Experimental and Quasi-Experimental Evidence*, Nat'l Bureau of Econ. Rsch. Working Paper No. 24225 (2018), at 26 (finding that education sometimes reduces smoking or obesity).

<sup>23</sup> Sean A. P. Clouston et al., *Education and Cognitive Decline: An Integrative Analysis of Global Longitudinal Studies of Cognitive Aging*, 75 JS. GERONTOLOGY: SERIES B e151, e156 (2020).

<sup>24</sup> JOHN MIROWSKY & CATHERINE E. ROSS, EDUCATION, SOCIAL STATUS AND HEALTH 197 (2003); Jo C. Phelan et al., *Social Conditions as Fundamental Causes of Health Inequalities: Theory, Evidence, and Policy Implications*, 51 J. HEALTH & SOC. BEHAV. S28 (2010); Anna Zajacova & Elizabeth M. Lawrence, *The Relationship between Education and Health: Reducing Disparities through a Contextual Approach*, 39 ANN. REV. PUB. HEALTH 273, 277 (2018); STRIESSNIG, *supra* note 22.

The research and data are clear that Jane's educational opportunities and attainment will provide the linchpin for her thriving professionally, financially, and physically throughout a 100-year life. Therefore, law and policy should aim to close the opportunity and achievement gaps that could hinder Jane from maximizing her educational opportunities and outcomes.

### 3.3 EDUCATION LAW REFORM IN THE SHADOW OF THE 100-YEAR LIFE

Given the demands of the 100-year life, the US should adopt law and policy reforms that ensure that Jane receives the high-quality education that she will need to sustain her professional, economic, and health needs as a future centenarian. The strong connections between education and an individual's professional, economic, and physical well-being mean that investments in improving educational opportunities and outcomes will yield exponential benefits. Law and policy shape the landscape of educational opportunities and achievement and can be reformed to support individuals' living and thriving over longer lives.

In this section, I recommend law and policy reforms for education that the US could adopt to support a 100-year life. Before doing so, it is essential to note two critical points. First, a full presentation of the education reforms that are needed to support individuals living to 100 years or more would take many volumes. These reforms could include reducing poverty and its adverse impacts on education and providing high-quality childcare, universal high-quality preschooling, and free access to higher education, to name only a few of the possibilities. Second, no single law, policy, or reform can solve the nation's education challenges. These challenges are vast and varied, and defy any single reform.

I highlight four essential education law and policy reforms that the US should consider as it examines how it will create and support a growing population of centenarians: (1) recognizing a federal right to education, (2) adopting equitable and adequate funding to support a high-quality education, (3) transitioning away from tracking and toward an approach to education that expands access to rigorous curricula and robust teaching and learning practices for all students, and (4) restructuring education federalism to support these reforms.

A federal right to education could provide the type of comprehensive framework that is essential for supporting Jane and future generations to live a productive and enjoyable 100-year life. My recently published edited volume, *A Federal Right to Education: Fundamental Questions for Our Democracy*, explores the possibilities and pitfalls of a federal right to education. Although a full exploration of those ideas is beyond the scope of a single book chapter, I highlight here some critical ideas focused on how such a right could transform educational opportunities that support a 100-year life.

A “rights” framework provides an essential lens for addressing the challenges of our education system. Although all fifty states recognize a right to education, those rights fail to guarantee that students receive access to a high-quality education. Instead, the rights range from a mere access right to a more robust right that aims to provide students the opportunities they need to achieve state standards. This reality leaves many students’ education to the whims of state political majorities that too often tolerate deeply entrenched educational opportunity gaps.<sup>25</sup> Competing views on what a federal right to education should guarantee, such as essential educational resources, a right to compete, or a right to “an equally adequate, adequately equal education,” should be examined through the lens of the 100-year life and what it will take to sustain it.<sup>26</sup>

Fortunately, several pathways exist for the US to recognize and protect a federal right to education, from a Supreme Court decision grounded in originalism to a constitutional amendment. However, the need to equip individuals to adapt to an ever-changing workforce and professional demands, as well as to rapidly evolving technological advances, reveals that a statutory right to education provides the best path forward to support the educational opportunities needed to sustain individuals over the 100-year life. I explore in *A Federal Right to Education* how Congress could adopt a federal right to education and employ its flexibility as a legislature to create a collaborative enforcement model that views litigation as a last resort to reduce the litigation burden of recognizing such a right. More importantly, a statutory right to education would enable Congress to adapt the content of the right to novel workforce and technological demands through review and revision of the statutory guarantee.<sup>27</sup>

<sup>25</sup> Kimberly Jenkins Robinson, *The Essential Questions Regarding a Federal Right to Education*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 1–9; Kristine L. Bowman, *The Inadequate Right to Education: A Case Study of Obstacles to State Protection*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 65, 65–77.

<sup>26</sup> LINDA DARLING-HAMMOND, *Assuring Essential Educational Resources through a Federal Right to Education*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 235, 241 (recommending that a federal right to education guarantee “a competent, certified well-trained teacher,” “a well-trained competent principal,” and “the resources necessary to support the effective instructional program within that school so that the educational needs of all children, including at-risk children, can be met”); Carmel Martin et al., *Lessons from State School Finance Inform a New Federal Right to a High-Quality Education*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 283, 291–295 (contending that a federal right to education should ensure a high-quality education that provides additional resources to students with the greatest needs and that employs an outcomes-based model for state accountability for school funding systems); Rachel F. Moran, *The Constitution of Opportunity: Democratic Equality, Economic Inequality, and the Right to Compete*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 261–262 (recommending a federal right to education that protects a meaningful opportunity for students to compete with their peers); Joshua E. Weishart, *Protecting a Federal Right to Educational Equality and Adequacy*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note 7, at 303, 304 (recommending that a federal right to education should guarantee “an equally adequate, adequately equal education”).

