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## Critical race theory : a lens for viewing racism in American education policy and school funding

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Lexi Klupchak  
Critical Race Theory: A Lens for  
viewing Racism in American  
Education Policy and School  
Funding

## **ABSTRACT**

This thesis discusses Critical Race Theory (CRT) as a foundation to understand race and racism in the U.S. and provides a brief introduction to how components of CRT can be used as a conceptual framework to understand how educational inequity undergirds the No Child Left Behind (NCLB) and Race To The Top (RTTT) policies. This thesis also provides a comprehensive review of CRT and uses CRT as a method of analysis to fully understand how race and racism are applied in NCLB policy. CRT is used as a method of analysis to show that race and racism are embedded in RTTT policy and supports educational inequity. The author looks at CRT and policy implications and reviews how educational practices, policies, and funding impact race, racism, and educational equity. This examination ends with an introduction to international policies and models that may be applicable to the U.S. educational system in addressing education inequity. An explanation of the importance of the U.S. Supreme Court mandating education a constitutional right that must be uniformly applied if education inequities are to be eliminated, and racism removed from our schools is provided and is followed by a call to action.

**CRITICAL RACE THEORY: A LENS FOR VIEWING RACISM IN AMERICAN  
EDUCATION POLICY AND SCHOOL FUNDING**

A project based upon an independent investigation,  
submitted in partial fulfillment of the requirements  
for the degree of Master of Social Work.

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2014

Dedication

For Phyllis Ravel (1943-2012) who never stopped believing

that the arts can make a difference

that there is hope for this world

that people can change

in social justice

in me.

## **ACKNOWLEDGEMENTS**

First and foremost I would like to thank my thesis advisor, Narviar Barker for her amazing patience, understanding and support; she supported my vision and helped me work through all of the bottlenecks I encountered. This process would not have been possible if not for the hard work of “Team Lexi.” who confiscated my phone when needed, spent long study dates at the Vietnamese café with me, had text messages sent to me reminding me to write, blocked me from my facebook account for months, who fed me and who sat in the dark with me while I wrote. The amazing members of Team Lexi are: Giselle Regalado, Khanh song Nguyen, Iggy and Lyla Ott, Whitney and Shannon King and my Dad. I must thank my APA guru and anti-racism work comrade, Kelsey Yonce. Lastly, I would like to thank the Backstreet Boys whose music has seen me through every major paper I have had to write since eighth grade.

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## CHAPTER I

### Anecdote

As an actor turned teacher and now aspiring social worker, it is not often that I find myself lost for words. Regardless of the style: Socratic discussion, messily hashing things out, or even a structured debate, employing words for common understanding is something that has always made sense to me until recently when a 5-year-old girl left me frantically floundering, lost and unsure of what to say. It was a sunny Saturday afternoon when my acting class for children ages four to six had just finished their warm ups, and I began to divide the children into smaller groups to do an observational listening exercise. I had almost finished dividing the children when I felt a tug on my sleeve and found myself looking down into the eyes of one of my 5-year-olds, Natasha (name changed to protect her identity). She used her index finger to beckon for me to lean down and as she placed an upright, open palm against one side of her mouth she proceeded to “whisper” in a rather loud voice that she could not be in the group that I placed her in. I kneeled down to be at eye level with Natasha and quietly asked why she did not want to be in the group that I placed her in. I told her that the groups were all the same and that I knew she would do just great in the group in which I had placed her. “But they’re not all the same, Miss Lexis...and I can’t be in that group because you know...Teal...she’s black.” As her words resonated in my mind and my heart sunk deep in my chest, I pondered my response while I sealed my astonishment. I asked myself how one would explain race to a 5-year-old so that she will understand that “skin color” is not bad. Gently placing my hands on her shoulder with inner

feelings of dismay, my immediate instinct was to do ‘story time’. The only story that immediately came to mind was Dr. Seuss’ *Sneetches*. It was at this precise moment in time that I realized that throughout my professional training, my anti-racism training, life experiences, graduate education, familial exposure, and passion for social justice that I had not been prepared for this young girl’s reaction to race.

Race is a classification system that we see every day and it suddenly reared its ugly head right before my eyes in an environment that I envisioned as free and safe from ‘grown-up’ frailties. In 2014, I found myself charged with explaining the unfortunate reality of racism to pre-school and kindergarten aged children! At the time of Natasha’s comment I recall taking a deep breath, gathering my composure, and calling all the children to sit in our story time circle while I read them the story of Dr. Seuss’ *Sneetches*.

As I began to tell the tale of the giant yellow birds and how the Sneetches with stars on their bellies were cruel to the Sneetches without stars on their bellies I realized that the story undermined pre-school and kindergarten-aged children’s ability to comprehend the nuances of race and that rather than promoting understanding and tolerance, what I was doing came close to promoting a color-blind agenda. Uncomfortable with the way I handled this situation, I left work that day determined to arm myself with the knowledge I needed to better handle the same or a similar situation in the future. I was in for a rude awakening. After several fruitless and frustrating hours in the library and on the internet looking for literature that would arm me with the skill sets to address issues of race in an age-appropriate and developmentally appropriate way with children ages six and younger, I found nothing. I specifically chose age six as my cap, not only because that was the age of the oldest child in my then class, but also because it seemed to be wise to stick within the boundaries of Piaget’s stages of intellectual/cognitive development.



According to Piaget, children between the ages of approximately two and six years are in the preoperational stage of development, meaning that their language is becoming more mature and they begin to be able to think about things symbolically, though not in a manner that is considered completely logical. Logical, concrete reasoning does not begin to emerge until children reach the concrete operational stage, approximately between the ages of seven and twelve.

This experience with 5-year-old Natasha not only challenged my ability to talk about race across diverse groups but critically affirmed the sad state of our society in addressing race, equity, and social justice across pre-school, secondary, and post-secondary curricula, teacher training programs, and social policy. The question, how do children at this young age learn of racial differences and what their interpretations are of groups different from their own became the premise for this theoretical thesis. It became important for me to have both a theoretical and historical understanding of race and racism, and a crisper knowledge of how to combat it. My learning thus far has taught me that race is a construct rather than a fixed biological category, but racism has a real social impact that presents itself through prejudice behaviors and leads to universal inequities. Individuals identify themselves with their race and most often are viewed by skin color and not necessarily as equals.

Over the past decade, the United States has become a melting pot of many different nations, countries, nationalities, and people of color, and we have opened our doors to many people. The opening of our doors and the emergence of different races no longer leaves the United States monocultural, if it ever was, but a multicultural nation, and this occurrence seems to be strengthening negative attitudes about race and racism. For instance, if a child is ostracized for her race by another child from a race different from her own and outwardly speaks it without

hesitation, is this learned behavior and does it address a greater problem within society as a whole? Research is limited on how to teach and expose preschoolers and kindergarten children to race and racism, and to teach how racism has negative consequences. From my extensive literature review, I found that existing studies tend to fall into three arenas, none of which were relevant to what I needed to know for the above-prescribed anecdote. The first arena is the incorporation of a multi-cultural perspective into already existing curricula. This incorporation most often takes the shape of Black History Month, or adding a book by an author who is considered multi-cultural. The second arena is discussing difficult and controversial topics with students in middle school and high school that includes among it a myriad of topics. The last arena seems to be divided into two categories: (a) education of the masses and (b) segregation of education. I found no mention of how preschoolers develop and understand their own and others' racial and cultural identities. After numerous frustrating attempts examining literature and then attempting to create my own anti-racism curriculum for children in the preoperative stage, it occurred to me that the issue of race and racism was much greater than general theories and my queries on how to talk about race with young children, and why teachers and educators should be addressing this important issue. Ultimately this exploration led me to the realization that teaching preschoolers and kindergarten students about race and racism was much bigger than me and was not a problem that could be solved from the bottom up.

What I did learn from my research queries was that racism functions on two levels: horizontally and vertically. The horizontal level can be viewed as the lower or bottom level, or the bottom tier. Human behavior is shaped by neighborhoods, communities, and society, and by families, educators, administrators and local politicians. It is on this level that differences in race, gender, status, language, physical features, culture, values and national origin are most likely to

occur and where infractions are handled by state laws and jurisdictions. The vertical level can be viewed as the upper level, or the upper tier that is more representative of policymakers and legislators, government, and adherence to national laws. This level, in reality, has more power and meaning than the lower, or bottom level. To illustrate, as an educator and social worker I can only teach and practice that which is sanctioned by my superiors (bottom tier), but if my superiors are mandated by and accountable to federal policies (upper tier), then changes in what I do is more likely to occur in addressing racism, prejudice and discriminatory practices, and in working with families. Hence one of the most poignant takeaways from my review of the literature and my experience with a 5-year-old is that despite the best grassroots efforts (bottom tier), very little change will occur without concrete, direct support from policies that govern our workplace, schools, media, and every institution within our society (upper tier).

