



Graduate School of Education  
**PennGSE**  
Center for the Study of Race and Equity in Education

# The Elusive Quest for Civil Rights in Education

EVIDENCE-BASED PERSPECTIVES FROM LEADING SCHOLARS ON THE 50TH ANNIVERSARY OF THE CIVIL RIGHTS ACT

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# Access and Equity in Education on the 50th Anniversary of the Civil Rights Act

Congress passed Public Law 88-352 (78 Stat. 241) in 1964, otherwise known as the Civil Rights Act. Title IV of the Act mandated the desegregation of public education and Title VII deemed employment discrimination on the basis of race, religion, sex, and national origin unlawful. This law was intended to ensure equitable access to opportunities for social and economic advancement. In many ways, it was a response to our nation's historical record of voter and employment discrimination as well as other forms of social injustice. Architects of the Act believed it would eradicate widespread opportunity gaps, especially in the U.S. labor market. There have since been other legislative attempts to ensure equitable access to housing, high-quality and affordable healthcare, and other public goods and services. Despite this, widespread inequities exist in nearly every social sector, including P-12 schools, colleges, and universities.

Education is supposedly the *great equalizer* – an engine of opportunity that facilitates access to economic prosperity, an expansive array of career options, and membership in high-status social networks. Much like the Civil Rights Act of 1964, education policies at all levels (from pre-school through higher education) espouse the ideals of equitable access and opportunity, regardless of one's race, sex, and residency. Notwithstanding, schools work in concert with other social forces to disproportionately advantage families from particular neighborhoods, racial and socioeconomic backgrounds, and social histories. Where one lives, for example, is a key determinant in the quality of education she or he will receive. Specifically, P-12 schools in affluent, predominantly white communities with high property values attract and retain more qualified teachers, have more up-to-date textbooks and technological resources, graduate students at higher rates, and send more young adults to four-year col-

leges and universities than do schools in low-income neighborhoods with high concentrations of people of color. Princeton University Sociologist Douglas Massey, UCLA Education Professor Gary Orfield, and other researchers have furnished compelling evidence that suggests P-12 schools are just about as segregated now as they were before the enactment of legislation like *Brown v. Board of Education of Topeka, Kansas* (1954) and the Civil Rights Act of 1964.

*An Act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity and for other purposes.*

– PUBLIC LAW 88-352-JULY 2, 1964

Inequities persist into higher education as certain institutions that prepare the largest share of people of color and students from lower-income backgrounds (community colleges and minority-serving institutions) are cyclically disadvantaged by lower appropriations from state governments. Furthermore, while access to historically white colleges and universities has widened over the past 50 years, Blacks and other minoritized groups are still fighting for respectability, increased representation, and more equitable outcomes. Indeed, many postsecondary institutions have become considerably more diverse over the past five decades. Notwithstanding, stratification is evidenced across institutions and segregation is commonplace on many campuses. People of color are largely clustered in food service, landscaping, and custodial roles; few are full professors, deans of academic departments and schools, and in other positions located at the power epicenter of predominantly white institutions of higher education.

This monograph brings together leading scholars who have written in assorted ways about civil rights in education. Their impressive publication records and dynamic research agendas have done much over the years to advance principles that U.S. President Lyndon B. Johnson and proponents of the Act envisioned 50 years ago. Each scholar has written a thoughtful essay that highlights a range of persistent inequities in P-12 and postsecondary educational contexts, while also acknowledging areas in which progress toward social justice has been achieved. The essays are constructed around a range of data points that powerfully illustrate the illusive quest for opportunity, equity, and civil rights in U.S. education. Collectively, these scholars make clear that access to high-quality education at all levels is one of the most important civil rights issues of the modern era.

**James A. Banks** is the Kerry and Linda Killinger Endowed Chair in Diversity Studies and Director of the Center for Multicultural Education at the University of Washington, Seattle. Professor Banks served as President of the American Educational Research Association in 1997-1998. He also is a member of the National Academy of Education and an AERA Fellow. His Ph.D. in education is from Michigan State University.

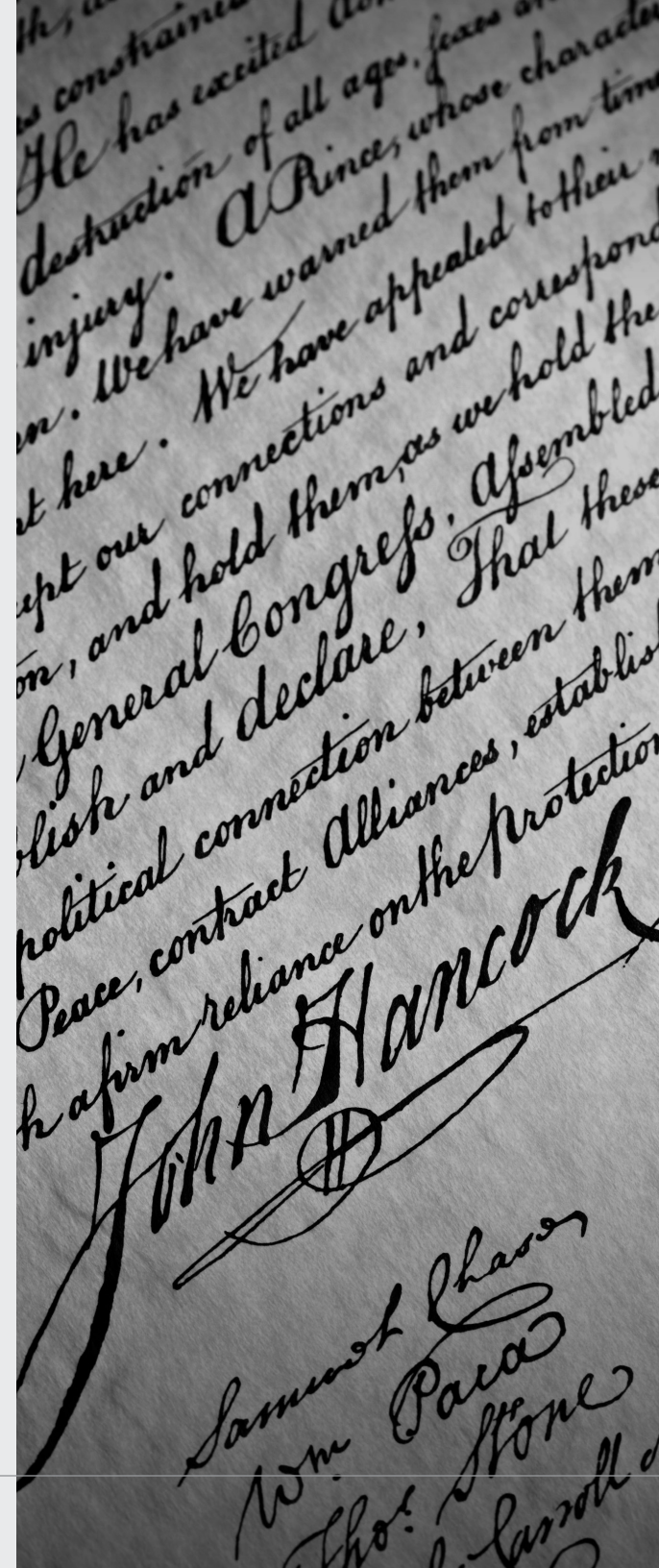
**Linda Darling-Hammond** is the Charles D. Ducommun Professor of Education at Stanford University and Faculty Director of the Stanford Center for Opportunity Policy in Education. Professor Darling-Hammond served as President of the American Educational Research Association in 1995-1996. She also is a member of the National Academy of Education and an AERA Fellow. Her Ed.D. in education is from Temple University.

**Kris D. Gutiérrez** holds the Provost's Chair in the School of Education at the University of Colorado, Boulder. Professor Gutiérrez served as President of the American Educational Research Association in 2010-2011. She also is a member of the National Academy of Education and an AERA Fellow. Her Ph.D. in education is from the University of Colorado, Boulder.

**Gloria Ladson-Billings** is the Kellner Family Professor of Urban Education and Assistant Vice Chancellor of Academic Affairs at the University of Wisconsin-Madison. Professor Ladson-Billings served as President of the American Educational Research Association in 2005-2006. She also is a member of the National Academy of Education and an AERA Fellow. Her Ph.D. in education is from Stanford University. A native Philadelphian, Dr. Ladson-Billings was named Honorary Faculty Affiliate of the University of Pennsylvania Center for the Study of Race and Equity in Education in 2014.