<sup>27</sup> Robinson, *supra* note 7, at 9–10; Kimberly Jenkins Robinson, *A Congressional Right to Education: Promises, Pitfalls, and Politics*, in *A FEDERAL RIGHT TO EDUCATION*, *supra* note

Second, the US must insist that states adopt school funding systems that would support educational opportunities that prepare students to both attain and enjoy a 100-year life. School funding provides the foundation for the nation's education system, yet our nation's approach to school funding is undeniably broken. School funding is far too often linked to the whims of political majorities and a student's wealth, race, or neighborhood and far too infrequently to the needs of students. The US needs to adopt laws and policies that remedy the key shortcomings of state education systems, which include, among others:

1. lower funding to districts serving students with greater needs;
2. insufficient linkage of funding systems to desired educational outcomes;
3. low funding levels; and
4. inadequate oversight of state funding systems.<sup>28</sup>

The three branches of the federal government have at their disposal an array of tools to take aim at these shortcomings, and all three branches should work together to remedy them. For example, Congress has required states and districts to report per-pupil spending data, including personnel spending data, by source of funds in state report cards in the Elementary and Secondary Education Act. Congress can employ the Elementary and Secondary Education Act as a vehicle for incentivizing states to remedy funding inadequacies, inequities, and inefficiencies. Alternatively, Congress could address these shortcomings through new legislation focused on incentivizing school funding reform. The president can also use political pressure to urge states to remedy these shortcomings. Finally, the Department of Education can provide research and technical assistance to states and districts to explain why and how states should remedy these funding inequities and inadequacies, as well as financial assistance to aid in closing funding gaps.<sup>29</sup>

Third, tracking – a long-standing educational practice that results in many students from low-income households and students of color being placed into dead-end tracks while their peers are placed in tracks that lead to college and career – should be phased out to support more individuals thriving over a 100-year life. Tracking oftentimes begins in the early grades in the US, and lower track placement typically leads students to lower-quality teachers, a less rigorous curriculum, and watered-down educational goals. These lower tracks are antithetical to the

7, at 186; Derek W. Black, *Implying a Federal Constitutional Right to Education*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 7, at 135; S. Educ. Found., *No Time to Lose: Why the United States Needs an Education Amendment to the US Constitution*, in A FEDERAL RIGHT TO EDUCATION, *supra* note 7, at 208.

<sup>28</sup> Robinson, *supra* note 7, at 4–5; Kimberly Jenkins Robinson, *No Quick Fix for Equity and Excellence: The Virtues of Incremental Shifts in Education Federalism*, 27 STAN. L. & POL'Y REV. 201, 206 (2016).

<sup>29</sup> Every Student Succeeds Act, 20 U.S.C. §§ 6311(h)(1)(C)(x), 6311(h)(2)(C); Kimberly Jenkins Robinson, *Restructuring the Elementary and Secondary Education Act's Approach to Equity*, 103 MINN. L. REV. 915, 984–988 (2018).

high-quality educational opportunities that all students will need to thrive over a 100-year life. Fortunately, some school districts are beginning to successfully detrack, and studies confirm that detracking benefits not only students from low-income households and students of color but also all students. Law and policy reform can incentivize states and districts to end tracking by passing legislation that disincentivizes the practice, or through enforcement of federal and state law and policy that prohibits practices that inflict a disparate impact on the basis of race, color, or national origin.<sup>30</sup>

Finally, successful implementation of the comprehensive array of education law and policy reforms that would make a 100-year life possible will require greater federal leadership and involvement in education and thus a restructuring of education federalism. Education federalism currently favors state and local control of education and a limited federal role in education. This narrow federal role enables states to choose to neglect the needs of students from low-income households and students of color from communities that are oftentimes unable to leverage political influence to secure the high-quality educational opportunities that students need to succeed and thrive. Education federalism also has served as a major roadblock to efforts to advance equal educational opportunity. Restructuring education federalism will provide a necessary and essential launching pad for comprehensive education reforms that deliver a high-quality education to all students to support future generations attaining and enjoying a 100-year life.<sup>31</sup>

### 3.4 CONCLUSION

The prospect of most people enjoying a 100-year life, as well as sharp declines in academic outcomes following the pandemic, provides new urgency to closing US opportunity and achievement gaps in order to empower the professional and personal experiences of thriving over this longer life. Our economy, democracy, and society will depend even more on the types of comprehensive reforms outlined in this chapter to support human flourishing and enjoyment of a 100-year life.

<sup>30</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Carol C. Burris & Kevin G. Welner, *Closing the Achievement Gap by Detracking*, 68 PHI DELTA KAPPAN 594 (2005); Kamilah Legette, *A Social-Cognitive Perspective of the Consequences of Curricular Tracking on Youth Outcomes* (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7810159/>.

<sup>31</sup> KIMBERLY JENKINS ROBINSON, PROTECTING EDUCATION AS A CIVIL RIGHT: REMEDYING RACE DISCRIMINATION AND ENSURING A HIGH-QUALITY EDUCATION 16–25 (2021); Kimberly Jenkins Robinson, *Disrupting Education Federalism*, 92 WASH. U. L. REV. 959, 962, 976–978, 985 (2015); Darling-Hammond, *supra* note 14, at 7–9.