It was upon coming to this realization that I decided that the thesis I am required to write for the completion of my Masters in Social Work would be an excellent starting point for what needs to change in our society in order to facilitate and foster greater interracial understanding, friendship and cooperation among preschool and kindergarten students, including education equity for all children which addresses policy. I am, however, very aware that there are several elements besides policy that are crucial for addressing racial attitudes, racism in personal relationships, and racism in the daily lives of society's members. The most salient interventions for promoting cultural awareness among our children encompass education (i.e., curriculum), training and policy implementation, incorporating anti-racism training into teacher training programs, training educators who already are out in the field, and instituting state and federal policy. Public education holds the greatest potential for reducing racism over time but without mandated and enforceable social policies, educational institutions cannot move forward with

required resources, training, and curriculum development without vertical mandates and funding sources. Due to the constraints of time and the volumes of work needed to effectively address education/curriculum, training, and policy as separate entities, I have chosen to focus this theoretical study on policy as a primary venue for addressing racism in our society because policy is the umbrella under which all other phenomena lie.

## Chapter Outline

Chapter 2 of this thesis discusses Critical Race Theory (CRT) as a foundation to understand race and racism in the U.S. and provides a brief introduction to how components of CRT can be used as a conceptual framework to understand how educational inequity undergirds the No Child Left Behind (NCLB) and Race To The Top (RTTT) policies.

Chapter 3 provides a comprehensive review of CRT and uses CRT as a method of analysis to fully understand how race and racism are applied in NCLB policy.

Chapter 4 uses CRT as a method of analysis to show that race and racism are embedded in RTTT policy and supports educational inequity.

Chapter 5 discusses CRT and policy implications and reviews how educational practices, policies, and funding impact race, racism, and educational equity. The chapter ends with an introduction to international policies and models that may be applicable to the U.S. educational system in addressing education inequity.

Chapter 6 discusses the importance of the U.S. Supreme Court mandating education a constitutional right that must be uniformly applied if education inequities are to be eliminated, and racism removed from our schools.

Chapter 7 serves as a call to action.

## **CHAPTER II**

### **Critical Race Theory**

This chapter provides a theoretical framework for the structure of this thesis, and gives a brief introduction to how educational inequities undergird the NCLB and RTTT policies. The anecdote at the beginning of this thesis is used to demonstrate learned behaviors, attitudes and universality, not from the researcher's privileged status, but rather to emphasize the intimate and true nature of racism from the eyes of a child. There are some researchers who will choose to examine racism from a theory that may clarify why and how the United States' history of racial discrimination can lead a 5-year-old to react so negatively to her Black classmate. I nevertheless have chosen to examine the applications of a relatively new theory, namely Critical Race Theory (CRT), as a frame for understanding how race and racism are embedded in education inequity. CRT is an American theory based upon the sociopolitical history of the United States and mainly is applied to study and change policies that affect unequal treatments based upon race, especially in education and criminal justice issues. CRT is important in framing this thesis because everyday racism defines race, interprets it, and decrees how personal and institutional teachings impact behavior. In America today there is the sense that racism is a thing of the past, something that the heroes we celebrate during Black History Month fought against and overcame. When racism comes up in conversation you often hear: "I'm not racist, I have Black friends," or "Well, stereotypes all have a basis in truth," or "I'm obviously not racist, it's just a funny joke." These phrases are symptomatic of the problem of racism itself. Racism has become so deeply and

deviously ingrained in the very fabric of our society that people fail to see the racism that is inherent in each of these statements. It is from this very disconcerting misconception that CRT was born. More specifically, CRT emerged from the attitude that people treat each other differently based on race.

The roots of CRT began as a movement in the law and in radical feminism, and developed momentum in the early 1970s as a number of lawyers, social activists and legal scholars acknowledged that the advances of the Civil Rights Movement of the 1960s had stalled. CRT drew from philosophers and theorists such as Antonio Gramsci and Jacques Derrida (Delgado & Stefancic, 2001), from radical American figures that include but are not limited to Sojourner Truth, Frederick Douglass, W.E.B. Du Bois, Cesar Chavez, and Martin Luther King, Jr., and from noted movements during the sixties, most notably the Black Power and Chicano movements. CRT continues to grow and change as new ideas, theories and events happen, but the basic tenets of CRT remain strong and will continue to ring true as long as racism persists.

The basic tenets of CRT as laid out by Delgado and Stefancic (2001) are that:

1. Racism is ordinary not aberrational; it permeates our society on every level, not just loud, blatant happenings.
2. There is an interest convergence in our society; racism advances the interests of most White people regardless of their socioeconomic status which creates a negligent amount of incentive to change things.
3. Race and racism are products of social thoughts and construction.
4. Differential racism exists, in which the dominant society will often racialize different minority groups in accordance with economic and political currents.

CRT is the vessel through which our current education policies are best filtered since it examines both the furtive nature of institutionalized racism and the multi-faceted nature of racism as a social construct and as a form of interest convergence. Despite the 1954 Supreme Court ruling in *Brown vs. Board of Education* which declared that “in the field of public education, the doctrine of ‘separate but equal’ has no place” (National Center for Public Policy Research, n.d.), there continues to be great disparity in the United States in the current public kindergarten through 12<sup>th</sup>-grade school system. The fact that many youth from immigrant, ethnic, and racial minority groups value education equal to their majority counterparts and can do very well academically and socially, but whose families lack equal access to information about the educational system in a way that helps support their children to be successful in the U. S. school system speaks to this ‘separate but equal’ doctrine.

We cannot overlook that our current anti-discrimination trend of colour-blindness developed at a time when Jim Crow laws were warm in their grave and separate but equal was still the norm (Levy, 1986). In the Applied Research Center’s Erase Initiative, researchers Gordon, Piana, and Keleher (2000) compiled a report on racial discrimination within the public school system utilizing information gathered from the computerized Racial Justice Report Card. Twelve school districts were included in the examination of racial discrimination in public schools: the largest and most diverse district, Los Angeles Unified School District; Austin, Texas; Boston, Massachusetts; Chicago, Illinois; Miami-Dade County, Florida; Denver, Colorado; Durham, North Carolina; Missoula, Montana; Providence, Rhode Island; Columbia, South Carolina; Salem, Oregon; and San Francisco, California; and the findings showed that only one of these school districts, Boston, MA, received an unimpressive passing grade of “D.” The Racial Justice Report Card compiles and analyzes statistics for individual school districts

and then evaluates the districts based on: students of colour vs. White students' dropout rates, graduation rates, college entrants, student discipline, language, advanced classes, teaching staff, learning environment, curriculum, and staff training. Gordon et al. (2000) stated, "regardless of anyone's intent, they [students of colour] receive an inferior education system" (p. 3). Their reasons for this were that: racial makeup of teachers rarely matches that of the student body, African-American students, Latino students, and Native American students are suspended or expelled in vastly disproportionate numbers compared to their White counterparts, students of colour are more likely to drop out due to the disciplinary actions taken against them and students of colour have less access to gifted and advanced classes. These findings only confirm what residents of communities of color already know, that public schools consistently fail to provide equal quality education for students of color compared to White students.

CRT is used in this thesis to develop a theoretical, conceptual framework to address the role of race and racism in the U.S. education system, and to define how policy can be used as a goal to eliminate institutional and structural racism. Ladson-Billings and Tate (1995) presented CRT as a conceptual framework for understanding education inequity and identified racism as a permanent fixture in our society. DeCuir and Dixson (2004) subsequently used CRT as a "method of analysis in educational research" (p. 30) and reported that researchers must remain critically aware of the importance of CRT in order to effectively address race and racism in a prejudice society. Racism is endemic and deeply ingrained in today's society, and maintains itself in the form of institutional and structural racism. The use of racism in this thesis refers to Wellman's (1977) definition of "culturally sanctioned beliefs which regardless of the intentions involved, defend the advantages Whites have because of the subordinated positions of racial minorities."



As a conceptual framework, CRT provides a lens for understanding inequities in our education system and sets the stage for accelerated educational reform. CRT details the adverse effects of racism and addresses how institutional racism favors Whites while disadvantaging minority groups. This favoritism dates back to slavery, property rights and ownership and explains how such entitlements not only endorsed the self-interest of Whites but also provided the undergirding for White hegemony over education (Ladson-Billings, 2009; Ladson-Billings & Tate, 1995). In this sense, Whiteness then becomes the ultimate value to leverage and perpetuate their system of educational advantages and privileges as defined by Harris (1993) rights of property: “(1) rights of disposition; (2) rights to use and enjoyment; (3) reputation and status property; and (4) the absolute right to exclude” (Ladson-Billings & Tate, 1995, p. 59). CRT can be used to show how culturally based property rights help to explain how privileges associated with Whiteness lends itself to objectification and subordination of minority groups in education.

Harris (1993) rights to use and enjoy property are evident in how curricula are structured and who has full access. Whites in general have social, cultural and economic privileges that surpass African Americans and many other minority groups, including who have decision-making power over school property, curriculum, teachers and quality control (Harris, 1993; Kozol, 1991; Ladson-Billings, 2009; McIntosh, 1990). Ladson-Billings (2009) further explained that control over the curriculum empowers Whites to determine which students have access not only to top quality curricula but also honors programs, advanced placement courses, gifted and talented programs as well as those courses that prepare students for college admission and academic success. Ladson-Billings (2009) used the CRT framework to define a school curriculum “as a culturally specific artifact designed to maintain a white supremacist master script” (p. 29). DeCuir and Dixson (2004) summarized White control over the curriculum as

having “served to reify this notion of whiteness as property whereby the rights to possession, use and enjoyment, and disposition, have been enjoyed almost exclusively by whites” (p. 28).