**Carol D. Lee** is the Edwina S. Tarry Professor of Education and Social Policy and Professor of African American Studies at Northwestern University. Professor Lee served as President of the American Educational Research Association in 2009-2010. She also is a member of the National Academy of Education and an AERA Fellow. Her Ph.D. in education is from the University of Chicago.

**William G. Tierney** is University Professor, Wilbur-Kieffer Professor of Higher Education, and Co-Director of the Pullias Center for Higher Education at the University of Southern California. Professor Tierney served as President of the American Educational Research Association in 2012-2013. He also is a member of the National Academy of Education and an AERA Fellow. His Ph.D. in education is from Stanford University.



# Curriculum Representation and Civil Rights: The Struggle Continues

Fifty years after the passage of the Civil Rights Act of 1964, many students of color are being denied a basic civil right: the right to have their histories, cultures, and languages represented in the mainstream curriculum of schools, colleges, and universities. In this essay, I describe the long, contentious, and continuing struggle to attain cultural and historical recognition and representation of marginalized racial, ethnic, and linguistic groups in the school, college, and university curriculum since 1964. I detail the extent to which this goal has been attained, and the work that lies ahead in order for all students to experience cultural representation and recognition in the curricula of educational institutions.

Curriculum recognition and representation are essential for students to experience equal status, civic equality, and civil rights within classrooms and on campuses. Students experience representation and recognition when their histories, cultures, experiences, and languages are visible in the curriculum and are validated by the school, college, and university community. In their book, *Radical Equations: Math Literacy and Civil Rights*, Robert P. Moses and Charles E. Cobb argue that math literacy is required for “freedom and citizenship” and that acquiring algebra skills and literacy is a civil right because these skills are required for students to function effectively in a highly technological society. Having their histories, cultures, and languages reflected in the curriculum is also a civil right for marginalized racial, ethnic, and linguistic groups. Curriculum representation is required for students to attain agency, political efficacy, and self-definitions that are needed to attain high levels of academic and social achievement and to become effective citizens in a global world. Empirical evidence adduced by researchers such as Kathryn H. Au and Carol D. Lee indicates that students are more

academically engaged and motivated when curriculum content and pedagogical strategies are related to their cultural and linguistic experiences.

The opportunity to become effective citizens in their communities and in the civic culture of the nation is also an important civil right for all students, including those from diverse and marginalized groups. Curriculum recognition and representation will help diverse groups of students attain the knowledge, attitudes, and skills needed to become effective citizens in their communities, the nation, and the world. However, one unfortunate outcome of the emphasis on achievement in the basic skills, on standardized testing, and on the Common Core is that schools in the United States today are devoting little attention to citizenship education, which has historically been an important aim of its public schools.

## THE INVISIBILITY OF AFRICAN AMERICANS IN TEXTBOOKS

Marginalized racial, ethnic, and cultural groups have a long history of invisibility in the curricula of our nation’s schools, colleges, and universities, as well as within the popular culture. African American history and culture were essentially absent from my social studies textbooks when I was an elementary school student in the Arkansas Delta in the 1950s. One of my most powerful memories is an image of happy and loyal slaves in my social studies textbooks. I also remember that there were three other Blacks in my textbooks: Booker T. Washington, the educator; George Washington Carver, the scientist; and Marian Anderson, the contralto. I had several persistent questions throughout my school days: Why were the slaves pictured as happy? Were there other Blacks in history besides the two Washingtons and Anderson? Who created this image of slaves? Why?

The image of the happy slaves was inconsistent with everything I knew about African American descendants of enslaved people in my segregated community. We had to drink water from fountains labeled “colored,” and we could not use the city’s public library. But we were not happy about either of these legal requirements. In fact, we resisted these laws in powerful, but subtle ways each day. As children, we savored the taste of “white water” when the authorities were preoccupied with more serious infractions against the racial caste system.

Throughout my schooling, these questions remained cogent as I tried to reconcile the representations of African Americans in textbooks with people I knew in my family and community. My epistemological quest to find out why the slaves were represented as happy became a lifelong journey that continues, and the closer I think I am to the answer, the more difficult and complex both my question and the answers become. The question, “Why were the slaves represented as happy,” has taken different forms in various periods of my life. Within the last several decades, it has taken the form of a series of questions: Why are African Americans described as intellectually inferior in *The Bell Curve* by Richard J. Herrnstein and Charles Murray, which became a bestseller when it was published in 1994? Why are questions still being raised about the intelligence of African Americans in the 21st century? Whose questions are these? Whom do they benefit? Whose values and beliefs do they reflect? I have lived with these questions all of my professional life. I now believe the biographical journeys of researchers greatly influence our values, our research questions, and the knowledge we construct. Such knowledge mirrors our life experiences and values.

## THE ETHNIC STUDIES MOVEMENT OF THE 1960S AND 1970S

During the late 1960s and early 1970s African Americans – sometimes in strident voices that reflected their deferred and shattered dreams – demanded community control of their schools, African American teachers and administrators, and the infusion of Black history into the curriculum. At the university level, frequent demands included Black studies programs and courses, heritage rooms or houses, and Black professors and administrators. During this period there was little demand for the infusion of ethnic content into the core or mainstream curriculum; that demand would not emerge until the 1980s and 1990s. Rather, the demand was primarily for separate courses and programs.

As schools, colleges, and universities began to respond to the demands by African Americans for curriculum changes, other ethnic groups of color that felt victimized by institutionalized discrimination in the United States began to echo the demands made by African Americans. These groups included Mexican Americans, Puerto Ricans, American Indians, and Asian Americans. A rich array of books, programs, curricula, and other materials that focused on the histories and cultures of ethnic groups of color was edited, written, or reprinted between the late 1960s and the early 1970s.

## THE EMERGENCE OF MULTICULTURAL EDUCATION

The multicultural education movement grew out of the ethnic studies movement as educators began to realize that infusing ethnic content into the curriculum was not sufficient to increase the academic achievement of marginalized ethnic groups such as African Americans, Mexican Americans, and Native Americans. A realization developed among educational theorists that in addition to incorporating ethnic content into the curriculum, the total school environment needed to be reformed in order to increase the academic achievement of ethnic minority students and to help them acquire the knowledge, skills, political efficacy, and the power of self-definition required to become effective citizens in a globalizing world.

Other marginalized groups, such as women, people with disabilities, language minorities, and LGBT people, were inspired by the Black Civil Rights Movement and began to make demands on schools, colleges, and universities similar to those made by African Americans and other ethnic groups. Educators responded to these groups by incorporating their concerns into school, college, and university programs. At the school level these reform efforts became known as multicultural education; at the college and university levels they were implemented via programs such as ethnic studies, women studies, disability studies, and queer studies. Umbrella terms – such as “multicultural education” in schools of education and “multiculturalism” or “diversity” in colleges of arts and sciences – became preferred concepts in part because these inclusive terms enabled educational institutions to pool limited resources and to focus on a wide range of groups rather than to limit their focus to racial and ethnic groups.

## THE RISE OF NEO-CONSERVATISM AND ETHNIC STUDIES DEBATES

The emergence of a number of landmark publications related to diversity and education within the last decade, including the *Routledge International Companion to Multicultural Education* in 2009, and the *Encyclopedia of Diversity in Education* in 2012, as well as the number of courses and positions in multicultural education on college and university campuses, are important indications of the extent to which diversity courses and issues are becoming institutionalized within the nation’s schools, colleges, and universities. However, the neo-conservative movement that has emerged in the United States as well as in Canada and the United Kingdom indicates that the inclusion of ethnic content in the curriculum of schools, colleges, and universities remains contentious and that the struggle for curriculum representation and inclusion is an unfinished journey that is fraught with challenges and difficulties 50 years after the passage of the Civil Rights Act of 1964.

