

The Civil Rights Project



Proyecto Derechos Civiles

For release: April 28, 2011

Civil Rights and the Future of Federal Education Law: A Research Briefing on Capitol Hill

Los Angeles—A Washington, D.C. briefing at the U.S. Capitol by the Civil Rights Project last week generated an active discussion of research on the intersection of public education and civil rights, with leading scholars suggesting ways in which federal education policy could better foster equal opportunity for all groups of students and further progress in both educational outcomes and race relations.

More than 100 policymakers, civil rights advocates, researchers, educators and congressional aides gathered in the Capitol building to discuss the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA) — known in its current form as No Child Left Behind — and its effect on civil rights.

Presenters discussed research on school discipline, its relevance to graduation rates, how school integration benefits student achievement, the importance of access for English-language learners, school choice programs and a host of other topics.

Civil Rights Project co-director Gary Orfield kicked off the two-hour event with a discussion of subgroup accountability and turnarounds.

“Accountability has been the watchword of school reform for the past three decades,” one of the Civil Rights Project’s four briefing papers distributed at the forum states. But given that “more than four-fifths of our schools are now branded officially as failures shows that we haven’t yet gotten it right.” Orfield recommended a less negative and punitive approach to school reform.

Although not all civil rights advocates support the direction federal involvement in public education has taken under NCLB, all agree that its requirement that schools compile and report data on everything from grade-point averages to suspensions by race and gender has been extremely helpful, Orfield said.

“You cannot cure what you don’t know, and you cannot know without data,” the brief concluded.

The Civil Rights Project stressed that Congress should focus on improving graduation rates for poor and minority students as it begins the first major debate on federal involvement in secondary education in a decade.

According to one recent study, increasing high school graduation rates could decrease violent crime rates by 20 percent, and that each extra graduate would save taxpayers \$26,500 in crime-related costs.

Daniel Losen, the Director of the Center for Civil Rights Remedies at the Civil Rights Project, discussed his study showing alarming middle school suspension rates and how academic failure, poor attendance and suspension in middle school can closely predict whether a student will become a high school dropout. He also revealed that the majority of dropouts leave school early — by ninth grade.

Although there has been much discussion about high schools deemed "dropout factories" — a recent Johns Hopkins University study concluded that some 1,700 of the country's high schools' senior classes have less than 60 percent of their original freshmen — this real epidemic cannot be addressed successfully without attending to problems in our middle schools, Losen said.

"We must look at the middle schools that feed the 'dropout factories,'" he said.

He also discovered that suspensions are skewed toward minority students, particularly black boys in middle school. In those grades, suspension rates nationally average 28 percent. In reviewing his study, *Suspended Education*, which included an analysis of 18 large urban districts, Losen highlighted one finding showing that in three districts: Milwaukee, Wisconsin; Des Moines, Iowa; and Palm Beach County, Florida, approximately half of all the black boys were suspended at least once in a school year.

Another challenge that has intensified in the last decade and must not be overlooked during this year's reauthorization debate involves policies related to English- language learners, said Civil Rights Project Co-director Patricia Gándara.

More than 20 percent of all students speak a language other than English in their homes, yet the law as currently written does not spell out what constitutes a "highly qualified teacher" for these students, Gándara said. More than half of these students never graduate.

Gándara’s research also indicates that many states do not properly test students who are not fluent in English, nor do they have ways of assessing how much these students know in their native languages. As we think about evaluating teachers in terms of their students’ progress, we must develop appropriate tests to assess the

learning of English language learners, otherwise we will punish the teachers when students are actually learning the subject matter, but their knowledge is obscured by inaccurate testing. More parental involvement could do a lot to close the achievement gap for these students, Gándara concluded.

Pennsylvania State University's Erica Frankenberg, a former senior researcher at the Civil Rights Project, found that nearly 60 years after the seminal Supreme Court case *Brown v. Board of Education of Topeka* ended "separate but equal," America's schools are once again highly segregated.

Approximately 40 percent of black and Latino students attend schools comprising 90 to 100 percent minority students, her briefing paper noted. Furthermore, equality in test scores, graduation rates and other school-related achievement is rare when comparing a school with a high concentration of minority students to one that is mostly white.

Schools that are racially, linguistically and socioeconomically isolated most often produce students who are not prepared for college or the labor market, Frankenberg said. Conversely, the most diverse schools generally produce the type of students that colleges and employers want.

When students from racially isolated schools attend more diverse schools, they generally have higher graduation rates and are more likely to go to college than if they had stayed in their segregated schools, Frankenberg noted.

Social understanding and the ability to move within different groups of people are highly prized skills that benefit society as a whole, Frankenberg's research concluded. Therefore, the federal government has an interest in promoting diversity in educational settings, she said.

Orfield noted that white students will need these skills just as much as minority students will since American schools will soon be half "minority."

"Being able to function in a non-majority white world will be very important for white kids," Orfield said.

The briefing produced an active discussion of the ways in which reauthorization, if it survives differences between the Senate and the House, could foster stronger gains for students of color and their schools.

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