Regardless, these tenets damage the well-being and reputation of minority students and diminish their capacity to excel, especially when their learning environments often are restrictive, underfunded and lack sufficient resources. Given these tenets, it is no doubt that minority students living in poor and underserved communities suffer from low status, poor reputations and fewer resources than their White suburban counterparts. CRT’s framework further demonstrates how property values, school districts, and property owners directly impact institutional and structural racism.

### **Critical Race Theory and Disparity in Funding**

Racial disparities also exist in school district funding; most noticeable is the disproportionate restriction in the level, quality, and availability of financial, material, and human resources to low-income, underserved, and racially divided communities. CRT frames inequality in school funding through the lens of institutional and structural racism. Ladson-Billings (2009) argued that Harris’ (1993) property function in regards to education is the most “powerful determinant of academic advantage” (Ladson-Billings, 2009, p. 32) in relation to funding because it represents the convergence of Whiteness as property and educational inequality. Framing education inequality in CRT terms addresses White privilege, entitlements, legacy, economic gaps and unequal policies. In the case of 5-year-old Natasha’s refusal to be in a playgroup with a ‘Black girl’ implies her White privilege, entitlement and ownership to exclude, diminish, negate and even ‘push out’ that which she sees as unpleasant, unpleasing, and unequal to her. Depending upon whether Natasha’s school receives federal funds, the existence of mandates to address racism as it occurs, or Natasha’s parents choice to remove her from the

classroom/playroom into a different environment or school are all reflective of White privilege and ‘the right to exclude’. These behaviors again mirror Harris’ explanation of how the reification of race serves the self-interest of Whites and undergirds White hegemony over education and economic fluency in the classroom/playroom.

The current public school system in the United States remains largely divided and unequal due to permissive funding sources, each with their own inequities. According to the United States Department of Education, the Constitution places the responsibility for public school funding on individual states, which gives them “the right to exclude” (Ladson-Billings & Tate, 1995, p. 59) and permission to govern their own. At least half of local and state funding comes from property taxes, which alone creates a system that “generates funding differences between wealthy and impoverished communities” (Berliner & Biddle, 2002, p. 48) and ultimately defines “reputation and status property” (Ladson-Billings & Tate, 1995, p. 59). Although not mandated, federal funding is available for public schools. However only if a state chooses to voluntarily accept federal funding must they abide by the federal program’s requirements (10 Facts About K-12 Funding, n.d.). From a CRT perspective, this choice reflects “rights to use and enjoyment” (Ladson-Billings & Tate, 1995, p. 59). Renowned expert on research-based school improvement, Slavin (1999) helps put the United States’ inane funding policies in perspective:

To my knowledge, the U.S. is the only nation to fund elementary and secondary education based on local wealth. Other developed countries either equalize funding or provide extra funding for individuals or groups felt to need it. In the Netherlands, for example, national funding is provided to all schools based on the number of pupils enrolled, but for every guilder allocated to a middle-class Dutch child, 1.25 guilders are

allocated for a lower-class child and 1.9 guilders for a minority child, exactly the opposite of the situation in the U.S., where lower-class and minority children typically receive less than middle-class white children. (p. 520)

These actions are consistent with Harris' (1993) functions: "(1) rights of disposition; (2) rights to use and enjoyment; (3) reputation and status property; and (4) the absolute right to exclude" designed to maintain a White supremacist master script. Therefore, CRT as a conceptual framework applied to education is a radical critique of both the status quo and purported reforms, and struggles to underscore the urgency in creating a spirit and intent of justice for all. CRT rejects a paradigm that attempts to be everything to everyone and consequently, nothing for anyone and thereby allowing the status quo to prevail, which we see in our current school systems. Though efforts are made to address race and racism, uniformity in practices, accountability and evaluation are omitted and subsequently negates that such actions are enforced. Two policies have been introduced to attempt to address the issues of race and racism in the classroom and to build a more equalized learning environment. These policies are No Child Left Behind (NCLB) and Race to the Top (RTTT).

### **No Child Left Behind Act**

In 2001 with the passage of the NCLB Act, examining racialized practices in U.S. schooling became of utmost concern. This statute's primary goal was to improve the academic achievement of minority students and to directly address the educational gap. The policy does not have unanimous support. Some critics state that this statute is driven by the need to increase privatization of schools using vouchers and for-profit supplemental educational services (Molnar & Garcia, 2007), which does not benefit all students. Gay (2007) reported that NCLB was perpetuating educational inequities and achievement gaps by creating "putative measures for

student failure in the absence of adequate funding for underachieving schools” (p. 279). Bell (1980) suggested that NCLB possessed an interest-convergence agenda because:

1. In the interest of raising minority students’ academic achievement, Whites may be arguably pushing their own agenda for the privatization of education in an attempt to promote greater competitiveness in a global economy.
2. Such a convergence presents no harm to the majority White, middle class child – with or without disabilities or language barriers – who more than likely meets proficiency regardless of accountability standards.

So what may seem as an egalitarian agenda to eliminate education inequity may simply be a ploy to promote racism’s enduring existence. Let us again return to 5-year-old Natasha’s refusal to be in the same group with a ‘Black child’. This is active racist behavior that expressly projects White supremacy, and no overt effort made to hide it. So while NCLB strives to improve the academic achievement of Black and other minority students, Natasha is clearly stating in Ms. Lexi’s ear that she will not engage with a Black child nor will she be a part of an agenda that is designed to establish equality.

In order to challenge the systemic roots of racism, myself, and other teachers like me must be required to acknowledge the presence of racism in schools, not simply in the sense of attempting to make lessons culturally relevant for all students, but in the sense of recognizing the importance of what is learned, style of teaching, and the very ideology that schools whether we want them to or not, endorse the standard of Whiteness. CRT challenges us to engender a counterhegemonic movement and to raise teachers’ race consciousness and an instructional strategy that reflects antiracism. In reality, to a large degree my hands as a teacher and social worker are tied. I can only do what my administrator allows me to do and I am further restricted

by a standardized curriculum and operating procedures. That curriculum is imposed by the state that has a choice to accept federal funding or not. Should they choose not to accept federal dollars, they have flexibility in what they sanction. So unless uniform policies and mandates are in place for all schools and for all students, racial injustices will continue to exist.

### **Race to the Top**

RTTT is a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform, achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, ensuring student preparation for success in college and careers, and implementing ambitious plans in four core education reform areas:

1. Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy.
2. Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction.
3. Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most.
4. Turning around our lowest-achieving schools.

The goals of RTTT have not been reached after three full years of funding; it is a four-year funded grant. Challenges to the success of RTTT been marked by limited resources and have lacked capacity and expertise among staff, leading to delays that have caused states to pull back on some of their ambitious promises. What originally seemed to be a champagne budget in reality has proven to be a beer budget that has not allowed full fruition of anticipated and needed

resources, improved and additional teachers, teaching tools and capacity building. Specific reports have shown that RTTT monies are drying up for those programs that have proven to be promising, and some states see a lack of commitment to major changes that were initially promised (Armario, 2012). For those states that have demonstrated some measures of success such as Tennessee in programs that were associated with educator evaluation and improvements, led to premature use of untested, unsubstantiated tools (Banchero, 2013). Some student test scores, unrelated to the teacher, have been used and continue to be used for evaluation, which presents data bias (Boser, 2012).

New rubrics for teachers have been created to address this issue but it is not yet clear how reliable they are, and some teachers still remain without these options. There have also been occurrences in some states teaching ‘to pass the standardized test’ (What No Child Left Behind Means for Your Child, n.d.). What has been proven is the enormous amount of time devoted to tests and the cost of these tests has increased substantially, with teachers, students, and principals reporting record levels of stress. In Tennessee, while principal observations of teachers have been adjusted somewhat in response to substantial opposition, there is little indication that the burden has been sufficiently lightened, or that most student and teacher evaluations are leading to the useful feedback and tailored professional development that was intended by the RTTT (Boser, 2012). Most troubling, interviewees confirm a trend depicted in news reports of the adoption of ever-narrower strategies that ignore the large-scale child poverty plaguing both urban and rural schools in Tennessee (Weiss, 2013). Leaders are pursuing short-term fixes with no evidentiary backing at the expense of developing a strong, sustainable pool of teachers and school and district leaders. An apparent lack of real accountability—for charter schools that are failing and/or pushing out students, for example—stands in contrast to the commissioner’s calls

for increasing levels of accountability for public schools and teachers. As funding allows for more Charter Schools, private schools, and specialized schools, ‘separate but equal’ will come more and more into play and if such schools are not governed by a centralized policy mandate, race and racism within our schools will continue. I inform the reader that I am not against specialized schools; I only am using CRT as a conceptual framework to explain educational inequity.