An important indication of the power that can be exercised by the neoconservative movement in the United States was the passage of a bill in Arizona, which became effective on January 1, 2011, that bans ethnic studies courses in the Tucson Unified School District. Linda Chavez, a leading critic of multicultural education and teaching about diversity, argued in an editorial in the *Dallas Morning News* that we should teach “American history” rather than *ethnic studies*. Chavez’s argument echoes the opinions of other critics of teaching ethnic studies, such as Sandra Stotsky and Nathan Glazer. This is a false dichotomy because ethnic studies is an integral part of United States history and we cannot accurately teach the American story unless we teach about the ways in which it has been shaped and influenced by American ethnic groups, and how ethnic groups in the United States have both shaped and been shaped by their experiences in America.

To teach American history without the experiences and perspectives of ethnic groups (both White and people of color), which has been often done in the past and is sometimes done now, is to teach a distorted version of the history of the United States. The ethnic studies movement emerged largely because the roles of people of color were either distorted or left out of American history. In other words, the ethnic studies movement emerged to make “American” history “American,” and not just Anglo-American history. In his famous 1963 essay, “A Talk to Teachers,” James Baldwin states that if educators teach distorted versions of Black history, White history will also be distorted because Black and White history in the United States are intimately interconnected. In *Playing in the Dark: Whiteness and the Literary Imagination*, Toni Morrison contends that Blacks are present in American literature even when they are not visible because throughout their history in the United States Whites have defined themselves in opposition to Blacks; as such, Blacks were essential for Whites to construct their identity as Americans.



Representing the cultures and histories of marginalized students in the curriculum will not only result in more accurate versions of U.S. history and culture; it will enhance their civil rights as well as help them to acquire the knowledge, values, and skills required to become effective citizens in their communities, nation, and in our globalized world.

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# The Ongoing Quest for Equity in Teaching

That well-qualified teachers are one of the most inequitably distributed educational resources in the United States is no secret. By every measure of qualification (e.g., certification, subject matter background, pedagogical training, selectivity of college attended, test scores, and years of experience) less qualified teachers tend to be found in schools serving greater numbers of low-income and minority students (Socias, Chambers, Esra, & Shambaugh, 2007). Studies in state after state have found that students of color in low-income schools are much more likely to have unqualified teachers than are their peers in predominantly white schools. Dozens of active state school finance lawsuits across the country cite disparities in rich and poor children's access to well-qualified teachers as a critical element of inequality (Darling-Hammond, 2010).

Because of public attention to these disparities, Congress included a provision in the No Child Left Behind Act of 2002 that states should ensure that all students have access to "highly qualified teachers." This was defined as teachers with full certification and demonstrated competence in the subject matter field(s) they teach. Yet, despite a decade of activity, the problem is far from solved. In a recent study examining school funding and teacher distribution in California and New York, Frank Adamson and I found that high-poverty districts still hire twice as many uncertified and inexperienced teachers as do low-poverty districts (see Adamson & Darling-Hammond, 2012). As of 2009, districts in both states hired as many as half of their teachers without full credentials. In California, up to 60% of teachers in some districts were inexperienced. The proportion in New York reached one-third in high-need districts. As has become the norm in U.S. schools, these districts disproportionately enroll

low-income students, students of color, and English learners.

Disparities in teacher distribution matter greatly. Research consistently shows that teacher quality is one of the most important variables for student success and that teachers with stronger qualifications produce higher student achievement (Akiba, LeTendre, & Scribner, 2007; Boyd, Grossman, Lankford, Loeb, & Wyckoff, 2006; Darling-Hammond, 2000). Given this, why do these disparities continue in the face of growing awareness and legal efforts to confront them? And what should we do about them?

## COMMON STRATEGIES FOR ADDRESSING TEACHER QUALITY DISPARITIES

Although states and districts have launched efforts to address teacher shortages, the most common strategies (e.g., alternative certification to get recruits into schools faster and "combat pay" for working in high-need schools) have typically fallen short. Alternative certification strategies have been the predominant approach to addressing shortages in high-need districts. Some strategies, such as teacher residency programs, include carefully designed preparation and intensive mentoring to support candidates' learning. However, truncated alternative certification efforts that reduce the initial preparation of recruits (especially those that eliminate the opportunity to learn from student teaching) have been found to increase teacher attrition, exacerbating the high rates of teacher churn in particular schools and districts (Darling-Hammond, Holtzman, Gatlin, & Heilig, 2005).

Bonus pay for teachers who work in high-need schools has also proved disappointing as a strategy for solving shortages. The size of most bonuses is



typically not enough to address the underlying salary disparities across rich and poor districts, and the failure to address other issues such as poor teaching conditions and dysfunctional leadership have meant that relatively few well-qualified teachers have responded to such incentives. As one National Board Certified teacher noted in Berry (2009), “I would move [to a high-needs school], but I would want to see social services for parents and children, accomplished leadership, adequate resources and facilities, and flexibility, freedom and time” (p. 16).

### FUNDAMENTAL SOURCES OF SHORTAGE PROBLEMS

Previous strategies have rarely confronted the central issue: the unequal distribution of education funding within and across states, which results in highly inequitable salaries and working conditions. The highest-spending districts in the nation spend about 10 times more than the lowest-spending ones. Also, our nation’s highest-spending state spends nearly three times more per pupil than the lowest spending state. For example, in 2009, adjusting for factors like cost-of-living, density, and poverty, Wyoming’s \$19,500 per pupil was nearly triple Tennessee’s \$7,300 per pupil (Baker, Sciarra, & Farrie, 2012). Within states, high-spending districts often spend three times more than the lowest-spending districts. And inequalities in resources occur among schools in many large districts.

Funding disparities might not undermine equal educational opportunity if differences were largely a function of pupil needs, or if they appropriately reflected cost-of-living differentials. But as it turns out, differentials do not tend to favor districts serving the highest need students, and they persist after cost-of-living differences and pupil needs are taken into account. In our study of California and New York, these variations were severe. In California, the ratio of instructional expenditures was more than 3-to-1 between low- and high-spending districts, even excluding the top five percent (which are often small, sparsely populated, or otherwise unusual). Remarkably, the gap increased after adjusting for cost-of-living differentials from \$6,100 to \$23,500 per pupil at the 95th percentile of

spending, a ratio of nearly 4-to-1. New York was nearly as bad, even though there had been some equalization after a school finance lawsuit (*Campaign for Fiscal Equity v. State of New York*, 2003). Adjusting for cost-of-living, district spending ranged from \$10,400 per pupil at the bottom of the distribution to \$22,700 at the 95th percentile (and more than \$59,000 at the top).

Clearly, these disparities lead to differentials in salaries and working conditions for teachers as well as advantages for some districts in hiring and retaining high-quality educators. California salaries for comparably educated and experienced teachers varied by more than 2-to-1 in 2009 and increased after labor market adjustments. For example, after adjusting for geographic cost differences, a teacher with 10 years experience and a bachelor’s degree plus 60 additional education credits (about the median point on the salary schedule for teachers), could earn from \$41,000 in one district to over \$117,000 in another. Similarly, in New York, even excluding districts at the very low and high end of the range, beginning teacher salaries ranged from \$32,370 to \$61,338; median salaries ranged from \$43,900 to \$95,786, a more than 2-to-1 ratio. In both states, low-salary districts served many more students of color, low-income children, and English language learners than did high-salary districts. Low-salary districts also have larger class sizes; fewer books, supplies, computers, libraries, instructional specialists, and support providers; and less adequate facilities. It should be no mystery that it is harder for these under-resourced districts to attract and keep well-qualified teachers.

### WHAT WOULD MAKE A DIFFERENCE?

Many prior studies have found that teacher salaries and working conditions influence who enters teaching and how long they stay (Figlio, 1997; Hanushek & Pace, 1995; Loeb, Darling-Hammond, & Luczak, 2005; Stinebrickner, 2002). Moreover, increases in teacher wages have been found to be positively associated with student achievement. Our findings in California and New York showed that higher salaries were associated with fewer uncredentialed and inexperienced teach-

ers, and lower levels of turnover. Stronger teacher qualifications (more credentialed teachers and a greater share with master’s degrees) were significant predictors of student achievement at the district level, after controlling for student characteristics (race, poverty, and language background).

Connecticut and North Carolina are two states that pursued systemic strategies in the 1980s to equalize the distribution of teachers while enhancing teachers’ knowledge and skills. The National Education Goals Panel studied both states extensively when their efforts resulted in sharp increases in student performance and reductions in achievement gaps during the 1990s. Both states sharply increased teacher salaries and equalized them across districts; strengthened teacher education, licensing, and evaluation standards; offered subsidies for preparation; developed high-quality mentoring and performance-based induction systems that enhanced teacher effectiveness and lowered the wasteful costs of high attrition; and established strong professional development offerings available to teachers across the state in rich and poor districts. Furthermore, Connecticut and North Carolina ended shortages and sharply increased the quality of their teaching forces over the course of 15 years. However, tax caps and policy shifts since 2000 have eroded equalizing aspects of these earlier funding reforms. The continual backsliding of states and districts that have made striking but temporary progress highlights the need for a stronger set of policy strategies, buttressed by state and federal incentives.

Progress in equalizing resources to students requires attention to inequalities at all levels: between states, among districts, among schools within districts, and with student placement in classrooms, courses, and tracks that offer substantially disparate opportunities to learn.

### STATE POLICY RECOMMENDATIONS

Solving the problems of teacher quality and distribution requires addressing the problems of unequal educational funding. To start, state policymakers need to consider strategies like these:

**State funding based on student needs and costs of education.** Current state funding systems are not rationally related to what school districts are expected to do: educate diverse students to comparable standards. To do this, states will need to establish a per-pupil funding base that represents what a quality education actually costs to meet achievement standards. Weights applied to this per-pupil base should accurately reflect the costs of meeting differential pupil needs. This weighted student formula allocation should also be adjusted for cost-of-living differentials across large states and supplemented with funds to address unavoidably variable costs such as transportation and school construction.

**State-level standards and supports.** A weighted formula, on its own, would not ensure that districts use funds to hire more qualified staff or that a supply of such well-prepared educators would be available for them to recruit. The state needs to define standards for teacher quality and create a strong, steady supply of effective practitioners. This goes beyond what districts can do, even with a more stable and equitable distribution of local resources. Research underscores the importance of strategies like those employed in Connecticut and North Carolina to end shortages and boost student achievement by strengthening teacher education and development programs and equalizing the distribution of better-qualified educators.

#### FEDERAL POLICY RECOMMENDATIONS

Although education remains a state responsibility, federal policies can help ensure that every child has access to adequate school resources and quality teachers. Just as federal funding to states currently accompanies requirements to evaluate and move toward more equitable outcomes for students, federal investments should link to each state's movement toward equitable access to education resources. To address the inequities outlined here, Congress could do the following:

**Equalize allocations of ESEA resources** across states so that high-poverty states receive a greater share. Federal funds are currently allocated in ways that often favor wealthier states (Liu, 2006; Miller & Brown, 2010). Instead, allocation formulas should use indicators of student need, with adjustments for cost-of-living differentials, rather than relying on measures of spending that disadvantage poor states.

**Enforce existing ESEA comparability provisions for ensuring equitable funding and equally well-qualified teachers** to schools serving different populations of students. The law already requires that districts develop policies to balance the qualifications of teachers across schools serving more and less advantaged students. However, this aspect of the law is weakly enforced, and wide disparities continually occur. More recent legislative proposals call for equalized funding across schools to enable access to qualified teachers and other resources. This equalization should occur across districts as well.

**Require states to report on resource indicators** to accompany their reports of academic progress for each school, reflecting the availability of well-qualified teachers; strong curriculum opportunities, such as college preparatory coursework; books, materials and equipment (such as science labs and computers); and adequate facilities.

**Evaluate progress on resource indicators in state plans and evaluations** under the law, and require states to meet federal standards of resource equity (including the availability of well-qualified teachers) for schools identified as failing. As a condition for receiving federal funds, each state should include in its application for federal dollars a report describing the state's demonstrated movement toward adequate and equitable access to education resources, and a plan for further progress.

Solving the inequitable distribution of well-qualified and effective teachers is not impossible, but will ultimately require investment policies that both promote strategic resource equalization and leverage investments in the quality of personnel. With such investments, it is possible to ensure equitable access to high-quality teaching, a civil right for all students.

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"Go home, illegals... Mexicans go back to where you came from," a small group of young men shouted to the high school students from migrant farmer backgrounds our instructional team was escorting across the UCLA campus. Such experiences were not uncommon for these youth and while the vitriol and taunts certainly left us temporarily shaken, angry, and demoralized, it was the raw inhumanity that the group espoused and embodied that all of us felt. However, these students were part of a designed learning ecology, what Manuel Espinoza refers to as educational sanctuaries, where such disturbances became openings for making sense of racialized practices. Such practices were examined locally and historically, as students studied the history of nondominant communities in the U.S., and the possibilities of a transformative education in fighting injustices. This was a process of becoming historical actors in which youth could become authors of their own lives, as they leveraged their everyday repertoires, new forms of learning, and disciplinary content.

The kind of inhumanity these youth experienced is not new; it has been a part of our nation's history of social inequity – from the microaggressions these youth and others from nondominant communities experience as everyday injustices to the significant health, educational, legal, and sociopolitical disparities that constrain their life trajectories. Consider that migrant farmworkers and their families have significantly more health issues than do others in the general population and have a life expectancy of 49 years, in comparison with the national average of 75 years of age (Florida Association of Community Health Centers, 2001). These inequities are further exacerbated by formal and informal social policies about whose cultural practices should be valued and

extended, about who is a real American and who is not. And while most children of immigrant families, like those of our migrant students, are born in the U.S. and live in mixed-status immigration families or come to this country at a very young age, the heterogeneity of these youth is lost on those who see them all reductively as "illegals," "foreigners," or "English Learners." This homogenization of cultural communities for those who share a country of origin has contributed to our nation's struggle with difference.

All adolescents have developmental demands they must negotiate as they move across life experiences. However, youth from non-dominant communities, immigrants, and those who live in poverty have an additional set of developmental demands. Their experiences are compounded by the consequences of historical inequities and unequal resources. In U.S. cities and states, particularly those experiencing rapidly shifting demographic change and regions characterized by super-diversity, immigrant families and youth are segregated and regulated by geographic, sociopolitical, linguistic, and economic borders that give them differential access to schools that organize learning around new social futures. Such disparities are evident in school environments that organize learning trajectories for which consequential learning is not the object.

The processes of educational inequity are complex; they are historical processes that take shape in classroom practices and beyond. There are a number of mediators at work in these processes, from educational policies and curricular reform to structural forces that regulate students' access to high status courses and the forms of support made available to them. These mediators have more



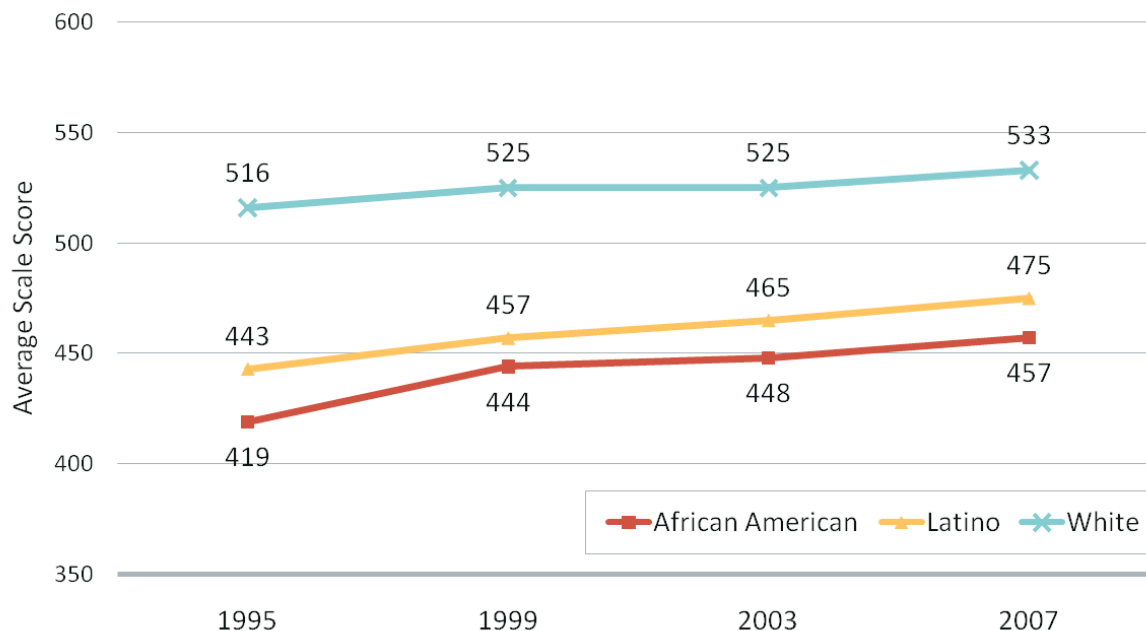
recently taken shape in national and state policies and standards intended to change the educational landscape.