Discussions on RTTT thus far have tended to be at the extreme. The Department of Education portrays RTTT as an unmitigated success (Duncan, 2012), but critics infer that RTTT is without promise and that its advocates have bad intentions (Allen, 2011; FairTest, 2009; Ravitch, 2010). A more detailed explanation of these initiatives is presented in Chapter 3 and Chapter 4.



## **CHAPTER III**

### **No Child Left Behind Act**

The NCLB Act is the reauthorization of Lyndon B. Johnson's 1965 Elementary and Secondary Education Act (ESEA), which is the first educational reform to use standards-based testing (National Education Association). The initial intent behind 2001's NCLB was to have all students perform at proficient levels on state tests by the 2013-2014 school years and to hold both states and schools accountable for the results (Fritzberg, 2004). While the initial intent of NCLB was good, there were many facets of NCLB that were completely unrealistic: "such as a mandate that students in every school be 100% proficient in reading and math by 2014" (Smith, 2011, p.1). The absurdity in expectations of this Act lies in the fact that not all students begin at the same point of learning, have the same preparedness, have equal access to resources, and are equally skilled in linguistics. The sociopolitical history of the U.S., through the lens of CRT, allows us to examine how policies effect unequal treatment in the education system, especially when private and institutional teaching does not take into account that all students are not equal and students come to the classroom at different stages of development, with different experiences, and with different levels of cognitive understanding. Brown vs. Board of Education also is applicable here when we acknowledge that the doctrine of 'separate but equal' interplays with the NCLB Act. Our educational system is built on cultural biases. This means that the majority of teachers and administrators hold the belief that the dominant or mainstream (i.e., European and North American) cultural ways of learning and knowing are superior to cultures

different from their own. Historically, the research on cultural bias in teaching and learning can be traced back to the research of Lev Vygotsky (1896–1934) and Alexander Luria (1902–1977). Many of these teaching and learning practices remain the same in 2014, including the assumption that African Americans and other minorities are not disadvantaged in test taking. However, we now know from current research studies that a "differential item functioning," known by its acronym DIF, exists on the standardized tests such as the Scholastic Academic Test (SAT) and that if DIF did not exist, standardized test scores would be more equal among all students, regardless of race and ethnicity (Fleming& Garcia, 1998). Research also affirms differences in learning styles for African Americans and other minorities, and that the variations in learning styles causes students to present themselves differently in the classroom and on tests (Claxton, 1990; Guild, 1994). The measurement of intelligence is not contained in a standardized test score, especially when test scores label one as high or low intelligence, and when such scores are based upon European and North American values, educational inequity will continue and will impact those schools that receive funding and those schools that do not receive federal funding.

The NCLB Act made federal allotment of Title I funds contingent upon standardized test scores. NCLB also requires all schools that receive Title I funding (federal funding for education that is proportional to individual states' per-pupil expenditure) to meet state-defined Adequate Yearly Progress (AYP), which is one of the cornerstones of the federal NCLB Act of 2001. It is a measure of year-to-year student achievement on statewide assessments (LIU, 2008). Schools receiving Title I funding must meet the AYP for their entire student population and for specified demographics, which include major ethnic/racial subgroups, economically disadvantaged students, limited English proficient students and students with disabilities (No Child Left Behind Accountability and AYP, 2002). Schools that do not meet their state's AYP receive cuts in

funding and face corrective action and restructuring. (U.S. Department of Education, 2005). Schools that are consistently unable to meet their AYP even after restructuring face dismantling and closure (Riddell and Kober, 2011). Too often these schools are located in minority and distressed communities where a racial divide exists.

When researchers examined the implementation of NCLB across different educational systems, two major areas of concern surfaced: (a) developing new testing and assessment systems is disruptive and expensive for many states, and (b) allowing states to define their own proficiency levels create serious problems, including greater educational inequities and disparities since poor performing states could use lower-stakes assessments to avoid being labeled as ‘in need of improvement’ (Sunderman & Kim, 2004). Such accountability measures would defeat the intent of NCLB, which is to provide a high-quality education for all students. Also schools with qualifying students to receive free and reduced lunch continue to show lower test scores than students from more affluent schools despite NCLB’s goal to bring greater equality in academic achievement (Rothstein, 2009). Other researchers report that test scores alone are not sufficient to inform whether students or schools are performing sufficiently (Rothstein, Jacobsen, & Wilder, 2009), and that the biopsychosocial background of students must be taken into consideration.

### **Education, Institutional and Structural Racism**

The history of African American education, including pre- and post-civil war, has been plagued by both the denial of education in order to maintain economic exploitation of African Americans and to maintain a segregated education to continue a source of skilled labor (Bowles & Gintis, 1976; Spring, 1994, 1997). The insistence of racial disparity in the U.S. is well documented (e.g., income/employment status, education, occupational status, and housing).

While some researchers may report that these examples are the residual effects of slavery (Cable & Mix, 2003), other researchers report that the underperformance of many African American students is due to institutional racism. Problems of educational inequity in the U.S. result from a dominant group (i.e., Whites) seeking to oppress a minority group and schools are generally organized in ways to promote superiority of Whites (Hilliard, 1978; King, Houston, & Middleton, 2001; Spears, 1978).

CRT advocates that students should be acknowledged for their strengths and what they bring with them to the classroom using a strengths-based perspective, which allows for student understanding and more effective student-teacher engagement in learning (Yosso, 2005). CRT “refutes dominant ideology and white privilege while validating and focusing on the experiences of people of color” (Yosso, 2005, p. 69). Lintner (2004) reported that even teaching courses in history in this country is racist and that significant contributions of African Americans are intentionally omitted from history books to maintain the status quo. Lintner went on to say that teachers and researchers are in a position to teach and write about African American contributions so as to rid our society of existing historical subjectivity of stereotypes, prejudices and biases towards African Americans and other minority groups. CRT, as a conceptual framework, can allow history teachers and others to reduce marginalization of minority groups by recognizing and promoting their accomplishments and demonstrating their significant contributions. But such teachings can move beyond history courses to transcend the curriculum. For example, storytelling that includes strengths and contributions of all races, showing children pictures and videos of diverse groups of children playing together, sharing stories of different cultures during show-and-tell, and asking children to share what they like best about rainbows are all examples of how teachers can engage children in learning about race and ethnicity, and

ultimately eliminate negative and stereotypic attitudes about cultures different from their own.

Segregated schools reinforce European American beliefs about their superiority. We remember The Bell Curve argument that falsely reported that African Americans were biologically inferior to Whites. This research supported the belief that African Americans would be best served in schools of their own, away from Whites and more “superior” groups (Delgado & Stefancic, 2001). It took the National Association for the Advancement of Colored People (NAACP) over a century to win its battle against segregated education in the South and while this fight was occurring, relegating African Americans to an inferior status grew even stronger (Spring, 1994, 1997). Bell (1992) argued that racism advanced the interest of the White elite and the working class Blacks and that because of this, large segments of society have no incentive to eliminate racism.

Delgado and Stefancic (2001) reported that society often fails to acknowledge racism because of our failure to see beyond its most blatant manifestations such as hate crimes, lynching, hate speech, and other heinous crimes. Lopez (2003) informed that “racism is as powerful today as it was in the past; it has merely assumed a normality, and thus an invisibility, in our daily lives” (p. 83). This normalcy is more prevalent today than ever. During President of the United States Barack Obama’s major health care speech on Wednesday, September 9, 2009, Rep. Joe Wilson (R) openly called him “a liar” when the President said the legislation would not mandate coverage for undocumented immigrants. The issue here is not whether he was or was not telling the absolute truth, but his status and position in our society. Needless to say, President Obama is African American and holds the highest position, Commander-in-Chief of the United States of America. Joe Wilson is White and a state representative. Wilson was not removed from the meeting, was not reprimanded, and did not lose status with his comment heard around the

world. From a CRT perspective, one needs to critically analyze how the law reproduces, reifies, and normalizes racism in our society (Lopez, 2003). What lessons were learned from this “outburst”? What messages were delivered to the students that watched? What corrective dialogue did parents have with their children? Referring back to 5-year-old Natasha, perhaps unconsciously in her eyes what she said and what she was doing represented normalcy. If this is the case, then what is her incentive to change, or to want to include the ‘Black girl’ in her environment?

Abernathy (2006) reported that NCLB does not account for factors such as home and community environment, ethnicity or economics and that such factors can contribute to a student’s test performance on any given day, which contributes to high or low performance. Using CRT as a method of analysis requires further research on NCLB’s effect on communities of color, most of which are in urban distressed areas. Currently, NCLB focuses most on lowest-performing schools in order to increase student outcomes at these schools. What is striking is how the federal government intends to help lower-performing schools. As is, improvement seems to be housed in ‘choice’ because parents who have children in attendance at lower-performing schools have the option of transferring their child or children to schools that are performing at or above grade level. The irony in this is that many parents who may want to send their children to better schools are unable to do so because the schools of their choice already are at or above capacity, or they do not have the financial means to do so. Therefore these students remain in their underperforming schools and continue to score poorly on tests, becoming a statistic in the educational gap. The language of NCLB is neutral and thus leads to reinforcement of racialization in urban areas. This is because most of the schools on the ‘watch list’ for poor performance are in urban areas and predominantly serve students of color, and these students are

most likely to reside in predominantly low-income areas (Stovall, 2006).

## **Summary**

This chapter focused on the NCLB legislation with discussion beginning with the 1965 ESEA and discussion on the landmark *Brown v. Board of Education* case, which dismantled the legal basis for racial segregation in schools and other public institutions. I also discussed CRT supporters Bell (1992), Delgado and Stefancic (2001), Ladson-Billings (1994, 2005), and Ladson-Billings and Tate (2004) who maintain that schools should recognize culture, environment and learning patterns as important components for educating children of color, specifically African American children. To fully utilize CRT in education, educators must remain cognizant of race and racism, how it is transmitted and how it negatively impacts all of society. Educational equity cannot be achieved without uniformity in laws and policies. While NCLB has value and good meaning, it does not in its present state eliminate racism in the classroom, nor society. This is mainly due to its neutrality, choice factor, and lack of accountability of how funding is used, the outcome of that funding, and lessons learned regarding how to improve NCLB goals and mission.

## **CHAPTER IV**

### **Race To The Top**

In 2009 the Obama administration signed into effect Race to the Top (RTTT), a competitive grant program designed to reform many aspects of NCLB's unrealistic goals. RTTT is a supplemental grant to already existing Title I federal funds.

Although federal aid is not limited to Title I, Title I is the single largest federal investment in education, and "Title I dictates federal aid allocations under several other education programs" (Liu, 2008, p. 976). Title I, originally called Chapter I, was intended to be the great equalizer that evened out disparities in school funding distribution. Funding distribution "measures the distribution of funding across local districts within a state relative to student poverty" (Baker, Farrie, & Sciarra, 2010). However the disparities between local and state funding distribution already are so great that Title I cannot begin to even the playing field, which was the intent of RTTT, a competitive grant program to be used as a supplement to remediate some of the more unrealistic elements of NCLB. Those states that choose to participate in RTTT are eligible for waivers generating from the unrealistic requirements such as 100% perfect proficiency in math and reading in all students by 2014 (Smith, 2011). RTTT has four main goals: "(1) Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy; (2) Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction; (3) Recruiting, developing, rewarding and retaining effective teachers and principals,



especially where they are needed most; and (4) Turning around our lowest-achieving schools” (DOE, 2009, p. 2). There are, however, discrepancies in funding sources.

### **State and Local Funding**

To date only fourteen states have “progressive funding” in which more funds are distributed in the areas with the highest levels of poverty. These states, in descending order for the state with the most progressive funding, are: Utah, New Jersey, Minnesota, Ohio, South Dakota, Massachusetts, Montana, Indiana, New Mexico, Connecticut, Tennessee, Oregon, Wyoming, and Oklahoma. Twenty states have “regressive funding” and provide low poverty districts with more state and local revenue than the high poverty districts. Fourteen states have “flat” systems in which there is a negligible difference between funding for poverty-stricken public schools and affluent public schools (Baker, Farrie, & Sciarra, 2010).

Currently in the United States the average number of dollars spent on an individual student per state is \$10,863 (Public Education Finances, 2010). This total was derived from taking the raw data available on the United States Census page for “total education spending” and adding up each state’s number and then dividing by the total number of states, including the District of Columbia (Bean, n.d.). Of course, the number varies grossly by state as can be seen by the range in data: Oklahoma spends the lowest number of dollars per student at \$8,303 (which is interesting considering that it is one of the fourteen states with progressive funding) and the District of Columbia spends the most at \$22,630 per student. The District of Columbia, like Hawaii, only has one school district as compared to the rest of the states that have multiple districts; as such, these figures somewhat skew the average. A pattern that emerges from examining the raw data is that the Midwest and the Northeast spend the most dollars per student, although the gap between the Midwest and Northeast spending is still rather distinct as evidenced

by three Midwestern states: Illinois, \$11,810; Wisconsin, \$11,408; and Ohio, \$11,600, compared to three Northeastern states: New York, \$19,356; New Jersey, \$17,817; and Massachusetts, \$15,212 (Public Education Finances, 2010)

According to the United States Census of 2010 there are approximately 48,272,755 students in the United States public school system, all of which are affected by the differences in funding. However it is not as simple as looking at the average spending per student per state, because the actual distribution of funds varies state by state and often times varies within the state itself! Public school funding in the U.S. comes from federal, state, and local sources, “but because nearly half of those funds come from local property taxes, the system generates large funding differences between wealthy and impoverished communities. These differences exist among states, among school districts within each state, and even among schools within specific districts” (Berliner & Biddle, 2002, p.48). This means that a state that ranks among the ten states with lowest per pupil spending may, in some districts, have even lower funding depending on how the State decided to divide funds between the districts. Often the districts hit are those that have the lowest property tax rates and thus the population with the lowest socioeconomic status (School Finance, 2010).

According to the Federal Education Budget Project, states that spend more per student have higher student achievement, as measured by the National Assessment of Educational Progress (NAEP). For example, “In the 10 states with the highest spending per pupil, an average of 34% of 8<sup>th</sup> grade students scored proficient in reading on the NAEP and 36% scored proficient in math. In the 10 states with the lowest spending per pupil, an average of only 28% of 8<sup>th</sup> grade students scored proficient in reading and 31% scored proficient in math” (School Finance, 2010). The states with higher achievement are given more Title I funding, based on their test scores,

while the states with lowest spending and thus lowest scores receive lower or no extra funding. The disparities in the way that school districts across the country are funded cannot be overlooked. When examined through the lens of CRT, we beg the question, just how effective are education reforms if they do not deal with the issue of equity? Out of 50 states, only six states (Connecticut, Iowa, Massachusetts, New Jersey, Vermont, and Wyoming) are positioned relatively well to provide equality of educational opportunity for all children regardless of background, family income, where they live or where they go to school ((Baker, Farrie, & Sciarra, 2010).). Despite federal mandates under the NCLB Act, RTTT, and the use of a range of incentives to both help students in high-need areas and to attract teachers to high-need schools, the problems in educational equity remain acute for the U.S. Harris (1993) from a CRT perspective, supposes that these occurrences replicate “(1) rights of disposition; (3) reputation and status property; and (4) the absolute right to exclude” that retain structural and institutional racism in our education systems.

The ten states with the lowest spending per pupil are Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Arizona, Idaho, Nevada, Utah, and South Dakota. Five of these states are in the South, four in the West, and one in the Midwest. Something to consider when looking at the ten states with the lowest spending per pupil is that more than three-fifths of the nation’s students are enrolled in public schools in the South and in the West; 38% of the nation’s students are enrolled in the South and 24% in the West, meaning that three-fifths of the nation’s children are in some of the most poorly funded school systems in the country (Jennings, Kober, Rentner, & Usher, 2012). These statistics are reason for pause and have historical implications. All ten states either were once slave states or territories in which slavery was permissible based on the Missouri Compromise of 1820, the Compromise of 1850, the Kansas-Nebraska Act of

1854 and the Dred Scott Decision of 1857. Using CRT as a method of analysis, we must remain critical of race, how it is deployed, and how multicultural reforms, (e.g., NCLB, RTTT) are routinely reverted back into the system without radical changes towards educational equity. Closer examination of these states questions racism as a permanent fixture and argues that institutional racism continues to exist. CRT allows us to understand the inequalities in education that emanate primarily from race and racism. We use CRT to examine the ongoing adverse impact of racism and how institutional racism privileges Whites in education while disadvantaging racial minorities. This is especially relevant to 5-year-old Natasha who at a young age has learned White privilege from two institutions: family institution and social institution. At this young age, Natasha already has learned that her White privilege functions on two levels, horizontally and vertically, as discussed in Chapter 1. DeCuir and Dixson (2004) summarized the extent to which racism permeates our society:

Furthermore, the notion of the permanence of racism suggests that racist hierarchical structures govern all political, economic, and social domains. Such structures allocate the privileging of Whites and the subsequent Othering of people of color in all arenas, including education. (p. 27)

Ladson-Billings and Tate (1995) used CRT to explain how the privileges associated with Whiteness lead to the objectification and subordination of racial minorities, especially African Americans within the education arena. Harris' (1993) rights of disposition suggest that rights such as Whiteness are transferable but only when they serve the self-interest of Whites. Only Whites naturally possess Whiteness. Whiteness is transferred by rewarding minority students for conformity to "White norms" or punishing minority students for violating White norms (Ladson-Billings & Tate, 1995, p. 59).

According to A Public Education Primer (2012), 47% of African American students and 44% of Latino students are educated in urban schools and 41% percent of Asian students. This is followed by 17% of White students in urban schools. Most White students are in suburban or rural schools. The majority of Native Americans attend schools on reservations (Jennings et al., 2012). In order to make meaning of these statistics we must acknowledge the fact that two-thirds of African American and Latino families attend schools where 50% of the students are from low income families while only one fourth of White students attend schools with a high poverty rate. As previously stated, students in schools with higher poverty rates tend to do less well on achievement-based tests and thus receive less federal funding. Therefore, the students who are most directly affected are large percentages of African American and Latino students.