For example, *The Next Generation Science Standards* provide an important opportunity to support the development of new habits of mind, practices, tools, and stances that are central to developing science literacies. The idea of literacies here also includes sociocultural knowledge about how to participate in a community's valued practices. Within this new vision of science, emphasis is placed on learning how an array of disciplinary core ideas relates to crosscutting concepts. A hallmark characteristic of this new way of thinking about the teaching and learning of science is its attention to rich content and practices embedded in relevant contexts. In coupling rich practices with content, the hope is that science will come alive for all students and take hold in ways that make scientific inquiry and understanding commonplace in everyday life, across schools and workplaces, and in the pursuit of new practices that support the public good.

This vision of engaging in new science practices also comes at a time when economic and educational inequities are significant. Figure 1 from the 2007 International Mathematics and Science Study (TIMSS) illustrates the opportunity gap to learn mathematics, disciplinary skills, practices, and tools necessary for science learning. We see that the achievement trend has not shifted significantly over the past decade or so. This same study also highlights relationships between poverty and underachievement in mathematics, or better understood as the relation between poverty and opportunity to learn expansively. It is impossible to decouple these two trends. This educational inequity is exacerbated by practices that do not provide second language support in content learning, or opportunities to read and write across disciplines.

The persistent disenfranchisement of youth in schools highlights a significant tension between the demands of the new science and the reality of inequitable schooling among large numbers of students for whom poverty, immigration, and language constrain, if not

**FIGURE 1: Grade 8 TIMSS Average Math Scores by Race/Ethnicity**



**SOURCE:** The Education Trust (2008).

truncate, opportunity. This is a pressing problem of practice that must be addressed if we are to support the development of new futures for our youth. Recognizing this tension brings to our attention fundamental questions that few are addressing: How will we ratchet up science and mathematics learning for youth living and schooled in poverty and those from non-dominant communities? What new forms of learning and what new practices must be made available to youth so that they can develop new identities as valued learners? What new pedagogical imaginations are central to rigorous, respectful, and expansive forms of science teaching and learning?

These were precisely the questions that motivated those of us who designed and worked in the Migrant Student Leadership Institute, a summer program that designed learning as the development of new social futures for the youth whose experiences I described in the opening vignette. Most program participants

attended high schools that offered limited opportunities to enroll in advance science courses and had fewer opportunities to engage in formal science practices outside of school; often there were no honors or AP courses in science offered at their schools. In short, the migrant students with whom we worked over the years had little access to the kind of science learning that would align with the practices outlined in *The Next Generation Science Standards*.

Our intent in designing a different kind of learning ecology was to disrupt historical trajectories of inequity and rupture old forms of teaching and learning. Instead of reverting to traditional remedial approaches to “close the achievement gap,” we set out to change the functional system of science learning as students had known and experienced it. We designed a new learning system that situated science locally and historically, both to make science relevant but also to help students understand the unjust uses of science,

as well as its wondrous possibilities. As youth from migrant farmer backgrounds, they held deep understandings of the consequences of pesticides that covered fields in which they and their parents picked crops. They witnessed and experienced myriad health issues, the result of environmental racism, poverty, and lack of access to health care. Their rigorous science curriculum, taught and co-developed by first-year medical students with knowledge of and experience with migrant communities, was carefully designed to: (1) leverage the everyday science knowledge and expertise developed across the practices of everyday life, what I and others such as Yrjö Engeström refer to as horizontal expertise; (2) locate science in everyday and formal scientific practices; (3) situate science historically, in their own, as well as in other nondominant communities; and (4) couple science with other disciplinary content to develop more expansive forms of science and science literacies.

Scientific inquiry for these students was organized around health issues plaguing migrant communities and situated in an interdisciplinary approach to science. History and social science were essential to understanding how this new knowledge could be leveraged to mediate the effects of inequitable housing, educational, and work conditions, as well as to build new science skills and practices for future study. This interdisciplinary approach provided rich opportunities for students to develop historicized understandings of the enabling and constraining possibilities of science. They read non-fiction texts about environmental racism. For example, they read about the Tuskegee syphilis experiment, the “Tuskegee Study of Untreated Syphilis in the Negro Male,” and the U.S. sponsored Guatemalan STD Study in the 1940s to understand how science was not always benign. They also read and wrote about C. Wright Mills’ *The Sociological Imagination* to develop new analytical and social scientific skills to imagine a new vision of the world as it could be. Students also created critical digital stories – what we termed critical digital *testimonios* – to represent their analysis of social scientific problems. Additionally, they wrote argumentative essays that

leveraged conventional writing tools and forms. As David Bartholomae once said, these students read and wrote their ways into the university, into academic practices.

By learning in environments saturated with tools and expansive forms of support, students acquired new understandings about the diseases and health issues that plagued their communities. They drew on their own home and community experiences to situate their new knowledge and to develop more expansive understandings of scientific concepts relevant to the study of their lives. These youth also engaged in community health practices, traveling in mobile medical trucks with the medical students across local communities. Science learning was personal, academic, and community-oriented.

This syncretic approach to learning in which scientific knowledge was reorganized made everyday health issues and the health practices of the community the object of study and analysis. This approach brought together valued cultural practices around health and formal science knowledge to create more robust understandings of diseases prevalent in the migrant community, of nutrition, and social practices affecting health and well being, among other relevant topics. Such analyses were supported by the acquisition and deployment of conventional tools of scientific inquiry, argumentation, report writing, and critical and historicized reading and writing, or what I term sociocritical literacies. To be sure, we were neither scientists nor science educators. However, as a learning scientist committed to designing new trajectories and possible futures for youth from nondominant communities, this social design experiment was indeed an “educational sanctuary” for youth to experiment with ideas in English or their home languages; to leverage home and cultural genres and tools; to play with academic conventions and to use them toward new ends; and to imagine new possibilities for using science to ensure justice and civil rights for their families, their communities, and our world.

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# Failing with an A: Educational Inequities among the Brightest Black Students

In February 2012, the College Board reported that 80 percent of Black high school graduates whose PSAT scores suggested they could have succeeded in an Advanced Placement course never enrolled in any such classes. Why is it that most Black students who would likely do well in Advanced Placement (AP) do not access these courses? I argue as Carter and Welner (2013) has that we are experiencing an opportunity gap rather than an achievement gap in U.S. education. At the same time that many qualified Black students fail to enroll in AP classes, the percent of AP test takers continues to grow. Today about 900,000 graduating seniors have taken at least one AP exam, compared with 430,000 in 2001 (College Board, 2012). Unfortunately, nearly three-fourths of Black students and 60 percent of Latinos failed AP exams in 2011. More important for this discussion is whether or not students are aware that they can have access to these courses.

In a 2009 *New York Times* article titled, “Many Teachers in Advanced Placement Voice Concern Over its Growth,” educators suggested the program would be “weakened by making it too accessible.” Some fundamental questions these perceptions and AP enrollment trends raise include: Why should taxpayers subsidize a system that exacerbates inequity? Why shouldn’t any student who wants to take an AP course be permitted to do so? And, why aren’t we doing more outreach to students who traditionally do not take AP courses so that they at least make informed choices about whether or not they should take these courses?

Lewis M. Terman, Professor of Education at Stanford University and inventor of the Stanford-Binet Intelligence test, was a noted eugenicist. After serving the U.S. as a psychologist and intelligence test administrator during World War I Terman advocated for

the use of intelligence tests in schools. After administering his tests to Spanish-speakers and African Americans Terman (1916) concluded: “High-grade or border-line deficiency... is very, very common among Spanish-Indian and Mexican families of the Southwest and also among negroes. Their dullness seems to be racial, or at least inherent in the family stocks from which they come... Children of this group should be segregated into separate classes... They cannot master abstractions but they can often be made into efficient workers... from a eugenic point of view they constitute a grave problem because of their unusually prolific breeding” (pp. 91-92).