Also affected are teachers and parents of the students, though at this time there is little statistical analysis of direct correlation between the inequities of school funding and effects on parents. There is however a limited amount of information regarding teachers. Since the 1970s there has been an increase in school funding, but despite this increase, teacher salaries have gone down 2% every year since 1970 (Goodwin, 2011). Schools with higher funding, often in low poverty districts, attract more experienced teachers while schools with lower funding end up hiring teachers straight out of school, with less experience for much less money. This leaves the schools with high levels of poverty to be manned by predominantly new, inexperienced teachers. In addition to the fact that teacher salaries are going down, schools in high poverty districts often do not have enough books for all students, and enough chalk or white board markers for the teachers (Fertig, 2011). As a young and naïve student teacher in one of Milwaukee, Wisconsin's poorest schools I found myself surprised at the number of students who did not have the most basic of school supplies (e.g., pens and pencils). During my first week at this school, I set off in

search for the storage closet, only to be told that there was no stock of supplies and that I would have to provide any needed supplies with my own money. As I stood there wondering how I could possibly afford to purchase adequate supplies for my students and make rent, the picture became clearer: my students did not have supplies due to economics, property rights, and environment. Most of my students were struggling to find food to eat and many of them a safe and warm place to spend the night! I went right out and bought all the pens, pencils, white board markers and notebooks I could carry and prayed that my parents would understand if I needed some help with rent. What I did not realize at that point in time was that no matter how much I wanted to provide for my students, my starting teacher's salary challenged those efforts. Hindsight also shows me why the older teachers laughed at my efforts. They too had started out bright eyed and bushy tailed only to be beaten down by continued lack of funding, lack of support and lack of resources. If being burnt out and disillusioned are psychological ramifications of inadequate funding on the teachers, imagine what that means for the students. While many studies find that African American and Latino students receive significantly lower results on standardized tests than their White counterparts, what these studies do not consider is that more than three-fifths of these students come from poverty dense school districts where the schools lack funding, resources and forms of teacher accountability (Jennings et al., 2012). Is it any wonder why many of these students believe the statistics and assume that they are not as academically competent as their peers of European descent (Cohen & Jeffrey, 2007)? History shows that educational opportunities have discriminated against minority students for a long time. At the turn of the century, measures were taken to report the "retardation rates" of various ethnic groups in New York City, before the term White extended to those beyond Anglo-Saxon heritage. These measures were in the form of standardized testing: "according to the results of

the tests, Irish and Italian students were severely retarded, with 29 percent and 36 percent, respectively, performing at a low level on the tests” (Green & Griffore, 1980, p. 239). If you peer back a bit further, you will find that these Irish and Italian students lived in densely populated, poverty dense areas where there was little emphasis placed on schooling and where the public schools that did exist were considerably lacking in funding and resources.

### **Summary**

This chapter discussed RTTT funding and explored its strengths and challenges in addressing the education gap. It also addressed how race and racism influences our educational system and the impact of ‘Whiteness’ in defining education norms and expectations.

## **CHAPTER V**

### **Educational Policy**

A major concern that has motivated our education policymakers is that of falling behind other nations in both high school and college graduation rates, and consequently falling behind in the global competitive market place. During Post World War II the United States had the highest number of students graduating from college than any other industrialized nation, and many of the world's industrialized nations spent years rebuilding Post WWII. While the United States did not have to contend with the rebuilding of both infrastructure and actual structures like Europe, it did have focus on desegregation. In Truman's landmark decision to desegregate the military, it became apparent very quickly that desegregation would benefit the armed forces. This was the first step in institutional desegregation in the United States, and school desegregation closely followed. For both military and school desegregation, these actions were not done as humanitarian acts but as acts to gain greater power and maintain control.

Through the lens of CRT, it is clear that desegregation of the school system was based upon White control and Whites' decision to "allow" people of colour access to improve their condition in society. These embedded attitudes date back to slavery and President Abraham Lincoln when he freed the slaves. President Lincoln wasn't an abolitionist, but he did not support Blacks having the same rights as Whites. In his fourth debate at Charleston, Illinois, on September 18, 1858, Lincoln made his position clear. "I will say then that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and



black races” (Abraham, 1858). He went on to say that he opposed Blacks having the right to vote, to serve on juries, to hold office and to intermarry with Whites. What he did believe was that, like all men, Blacks had the right to improve their condition in society and to enjoy the fruits of their labor. In this way they were equal to White men, and for this reason slavery was inherently unjust (Pruitt, 2012). Ironically these attitudes persist today but in an effort to support Blacks and other minorities’ access to ‘improve their condition’, funding programs like NCLB and RTTT have been offered.

Supporters of the NCLB Act and RTTT hoped that the new standards and incentives outlined by these policies would help the United States close the education gap not only at home but internationally, and would improve the conditions of educational inequities. The United States now ranks 21<sup>st</sup> for college graduation rates in industrialized nations and President Obama has called upon policymakers and teachers to work hard to place the United States back into the top ranks by 2020. As policymakers and educators scramble to revise or provide more standards and incentives for international prowess, no one appears to be examining the very policies that place other nations ahead of the U.S. and distinctions in how schools are supported.

### **Successful International Policies and Reforms**

Jennings (2011), the former President and CEO of The Center on Education Policy, a non-profit organization that works to create change through publishing reports, convening meetings, and offering expert advice, published an article in which he reviewed Mark S. Tucker’s *Surpassing Shanghai: An Agenda for American Education Built on the World's Leading Systems*. This book examines the education policies and systems of China, Japan, Finland, Singapore and Canada, countries that “consistently outscore American students on international

tests of academic performance” (Jennings, 2011). The most notable differences between the educational policies of these seven nations and the United States of America are:

1. Schools are funded equitably with supplemental resources for challenged schools.
2. Teacher salaries are competitive.
3. Investment is made in “high-quality preparation, mentoring and professional development for teachers and leaders, completely at government expense” (Jennings, 2011).
4. Providing paid time for teacher development and for planning.
5. Creating a curriculum based on qualitative outcomes rather than quantitative measurements such as critical thinking skills, problem solving and creativity.
6. Testing students infrequently but when testing does occur, doing it carefully “with measures that require analysis, communication and defense of ideas” (Jennings, 2011).

The major difference between the United States and its competitors is that of funding. Funding is distributed equitably in other nations and education is premium. This focus allows other more sustaining factors to fall into place, such as under performing schools to be supplemented rather than penalized by insufficient resources/funding, teachers paid competitive salaries for retention and experience, teacher professional development and planning time paid by local authorities, and no-cost mentorships and supervision. Unlike the United States, none of the funding in industrialized nations is based on test scores like it is in the U.S.’s capitalistic model, which rewards the strongest and ignores or penalizes the weakest. “Most other practices of high-achieving countries are not being implemented broadly and consistently in the U.S. Grossly unequal funding between school districts is tolerated in far too many states. Teacher pay is not comparable to that of other college-educated workers” (Jennings, 2011). Teacher

preparation programs vary widely in quality, and too many professional development efforts are short-term, disconnected or irrelevant (Jennings, 2011). Jennings warns that by not addressing factors that are at the core of these nations' successes, the United States will continue to pursue reforms that are completely unheard of in these countries such as extensive testing that leads to punitive actions towards schools with inadequate results.

In support of incorporating techniques that have worked for our international competitors, The Center on Education Policy published *The London Challenge*, a model for school reform that was implemented in London, England in 2003 under the Blair Administration (Shatten, 2006). *The London Challenge* was a five-year plan designed to systematically improve the schools throughout London with emphasis placed on bringing swift change to those schools with the greatest need. The plan was three tiered: Tier one was to bring resources and materials to all London schools. Tier two was to provide private consultation with approximately seventy of London's lowest achieving schools, providing the schools with support and solutions tailored to each school's individual need. Tier three targeted five London boroughs that have the most extreme neighborhoods "where major change is needed and that have a high proportion of challenging schools" (Shatten, 2006). Evaluation of *The London Challenge* by London's Department of Education highlighted two elements that helped the Challenge achieve a high degree of success: (a) the process through which it was funded; and (b) "schools tend to thrive when they feel trusted, supported and encouraged" (Evaluation of the City Challenge Programme, 2010). *The London Challenge* was funded by the local authorities, the government, and other budgets within the government with overlapping goals with a budget to "reduce youth crimes" and support non-profit organizations and businesses (Evaluation of the City Challenge Programme, 2010). Many of the businesses and non-profits also helped to create management

programs. By incorporating businesses and non-profits, the stakes were raised as the general populace invested in the education policies for London's schools (Evaluation of the City Challenge Programme, 2010). *The London Challenge* served as a successful experiment for the United Kingdom and provided a working model to address the country's educational problems as a whole. Developing and testing a "London Challenge 2.0: United States Version" could prove very useful when it comes to addressing funding woes and overcoming the educational gap in the United States.

### **International Policies as a Model for United States Educational Reform**

The phrase that keeps surfacing in the literature reviews of foreign education policies is *equitable funding* while its mirror opposite, *inequitable funding* dominates reviews of United States' education policies. The National Opportunity to Learn Campaign published a critique of current educational policies while also adding suggestions for amendments to the policies with a focus on using a civil rights framework to provide all students with a fair, equitable education (National Opportunity to Learn Campaign, 2010). Recommendations made by the campaign which seem most suitable for addressing the concerns raised in this thesis are:

1. The federal government should adopt common resource opportunity standards to "support the states' common student outcome standards movement by ensuring sufficient resources to address extreme state budget cuts and interstate inequities" (National Opportunity to Learn Campaign, 2010).
2. Shift focus from competitive grant systems that reward merely a few states to incentives for all states to "embrace system reform" (National Opportunity to Learn Campaign, 2010)

3. Promote and support highly successful, seasoned teachers and make such teachers accessible across school districts.
4. Improve the quality of school's standard operating practices, and increase the instructional capacity of staff in these schools through professional development or more selective hiring.
5. Provide additional resources, both inside and outside the classroom for students and teachers.

In *Standing on the Shoulders of Giants*, commissioned by the Organization for Economic Cooperation and Development, Tucker (2011) argued the idea that in order to truly reform America's schools we must move toward a more extreme policy of removing the local control of school finances:

Local control of school finance has been an emblem of American education for a very long time, and is a deeply ingrained feature of our system. In essence, in many states, groups of citizens have been allowed to gather together to form their own education taxing districts. The result is that wealthy parents, by forming their own taxing districts, can drive their tax rates very low while benefitting from very high tax yields. At the other end of this spectrum, people who cannot afford very much for housing end up congregated together in districts where they must tax themselves at very high rates to produce a very low yield. In such a system, the children of the wealthiest families get the best teachers and the best of all the other available education resources, and the families with the least money get the worst teachers and the worst of everything else as well. (pp. 25-26)

Perhaps it may be wise to move from state and local school district control of school funding to national funding policies and mandates across the board. In the United States at the current time, it is impossible to make educational funding policies uniform for all states because education is not a constitutional right. While there are elements of education that are protected by relevant parts of the constitution, education is not considered a constitutional right for all American citizens. Without constitutional law, states have choice in adhering to education reform. By simply refusing to receive federal funds, they do not have to comply to its stipulations. The United States has much to learn from industrialized, top-performing countries.

Almost all of the top-performing countries have been moving away from local control, if they ever embraced it, and toward systems designed to distribute resources in ways intended to enable all students to achieve high standards. That does not mean equal funding for all students; it means differential funding; it means unequal funding designed to come as close as possible to assuring high achievement across the board. (Tucker, 2011, p. 26)

To move school funding away from local districts will mean altering the state education funding policies, and the federal government's education funding policies and involvement in the education process. Some state governments already have clauses regarding educational funding in their constitutions. Recently the state of Kansas was sued by four Kansas school districts over unconstitutional funding in the *Gannon vs. Kansas* case. The Kansas Supreme Court ruled in favor of the plaintiff, stating that according to Kansas' constitution the current school funding in Kansas was indeed unconstitutional (Supreme Court Decision Analysis, 2014). Essentially it was determined that the "legislature was failing to meet its constitutional obligation to adequately fund schools" (Graff & Eligon, 2014).

That citizens in the state of Kansas cared enough about the state of their schools to take their state to court over what they deemed to be unconstitutional funding at first makes one pause, wondering if they should dare to hope that perhaps this could spur similar movements in other states across the country. Certainly, taking on a state constitution and government is slightly simpler than taking on the federal constitution and government. Inspired by the verdict in Kansas I would like to propose a two-part strategy aimed at making education a right so that the children of this country can all have equitable academic experiences.

Part one of this strategy is to start a grassroots movement among educators, legislators, parents and students in every state. This movement would include: research and education about the inherent racist structure of our education system and the funding for the system, in-depth study of individual state constitutions and then holding the state legislators accountable whether through proposing an amendment to the state constitution, proposing a new bill or even, as educators and parents in Kansas did, taking the state government to court. The purpose of the first part of the strategy is to begin a forward and positive movement for change; to begin a dialogue. Until people begin to truly talk about the problem, it is easy to pretend that the problem doesn't exist. To begin a dialogue is to spread awareness, to get ideas flowing and to inspire others to join the movement. Part one of this strategy is intended to begin a revolution, state by state, in how our schools are funded and to bring awareness to the fact that without addressing the issue of institutional racism inherent in the system, the system cannot and will not change.

Part two of the strategy is much larger; it is to take on the federal government and the federal constitution. Because part two of the strategy is on such a large scale, it should be started concurrently with part one. Education needs to be made a constitutional right and the federal government needs to create a model of academic standards based on the research of our

international academic competitors, a model that must be implemented nationwide. America “land of the free, home of the brave,” continues to be a place of oppression for so many populations: people of colour, people who identify as lesbian, gay, bi or transgender and women, to name a few. Changing how our schools are funded can help turn the tide of the oppression. If funding became equitable and if schools were held to high academic standards the children of this country, especially the children of colour and the children who live in rural areas or in the inner cities, would finally have the opportunity to reach self-actualization and to actually live the American dream of freedom.

### Summary

This chapter explored the elements of international education policies that have placed at least seven nations ahead of the United States academically. It also explored and proposed a two-part strategy to make school funding equitable both through a grassroots effort, state-by-state, and through a federal effort. The federal effort, making education a constitutional right, will be expanded in Chapter 6.



## **CHAPTER VI**

### **Education as a Constitutional Right**

Critical Race Theory (CRT) provides an insightful conceptual framework for understanding the inequalities in education that result primarily from race and racism, and lays the foundation for an accelerated pace for education reform to address educational inequality. Yet while CRT focuses on the ongoing adverse impact of racism and how institutional racism privileges Whites in education while disadvantaging racial minorities, there is a much greater problem. Education is not a constitutional right, which means that there are no federal mandates or policies to guarantee equal access to education and to ensure that the same opportunities occur for all students in the United States. The Tenth Amendment to the United States Constitution states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people" (Constitution of the United States of America: Analysis, and Interpretation - 1992 Edition). Because education is not specifically mentioned in the U.S. Constitution, it is one of those powers regulated to the states. The United States Supreme Court has jurisdiction to proclaim that what is not mentioned in the Constitution can be so closely mirrored to something that is mentioned, that the unspecified sovereignty is a fundamental interest, which rises to constitutional protection. To date, the Justices of the United States Supreme Court have not declared that education is a fundamental interest, thus leaving states plenary, or absolute, power in the area of education.

In 1973, the U.S. Supreme Court declared that the U.S. Constitution did not provide a right to equal educational opportunity based on students' relative wealth or poverty (*San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 1973). Since this landmark decision, all cases that have challenged the equity or adequacy of public school finance are continued under state constitutions.

Programs like RTTT and NCLB are federally funded, but state regulated. The federal government has limited control in forcing states and school districts to comply with their reforms. In order to implement real school reform at the state and local level, state, local leaders and education officials must embrace reform strategies and commit to uniformly carrying them out. Federal incentives and punishments have little effect on states that choose not to comply and the states do so by rejecting funding or by limiting their implementation of such policies. There are some states that have advocated for funds to improve their schools. Massachusetts and about thirty other states have contested or are in hearings over school finance to reform their educational systems, and educational equity and adequacy.

The RTTT program and the NCLB Act engage in many of the same funding issues and have many of the same goals, but their provision approaches are different. RTTT provides incentives for schools to reform their education systems, and NCLB mandates schools to reform their education systems as a condition of receiving Title I funds. Title I funds are distributed according to a federal formula and pays for educational programs specifically designed for disadvantaged children.

NCLB provides a foundation for RTTT but, because RTTT is voluntary, it has flexibility in its ways of measuring student, teacher, and school performance. If and when RTTT and NCLB are reauthorized by Congress, it is likely that the RTTT competition will likely be

incorporated into a new version. In the meantime, both NCLB and RTTT coexist side by side, with both laws currently in effect.

The original intent of the NCLB Act of 2001 was to close achievement gaps between African American and Hispanic students at the lower end of the performance scale, their non-Hispanic White peers, and the similar academic disparity between students from marginalized income families and those of affluence. These actions led to greater awareness of racial disparities and educational gaps, and in spite of the intent to close such gaps, no appreciative action has occurred since the policies were passed. Results from the National Assessment of Educational Progress (NAEP) suggest that significant strides have occurred in Black and Hispanic students' performance in reading and mathematics, but that a serious deficit still remains. For example, special analyses by the National Center for Education Statistics (NCES) in 2009 and 2011 showed that Black and Hispanic students trailed their White peers by an average of more than 20 test-score points on the NAEP math and reading assessments at 4<sup>th</sup>- and 8<sup>th</sup>-grades, a difference of about two grade levels (NCES, 2011). These gaps persisted even though the score differentials between Black and White students narrowed between 1992 and 2007 in 4<sup>th</sup>-grade math and reading and 8<sup>th</sup>-grade math (NCES, 2009, 2011).