I highlight Terman because he is such a major fixture in the education research canon; an entire system of gifted and talented education has been built around his ideas. We laud Terman for his longitudinal studies of giftedness that appear in the five-volume *Genetic Studies of Genius* (1925-1959), but rarely challenge the basis on which his work rests. Terman did not believe any Black or Latino children were worthy of inclusion in his work. Few discredit his sampling techniques despite his exclusion of entire groups of eligible subjects. But even if our concept of giftedness did not rest on Terman’s flawed and racist ideologies, we continue to foster practices (e.g., ability grouping, hierarchical teacher assignments, and exclusionary AP course enrollments) that make access to enriched and advanced study available to a select few.

What, if anything, can we do to disrupt what has become an increasingly destructive practice that routinely privileges those who already have numerous advantages and simultaneously leaves out those who have been denied opportunities all along their educational trajectories? While I do not have the definitive answers, I do have some suggestions about how we

might improve a system that I see as exacerbating what is regularly called the “achievement gap.”

## CAREFULLY EXAMINING SCHOOL DATA

Most schools claim to be data-driven, which often-times merely entails paying attention to state standardized test data. But if our focus includes increasing access to AP courses, then we need to look specifically at AP data. How many Black and Latino students completed AP classes in the past five years? A five-year analysis would reveal much about course enrollment patterns in a school. Indeed, any program in our schools that has an overrepresentation of any group should be cause for alarm (with the possible exception of ESL classes). If Black and Latino students are over-represented in special education, low-level or basic skills courses, suspension and expulsion statistics, the entire faculty needs to have a discussion about these trends. If only White students are in honors programs or the orchestra that too should concern the entire school community. If only boys take courses in industrial arts or automotive repairs we need to raise questions about why so few girls enroll in those courses. This focus on appropriately disaggregating data will help teachers and administrators better understand how their schools function and how students experience them. School personnel should also use data to determine which students could, but do not benefit from enrollment in AP classes and why.

## CREATING CULTURES OF ACHIEVEMENT AND SUCCESS

Teachers, administrators, students, and parents should recognize school as a place with high expectations and encouragement of success. There are examples across our nation of schools and districts that have created powerful cultures of success. In Wisconsin, schools like Milwaukee Prep focus on early language



learning so that French is initially taught in 2nd grade to all students, not just to those teachers believe are exceptionally bright. Eastside Preparatory School in East Palo Alto, California serves an exclusively low to moderate-income community and has a 13-year track record of graduating 100% of its seniors and sending 100% of those graduates to college. The culture of Eastside is one of achievement and success.

In New York City, A. Philip Randolph Campus High School was failing in the 1970s. By raising standards, expectations, and requirements, it became one of the best schools in the city. Its largely Black and Latino student body always meets the NCLB “Adequate Yearly Progress” benchmark while requiring everyone to take 4 years of English, 4 years of social studies, 3 years of science (including a laboratory science), 3 years of mathematics, 2 years of visual and performing arts, 2 years of world languages, 2 years of physical education, 1 semester of health, and 3 years of assorted electives. All seniors must take at least one college-level course and graduation requires a minimum of 80 hours of community service. Our nation’s top colleges and universities heavily recruit Randolph’s graduates.

At Harriet Tubman School in Newark, New Jersey, the principal and faculty have created a culture that enables the school’s 99% low-income Black children to perform at or beyond grade level. Their deep commitment to the students, families, and the community goes beyond ensuring high performance on standardized tests. The school offers opportunities for computer literacy, violin instruction, pre-school and afterschool engagement, and family involvement.

### **EQUITABLY DISTRIBUTING PEDAGOGICAL EXPERTISE**

It is no accident that the best prepared and highest performing teachers disproportionately teach AP and honors classes. Because upper middle class students typically comprise the bulk of these classes, the collective power and influence of their parents almost guarantees that teachers with the best credentials teach advanced courses. Data from national studies

indicate that low-income students of color in urban schools are much more likely to have teachers who are not fully certified or qualified in the subject areas they teach.

Patrick Welsh, a former English teacher at T.C. Williams High School in Alexandria, Virginia, taught several honors courses for wealthy students and a “basic” English class for the low to moderate-income (mostly Black) students who resided in nearby Anacostia. One year, Welsh was frustrated that textbooks for his basic class did not arrive on time. After a few weeks had gone by and still no books, he decided to pass out copies of *King Lear* to these students and immediately observed many amazing things. Although students in the honors classes were stronger readers, those in Welsh’s basic English class had much more sophisticated insights into the life challenges and ethical dilemmas the text presented. They posed more critical questions and offered more interesting solutions. On the contrary, Welsh’s honors students just wanted to know whether something was going to be on the test. Because of this experience, Welsh made sure he always taught a mixture of honors and “basic” courses. He learned he could be much more creative with his “basic” students than he previously had been (see Welsh, 1986).

### **PROVIDING ADEQUATE ACADEMIC SUPPORTS**

I believe there are thousands of students in our schools who could achieve success in more challenging courses like honors or AP if they had the proper academic supports. Many students need scaffolding to help them overcome the less than adequate preparation they received before they entered high school. If they were victims of arbitrary and capricious ability grouping they may not have learned as much as they should in their K-8 experiences. But, talented teachers can provide powerful tutorials that ensure that students can meet the challenge of advanced course work. At Eastside College Prep in East Palo Alto, all students enroll in at least one tutorial. The school’s philosophy is “everyone can be better at something.” Thus, tutorials are not about the students who are

struggling. They are about helping everyone reach her or his highest potential.

### **IMPROVING TEACHER-STUDENT RELATIONSHIPS**

The fifth and final recommendation I make for improving access and success in AP programs is actually the foundation of all of these recommendations. If we do not develop deep commitments with our students they are unlikely to positively respond. This is especially true in the case of students who have not experienced success in school and have not developed enduring relationships with adults outside of their families. I am not talking about a Pollyannaish sense of “loving kids,” but rather a deep caring about students and their futures.

My experience has been that far too many secondary teachers desire only the most superficial relationship with students, particularly those whom they perceive to be different from them. I am amazed at how many teachers dislike students or fear students and as a result minimize their interactions with students, especially those who are somehow struggling. It is important to ask, “If students were to construct lists of their favorite teachers would my name be on their lists?” If the answer is “no” we need to ask why. What is it about us and our teaching that distances students from us? Who are colleagues to whom particular groups of students routinely gravitate? What is it about those educators and how they relate to students that others can appropriate in their practice? If we are one of those educators whose name might indeed show up on students’ favorite teacher lists, we should inventory what it is about us that attracts students. And, we should build on those strengths as a way to improve our practice.

### **CONCLUSION**

I conclude by reengaging the compelling data point around which this essay is structured: 80% of Black high school graduates whose PSAT scores suggested they could have succeeded in an AP course never enrolled in any such classes. This statistic is both hopeful and tragic. The hopeful part is that academi-

cally capable Black students do exist; hence, we can stop categorizing all Black learners as failures. The tragic reality, though, is that we are not providing the “best and the brightest” with sufficient opportunities and proper academic support – just imagine what must be happening to their lower-performing peers in our nation’s schools.

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## NOTE

The title, “Failing with an A,” comes from a spoken word piece written and performed by Myriha Burton and Shameaca Moore, members of the University of Wisconsin-Madison’s “First Wave” Arts Program.

# Reading Gaps and Complications of Scientific Studies of Learning

The achievement gap associated with race, ethnicity, and class has served as the cornerstone of a preponderance of research in education for well over a half century. Paradigms have varied from decade to decade, but there remain three overarching orientations and presuppositions that have informed the intellectual envelope of our work: deficit assumptions about difference, siloes of assumptions about sources of influence on the gap, and siloes of views on how people learn. Research, school practices, and policies are replete with examples of these fundamental orientations to confronting the achievement gap. Societal wrestlings over how best to address educational inequities are intertwined in complicated ways with the structure of our government and its history.

The decentralization of education to the states and the ways in which our constitution and legal precedents structure relationships between states and the federal government require a complicated engagement with civic debate that includes individuals, community stakeholders, and government entities. Gutmann (1999) makes a powerful argument that in a democracy such as the U.S., public schooling is the only ubiquitously available venue through which competencies and dispositions to engage in civic debate can be socialized in the young. Her argument makes one of the most powerful cases for how centrally the content and quality of public education serve as a platform for rectifying issues of civil rights and equity. In this essay, I address this challenge in terms of how conceptions of learning in our research communities contribute to the persistence of the gap, and more narrowly through the exemplar of the achievement gap in reading comprehension in K-12 schools. I refer to National Assessment of Educational Progress (NAEP) data

from 1971 to 2013 as evidence of the persistence of the gap, but also to demonstrate how our politics and our research (including the tendency not to acknowledge what we don’t really know) frame this persistent gap.

## DATA TRENDS IN READING AND MATHEMATICS ACHIEVEMENT

NAEP data show clearly that the gap in both reading and mathematics, for all age groups, has remained significant over many decades (U.S. Department of Education, 2013). Yet, there are interesting distinctions that suggest both potential impacts of policies as well as possible differences in what we know, or at least what is reflected in assessments, standards, curriculum, and instruction. Reading comprehension and mathematics may have substantive differences that are worth investigating. In two NAEP data reporting systems (1971-2008 and 1991-2013), the gap starts off wider in mathematics than in reading. We have done a better job of narrowing the gap in mathematics than in reading. In fact, trend scores in reading over the decades remain relatively flat for the general school population, despite periods in which the achievement gap based on race/ethnicity declined. And trend scores consistently show that the least growth over cohorts is among 17 year-olds (Rampey, Dion, & Donahue, 2009). It is also interesting to note that among 8th graders, the growth rate from 1990 to 2013 was greater for Blacks, Latinos, and Asian Americans than for Whites, while the growth rate among that same cohort in mathematics was relatively stable across ethnic groups and consistently higher than in reading. These trends suggest three points for consideration. First, that there are particular time points where it is likely that large-scale policies have impacted the gap. Second, that differences in

the broader environment of mathematics instruction – likely influenced by National Council of Teachers of Mathematics (NCTM) standards and research like The International Mathematics and Science Study (TIMSS) – have been characterized by some features that have not been reflected in the broader contexts of reading instruction. And third, that despite overall gains and differences in gains by subject matter and age, a majority of students are scoring in the basic and below basic range.

Darling-Hammond (2010) makes a powerful case for investments in research in early reading, in the development of diagnostic and formative reading assessments, and substantive investments in professional development for early literacy teachers. The focus of the federal *Reading First* Initiative reflects particular policy complexities. For instance, decisions were made to invest in research and supports for decoding, with the simplistic assumption that doing so would impact reading comprehension. After massive investments, an evaluation showed impact on 1st grade decoding, but no impact on reading comprehension (Jackson, McCoy, Pistorino, & Wilkinson, 2007). We have not had the kind of investments in reading in middle and high school, especially in the content areas, comparable to Reading First, even with its limitations. The point here is that well-targeted investments for all children can have positive impacts on youth from disempowered communities, and conversely poor policies can have an even greater negative impact on youth from minority and poor communities (Tate, 2008).

While it is crucial that we focus on the achievement gap associated with race, ethnicity, and class, data trends in reading and mathematics consistently show that a majority of U.S. students at all grade levels score at either the basic or below basic level, and a very tiny percentage score at advanced levels. This suggests that we have more than what Delpit (1995) calls a “colored people’s” or “poor people’s” problem, but rather that these groups are placed at greater disadvantage by broader policies that fail to positively influence a majority of youth. This framing of the

problem is important because it signifies a need to move beyond the “let’s fix the other folks” set of solutions, and rather suggests a “we’re in the same boat” orientation that may give rise to more effective policy solutions (Ladson-Billings, 2006).

### **DISTINCTIONS BETWEEN CONCEPTIONS OF LEARNING**

NAEP data suggest our nation is doing better in mathematics than in reading. I am concerned with how research-based conceptions of learning contribute to differences in NAEP reading and mathematics outcomes. The policy environment today most influencing instruction in both domains is the Common Core State Standards (CCSS), their adoption across 48 states, the upcoming assessments presumed to be aligned with the Common Core, and the ubiquitous uptake (at least in name) by curriculum publishers and professional development providers to offer CCSS-aligned materials and supports. CCSS in mathematics are highly correlated with the longstanding NCTM standards that are affirmed by cross-national studies in powerful instruction through TIMSS and other programs of research (Mullis, Martin, Foy, & Arora, 2011).

Comparatively, reading comprehension standards suffer from a lack of agreement among the literacy professional associations. Also, the research base on assessments of text complexity are limited; even the NAEP reading framework suffers from a level of abstraction greater than its mathematics framework. Furthermore, the fundamental conception of the tasks of reading comprehension as intersections between persons, texts, and tasks is not well conceptualized in the standards, despite some surface attention to these relationships. Perhaps most problematic, these intersections among person, text, and tasks are not reflected in high-stakes assessments or curricula. In addition, reading comprehension and broader literacy tasks of reading, writing, and speaking are intimately intertwined with cultural ways of using language; uses of language are intimately intertwined with issues of identity and communities of practice (Ball, 2002; Valdes, 2001). Unfortunately, racial ideologies and

class biases that have and continue to pervade public consciousness and so many practices in the U.S. have, particularly in research communities, been associated with language and cultural differences (Gutiérrez, 2004; Lee, 2009).

I think there are several interesting distinctions between conceptions of learning mathematics and learning to comprehend texts. These distinctions reflect the role that research in these and related fields play in addressing the achievement gap. NCTM standards, reflected in a general consensus in the mathematics education community argue for multiple pathways for problem solution, interconnections among kinds of knowledge entailed in problem solving, making problem solving processes explicit, and the importance of bodies of research on both cognitive processes as well as connections with social interactions and multiple forms of representation (Boaler, 2002; Ma, 1999). While I certainly would not argue that the mathematics education community has taken up the full implications of these propositions, these ideas do open greater possibilities for creating environments in which problem solving processes are made explicit, contributing to the development of a sense of efficacy; and possibilities for drawing upon a range of intellectual and dispositional resources that learners bring from their experiences outside of school. This second possibility is certainly not prevalent in mathematics instruction.

By contrast, little in either the standards or available curricular or professional development supports make the processing through which learners, especially novice and struggling readers, make sense of texts. While there is attention to teaching reading strategies, there is insufficient attention to what it means to know when to use the strategies in relation to the nature of the task and what the reader brings (Schoenbach, Greenleaf, Cziko, & Hurwitz, 1999). The dominant mode of instruction is to ask for outcomes of comprehension rather than demonstrations of or supports for processes of reading. This challenge becomes all the more complex as students in middle and high schools



are required to wrestle with discipline-specific texts and tasks (Lee & Spratley, 2009). The standards (including the NAEP reading framework, College Readiness, and CCSS), by grade level, have totally arbitrary distinctions across grades, and limited guidance from a strong research base on how to either teach or assess underlying meaning-making processes. And in reading-intensive courses, even this attention to strategy instruction avoids the equally important issue of the content of reading and how issues of content and text selection play into preparation for civic debate.

### TOWARD EXPANSIVE CONCEPTIONS OF HUMAN LEARNING

My argument is that broad ecological factors contributing to the achievement gap such as poverty, housing, insufficient health care access, food deserts, job shortages, and schools with differential infrastructures and resources (per-pupil funding, certified teachers, technology, rigorous instruction, etc.) are amplified for all students, but especially students from non-dominant groups when the scientific bases of teaching and learning in the disciplines (in this case reading comprehension) are limited. These challenges are further complicated by broader conceptions of learning as consequences of finite abilities of individuals, as entailing only cognizing, and as “fixable” in singularly conceived ways.

Research across several disciplines (cognitive sciences, neurosciences, learning sciences, human development, anthropology, and linguistics) strongly argues that learning entails nuanced intertwinings between individuals and their participation in cultural practices within and across contexts, within and across multiple time frames, and include interplays between one’s physiology and one’s participation in cultural practices (Lee, 2010). Together, these fields document that learning entails thinking, perceiving, feeling, relationships, and engagement with artifacts. In a related vein, work on organizational learning and the role that diversity plays in promoting creative problem solving represent another lens that we need to target in efforts to address the achievement gap (Page, 2007).

It is clear from international assessments like PIRLS and PISA that in a number of other countries, achievement outcomes are not predicted by levels of poverty in the way they are in the U.S. (OECD, 2010).