Researchers have tried to pinpoint why race and class are such strong predictors of students' educational attainment (NCES, 2009). In their controversial book, Murray and Herrnstein (1994) reported that variations in genetic makeup and natural ability were at the root of underachievement in African Americans. More recent studies assert that achievement gaps are the result of more subtle environmental factors and "opportunity gaps" in the resources available to poor versus wealthy children (Gee & Payne-Sturges, 2004). Other studies show that children in poverty whose parents provide engaging learning environments at home do not begin school

with the same deficiencies seen in children without such stimulation (Sparks, 2011; U.S. Department of Education, 2000; Viadero, 2000). Research further shows that students in poverty and children of racial minority groups are overwhelmingly represented in the lowest performing school districts (Cruz, Engel & Lynch 2010). Braeden (2008), Hanushek, Kain, and Rivkin (1998), and The Teaching Commission (2004) reported that poor and minority students do not have the same access to experienced teachers, quality materials, and resources as their White counterparts in affluent communities. Yet regardless of researcher explanations, the common denominator stills appear to be race and environment, or ‘the haves and the have nots’, which mirrors privilege, supremacy and separate, not equal. These actions are consistent with some of the basic tenets of CRT as laid out by Delgado and Stefancic (2001) in Chapter 2 of this thesis:

1. Racism is ordinary not aberrational; it permeates our society on every level, not just loud, blatant happenings.
2. There is an interest convergence in our society; racism advances the interests of most White people regardless of their socioeconomic status which creates a negligent amount of incentive to change things.
3. Race and racism are products of social thoughts and construction.
4. Differential racism exists, in which the dominant society will often racialize different minority groups in accordance with economic and political currents.

We are at a tipping point in society where identifying the problem, understanding its impact, and idealizing remedies are no longer sufficient. According to CRT at the core of inequalities remains separation by racism, greed, economics, and political control, which are innate powers not willing to be equalized by White America.

In principle, society professes to close the achievement gap and indeed some states and schools have taken action to address disparity issues, but without uniform federal mandates from the Supreme Court mandated in the U.S. Constitution, it is likely that discriminatory practices will continue and that the educational divide will remain. When states have a choice in whether they wish to receive funds, how they wish to use them, and are allowed to have different accountability measurements for student academic performance, the system does not change. Remedies such as reducing class size, expanding Head Start Programs, raising academic standards, and improving the quality of teachers will have minimal effect. Teachers can only do what is within the guidelines of their contract, what is supported by their school districts, and what their state governance approves. Therefore any attempts to influence student behavior that are not sanctioned by the system are disallowed. More importantly, students who may be of affluence like Natasha may go home and tell their parents that they were asked to play or interact with a Black child can take their marbles and go elsewhere to play, either to a private school, charter school, or home school to avoid such interactions. These behaviors neither balance nor improve and equalize our education system.

Thus far this thesis has shown three important obstacles to educational equity:

1. Education is not a constitutional right.
2. State lawmakers have the right to refuse government funds and thereby do not have to adhere to federal guidelines and expectations.
3. The constitutional right to equal education and equal access has to be ratified by the U.S. constitution before uniform change can be made.

When I began this research, I anticipated it to be a simple process. I did not understand nor did I conceive the intricate parts of a huge problem. My personal question was how do children at

Natasha's young age learn of racial differences and how does this knowledge transition to racism and disparities in our society. More importantly, how was the foundation laid to give her "the absolute right to exclude" (Ladson-Billings & Tate, 1995), and ultimately create a system that is divided by both education and race. The tenets of CRT laid the foundation for my understanding, and it became perfectly apparent to me that the U.S. Congress must address the problems of race, racism and the educational divide, which is a broader policy issue.

Education must become a constitutional right and federal funding must be distributed equally. Lack of equality in race and education must be viewed as a violation to the equal protection clause of the U.S. Constitution, particularly if education is considered to be a fundamental right, such as the right to vote, guaranteed by the Constitution and district wealth a suspect classification, such as race, under the Constitution. Unfortunately this assumption will not materialize without the radical action to ratify the U.S. Constitution to establish education as a fundamental right and to explicitly use this wording in the United States Constitution so as to avoid making educational policy vulnerable to various constitutional interpretations and shifting political priorities. According to Section 5 of the U.S. Constitution, this is allowable:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses

in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate (Constitution of the United States of America, 1789).

Even though an amendment can be proposed, it does not become part of the Constitution until it is ratified by three-fourths of the states, either the legislatures thereof or in amendment conventions. The states of Mississippi and Delaware have the most recently ratified amendments to the U.S. Constitution. Mississippi ratified the 13th Amendment, which prohibits slavery, on March 16, 1995 (originally proposed on January 31, 1865), but the state did not officially notify the U.S. Archivist until 2012, when the ratification finally became law. Delaware ratified the 17<sup>th</sup> Amendment, which requires Senators to be elected by the people (originally proposed on May 13, 1912) on June 25, 2010 (Constitution of the United States of America, 2010.) I use these illustrations to show that ratification is possible and that many states have ratified amendments. When amendments are made into law, they must be enforced. Hence, this is the radical action that states must now take in order to eliminate racial and educational inequities and to rid our society of these egregious disparities.

Using CRT as a framework for understanding, these amendments could be challenging. The basic tenets of CRT as outlined out by Delgado and Stefancic (2001) are:

1. Racism is ordinary not aberrational; it permeates our society on every level, not just loud, blatant happenings.
2. There is an interest convergence in our society; racism advances the interests of most White people regardless of their socioeconomic status which creates a negligent amount of incentive to change things.
3. Race and racism are products of social thoughts and construction.

4. Differential racism exists, in which the dominant society will often racialize different minority groups in accordance with economic and political currents.

The 112<sup>th</sup> Congress is composed of 540 individuals from 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands. There are 44 African American members, 31 Hispanic or Latino Members, 13 Asian or Native Hawaiian/other Pacific Islander ancestry, and one American Indian (Congressional Research Service, n.d.). Four hundred and fifty-one individuals are White. When applying the tenets of CRT, 'race and racism advances the interests of most White people; is not ordinary; are products of social thought and construction; and is attached to economic and political climates'. Whether such an aggressive action to ratify the U.S. Constitution occurs will depend upon whether Whiteness, perceptions of entitlement, property, 'separate, but equal', and ownership of education is viewed as an exclusive constitutional right.

The United States indeed has made good progress in recent year in attempting to reform standards and providing funding to better help our students reach equitable outcomes. We have done this by attempting to focus on lowest-performing schools, attempting to comply with civil rights laws, and providing sources of funding for corrective measures. However, our traditional structuring of schools, lack of accountability in spending and choice to engage in reform is not working. Our schools and society need not become complacent with what has been done and hope that progress will continue. We indeed need consensus on policy goals and measures and must have the power to implement them. We must make education a constitutional right by ratifying the constitution. Then, and only then, will we be able to overcome an invincible construct such as racism and politics (i.e., Whiteness) to place children first, and to truly provide



them the opportunity ‘to improve their condition in life’ and to bring social, political and educational equality of both the White and minority races.

Natasha is five years old and already she knows racism, White privilege, exclusiveness, and ‘separate, *not equal*’. Do we want her to raise her own children with such racist attitudes? The time to change our educational system is now. We must begin with high standards of learning and access for *all* students, and a firm commitment by Congress to do whatever it takes to allow each and every student equal access to success.

## **CHAPTER VII**

### **Parting Thoughts**

This paper began as a means to explore how to talk to young children about the very real issue of race and it quickly turned into a paper tackling a much larger concern: school funding. As expressed in Chapter 1 until policies surrounding education change, racism in all of its nefarious and subtle forms will continue to plague America and will continue to oppress citizens of colour. That said, anti-racism work isn't just about tackling the policies, it also is about working with our communities, working with our families and our friends. This paper was written by a White, female, social work graduate student as a call to action to her White peers, because all people and especially White people, need to start examining their privilege and how they may be oppressing others without consciously acknowledging such behaviors. Claiming that the citizens of America are free is a lie. The best place to examine privilege, to begin anti-racism work and to start un-learning is in our schools; and those schools must offer the same opportunities to all of America's children: they must each have superb teachers; enough supplies and materials for each student; strong parent outreach programs; and curriculum that reflects the true face of America, a beautiful, multi-faceted face made up of different races, cultures, religions and ethnicities, instead of just a White, European face.

As I reach the end of this paper, I am grateful to Natasha for the lessons she taught me about racism and I hope that I am able to gently share with all of the Natashas that will cross my path as a social worker and as an educator for years to come, what I have learned about racism,

oppression, privilege freedom and equality; and I hope that they may go on to later grow to do their own anti-racism work. As espoused in this thesis, there must be statewide and nationwide change regarding public school funding to begin to close the education gap between students of colour and White students, to truly begin to take institutional racism by the horns and dismantle it; and while we work on the policies, we also must continue to work on ourselves. It needs to start in the dreams, in the hearts, and in the homes of all of us in America.

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