As social scientists concerned with learning, we have an obligation to at least consider these complex ecologies, and to avoid making broad claims based on siloed data sources and deficit assumptions about human functioning. This is becoming increasingly problematic with researchers making claims about executive functioning, single parent homes, and language deficits as dominant explanations for why the achievement gap persists. What we need is an expansive conception of what is entailed in human learning and discussions and research on the implications of such conceptions for the teaching of reading as well as other academic outcomes, rather than the piecemeal approaches and deficit orientations that have characterized our approaches to the persistent achievement gap.

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# The Impact of the Civil Rights Act on U.S. Higher Education

Four years prior to the passage of the Civil Rights Act of 1964, 93.6% of students participating in U.S. higher education were White. As shown in Table 1, Blacks were 5.2%, Latinos 1.9%, Asians 0.9%, and Native Americans 0.1% of college students in 1960. Within a decade and a half after the passage of the Act, percentages of each minority group participating in postsecondary education more than doubled. By 2012, the diversity of students enrolled in colleges and universities throughout the nation had further increased, with students of color comprising 25.1% of enrollments. The proportion of 18-25 year olds in each racial group also has increased over the past five decades (see Table 2). Asians saw the largest increase in participation, from 22.6% in 1960 to 34.8% in 1980, and finally reaching 52.1% in 2012. The growth in Native American participation, though significant, was the lowest among all students, increasing from 3.3% in 1960 to 25.1% in 2012.

TABLE 1: Postsecondary Participation by Race

	WHITE	BLACK	NATIVE AMERICAN	ASIAN AMERICAN	LATINO*
1960	93.6%	5.2%	0.1%	0.9%	1.9%
1980	84.4%	12.1%	0.6%	2.8%	5.7%
2012	74.9%	16.9%	0.8%	7.1%	16.5%

\* Latinos/Hispanics included in other racial categories  
**SOURCE:** Ruggles et al. (2014)

TABLE 2: Percentage of 18-25 Year Olds Participating in Higher Education by Race

	WHITE	BLACK	NATIVE AMERICAN	ASIAN AMERICAN	LATINO*
1960	12.8%	5.3%	3.3%	22.6%	5.0%
1980	21.4%	18.5%	13.0%	34.8%	15.4%
2012	37.6%	34.2%	25.1%	52.1%	31.1%

\* Latinos/Hispanics included in other racial categories  
**SOURCE:** Ruggles et al. (2014)

One way to view these numbers is with a high degree of optimism. There are more students of color participating in higher education now than there were 50 years ago. Such increases, while at first dramatic, have leveled off. Furthermore, when we move from gross generalities to specific analyses there is cause for concern. For example, data presented in Table 3 show alarming differences in the types of postsecondary institutions students attend. While Blacks and Latinos are more than one-third of community college students (36.7%) and nearly half of students at for-profit institutions (48.4%), they are less present at elite institutions (namely research universities and highly selective private colleges). Beyond differences in where they enroll, other data show a range of inequities that persistently disadvantage particular racial groups in U.S. higher education.

Sociologist Burton Clark (1960) coined the phrase “cooling out” to describe a trend affecting community college students. He argued that students who had postsecondary aspirations were ‘cooled out’ when they went to a community college and

TABLE 3: Higher Education Enrollment by Institution Type and Race

	WHITE	BLACK	NATIVE AMERICAN	ASIAN AMERICAN	LATINO
Community College	56.3%	15.9%	1.0%	6.0%	20.8%
Four-Year State College/University	66.3%	12.4%	0.7%	7.5%	13.1%
Research University	66.0%	11.1%	1.9%	8.9%	12.1%
Private, Non-Profit College/University	63.2%	12.7%	9.5%	5.5%	9.0%
Private, For-Profit College/University	46.9%	29.4%	1.0%	3.8%	19.0%

SOURCE: U.S. Department of Education (2014)

either did not finish their associate's degrees or did not transfer to four-year institutions. The California Master Plan (Coons, Browne, Campion et al., 1960) is in many respects emblematic of the democratic potential of higher education insofar as its framework enables anyone who has completed high school to go to college. However, it also is emblematic of Clark's cooling out function. Today, only around 89,000 out of a total 2.4 million community college students in California actually transfer (approximately 3.7%), even though over 50% convey intent to transfer (California Community College Chancellor's Office, n.d.; College Board, 2011). Those cooled out of higher education are overwhelmingly students of color.

As is the case at many community colleges, completion inequities are evidenced in other sectors of higher education. For example, of the original 2005 cohort of 3,008 Black men and women in the California State University system, only 329 Black men and 728 Black women graduated by 2011 (Campaign for College Opportunity, 2013). In the University of California system, only 198 Black men and 430 Black women graduated by 2011 from the cohort of 895 Black undergraduates who began in 2005. Nationally, Black, Latino, and Native American students, in comparison to their White and Asian American peers, are more likely to attend two-year, open access, and for-profit institutions; graduate with substantial student loan

debt; and earn degrees outside of STEM fields (see Table 4). Furthermore, Blacks, Latinos, and Native Americans are less likely to attend top tier postsecondary institutions, to transfer from community colleges to four-year universities, and to ultimately pursue degrees beyond the baccalaureate. Despite increased rates of participation over the past half century, these trends make clear that much remains to be done to achieve equity in higher education.

TABLE 4: Higher Education Enrollment by Institution Type and Race

	WHITE	BLACK	NATIVE AMERICAN	ASIAN AMERICAN	LATINO
Enrolled in Institution in Top 3 Tiers	25.0%	9.0%	13.0%	35.0%	12.0%
Enrolled in Open Access Institution	53.0%	72.0%	71.0%	48.0%	74.0%
Enrolled in 2-Year Institution	34.0%	39.0%	43.0%	37.0%	51.0%
Enrolled in For-Profit Institution	7.4%	18.0%	4.1%	6.7%	10.9%
No Student Loan Debt	36.0%	19.0%	---	40.0%	33.0%
Student Loan Debt Exceeds \$30,500	16.0%	27.0%	---	9.0%	14.0%
STEM* Majors	7.4%	4.2%	1.8%	13.8%	5.2%
Enrollment in Graduate Education	53.9%	11.3%	0.5%	6.1%	6.6%

\* Science, Technology, Engineering, and Mathematics

SOURCE: Baum and Steele (2010); Carnevale and Strohl (2013); Mullin (2011); U.S. Census Bureau (2012); U.S. Department of Education (2014)

50 YEARS OF FAILURE?

In light of the data I just presented, one might argue the Civil Rights Act ultimately failed. Such an interpretation, I believe, is erroneous. Although our nation and its educational institutions have not fully actualized equity goals architects of the Act envisioned, attempts over the past 50 years have not been entirely misplaced or fruitless. Some policymakers, journalists, and others routinely point to longstanding equity problems and suggest our government's role in adjudicating inequity is flawed. Just as their claims that the War on Poverty was a failure and the government should not try to help citizens in need, others will likely suggest the Civil Rights Act was an intrusion on individual liberty. They generally argue that the market should decide, and if inequities exist at one time or another, change will come. There is no evidence for such a belief. However, the evidence I have presented in this essay suggests our nation has made tremendous progress in widening opportunity as a result of federal legislation.

Another potential misinterpretation will focus on weaknesses among students of color. Deficit perspectives



and sensemaking permeate many conversations about these students' representation, performance, and outcomes in U.S. higher education. Careful work on stereotype threat (Steele & Aronson, 1995), grit and determination (Duckworth, Peterson, Matthews, & Kelly, 2007), and the non-cognitive variables needed to enter and succeed in college (Sedlacek, 2004) suggest that blaming students for their underachievement exacerbates the very problems we are attempting to overcome. Rather than diagnosing problems through a deficit lens, we would be better served by calling upon a model of cultural integrity (Tierney, 1999) that understands and honors the subject positions of students for whom the Civil Rights Act was intended.

At times, and the current moment in our history is one of them, individuals have succeeded not because of governmental action, yet in spite of it. But the Civil Rights Act of 1964 was a moment of hope and optimism that broadened opportunity in noteworthy ways. Our duty today is to enact the ideals that were set forth 50 years ago in order to ensure equitable representation and outcomes for all people in postsecondary education.

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## NOTE

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Graduate School of Education  
**PennGSE**  
Center for the Study of Race and Equity in Education