

Case Study

Using racial data to improve education for minority children in the USA

Daniel J. Losen

When Barack Obama ran for President of the United States of America (USA), he did not avoid difficult questions of racial identity or gloss over the legacy of racial injustice, even while urging American voters to move beyond the racial divide that threatened to undermine his candidacy. Instead, he pointed to continued divides and reframed the deep-rooted racial inequities that exist in the USA as a subset of the great challenges confronting the nation as a whole. Obama said:

'This time we want to talk about the crumbling schools that are stealing the future of black children and white children and Asian children and Hispanic children and Native American children. This time we want to reject the cynicism that tells us that these kids can't learn; that those kids who don't look like us are somebody else's problem. The children of America are not those kids, they are our kids, and we will not let them fall behind in a 21st-century economy. Not this time.'

Obama's approach to race may contain a valuable lesson for those seeking to guarantee the right to education for the world's minority and indigenous children. This article suggests that a similarly sensitive yet unblinking approach toward the collection and utilization of racial data in education is needed to combat the racism that is an obstacle to the right of all children to be educated. Without such data, minority and indigenous children will remain invisible and the injustices they suffer, including the denial of educational opportunity will only persist. Documenting progress is equally important, but without accurate baseline racial data it will be hard to distinguish policies that bring true progress from false claims of equal opportunity.

The examples that follow illustrate how the use of racially disaggregated data bolstered efforts to secure a more racially just system of public education in America. The examples are rooted in the work of the Civil Rights Project (CRP) at Harvard University (now at UCLA). In each case, research using empirical data helped reveal large inequalities in educational opportunity in a way that compelled legislators and administrators to change laws to better improve educational outcomes for minority children. They fall within the context of a long-standing civil rights movement in the USA, that has had the right to education as a primary focal

point since the famous finding in *Brown v. Board of Education* (1954) that 'separate education' in America was 'inherently unequal'. Without access to this kind of baseline data on race, ethnicity, gender and disability, the advocacy efforts described below would have been impossible.

Example one: racial disproportionality in special education

Very similar to the plight of Roma children throughout Europe, in the USA there is a legacy of labelling minority children mentally disabled and relegating them to substandard and segregated educational facilities. Given the extant exclusionary and bigoted policies surrounding students with disabilities, it should not be surprising that the disability label was used by those seeking to preserve racial segregation when they could no longer explicitly use race as the basis of exclusion.

Researchers, disability advocates, educators and minority families had known about this problem for decades, but it was not until 2001 that the national news media really took notice. Following a research conference in 2000, the CRP presented the most salient findings in Washington DC, at a forum co-sponsored by the NGO American Youth Policy Forum. The forum was attended by the staff of members of Congress, education policy NGOs, education researchers and members of the media.

Broadcast journalists who covered the event decried the fact that black people were three times as likely as white people to be labelled mentally retarded, and even mentioned that unconscious racial bias was, at least in part, likely responsible for these disparities. The full report also showed that black and Latino students with disabilities were far more likely than their white counterparts to be suspended from school, to drop out or to be imprisoned. The report had data describing the often significant disparities in each of the 50 states in rank order, and the coverage on national television gave rise to extensive coverage by local news media. There can be no question that the stark nature of the data, and the fact that the data and analysis were from reliable sources (federal databases) that were easy to verify, helped considerably in getting the message out. At the request of Representative Chaka Fattah, the USA House of Representatives convened hearings on the issue in 2001.

One obstacle, however, was the notion that the racial disparities revealed were all explainable by



Left: African American students and their teacher in a middle school in Florida, USA. *Betty Press/Panos.*

the appearance of possibly inappropriate identification of minority students in categories such as mental retardation and emotional disturbance, and the long legacy of students of colour being unfairly stigmatized and intentionally removed to segregated settings.

Revealing this data in the media and in the subsequent congressional hearings elicited a reaction, and by 2004 the Individuals with Disabilities Education Act (IDEA) was amended, making remedying racial disproportionality in special education a top government enforcement priority.

One particular enforcement provision requires state educational agencies to intervene where the state has determined that a district has significant racial disproportionality in identification, and that the over-representation was the result of inappropriate identification. A subsequent provision requires public reporting by the state regarding each district's performance in this regard. But perhaps the most important provision not only requires extensive data collection and analysis, but also requires sizeable expenditures on preventive interventions where a state, in reviewing the data alone, finds significant racial disproportionality.

The legislative achievement created potential for change, but also set the stage for continuing advocacy struggles. For example, even though President George W. Bush signed the reauthorized IDEA into law he issued a 'signing statement' suggesting that he disapproved of the provisions described in this case study. The US Department of Education created administrative interpretations that were often confusing, and many that civil rights groups formally objected to.

Evaluation of the impact is not as direct and straightforward as one would like. One reason is that while single indicators such as unusually high levels of enrolment in special education programmes, or very low graduation rates, may serve well to highlight inequity, no single indicator can suffice to indicate that minority children have equal educational opportunity, or that their conditions of education in fact improved following a change in education policy. One ever-present concern for advocates is that what appears to be a significant

change on paper actually represents a shifting of a problem rather than an effective remedy. For example, as pressure against over-representing students of colour rises, identification rates for special education and removal from class on disability grounds may go down. Yet if during this same period there is also a large increase in the rates of suspension and expulsion for non-disabled minority students, that would suggest that exclusion on grounds of discipline had simply replaced exclusionary special education practices. If this were the case, it would be hard to claim that the change in educational policy and increase in opportunities actually improved the conditions of education for children of colour.

Example two: racial disparities in graduation rates

While internationally the denial of education to women is of primary concern, in the USA, black males are often the sub-group experiencing the greatest harm. Reports combining data on race and gender are therefore invaluable.

Following a conference convened jointly by CRP and the NGO Achieve Inc., the analysis shown in Table 1 was published to confront a major problem: minority youth were failing to finish high school at very high rates. The public was largely unaware of this problem. The Department of Education was not reporting any data to the public on graduation rates, despite the capacity to do so. State governments filled the void with reports that masked over this educational crisis for minority students.

The report on graduation rates, with a focus on the crisis for minority youth, attracted national attention, again using influential and popular media. As public awareness grew, CRP held further conferences, and many other researchers began studying and reporting similar findings. Several politicians, including Obama, added improving graduation rates to their election campaign's educational platform. Before election year in 2008, the Department of Education issued new regulations requiring the reporting of more accurate, disaggregated rates by race. The new regulations added accountability for schools and districts if minority or ethnic groups, students with disabilities, English learners or socio-economically disadvantaged youth failed to make adequate improvements in their rate of graduation. The regulations further called for states to provide greater oversight and accountability for

poverty, not race. Here the research that further disaggregated the disability data by race and gender was most persuasive. The expected relationship was that risk for disability would rise with the level of poverty, regardless of gender or race. But one study of national data powerfully showed that, contrary to the expected trend, black people generally, and black males most dramatically, were at increasing risk of being labelled mentally retarded as poverty decreased. Moreover, neither the large differences in rates of identification by equally poor black and Latino children, nor larger differences in identification rates by gender within each racial group, could be explained by poverty.

The combined analysis of race and gender data also cast doubt on the assumptions: that the special education identification process was a scientific and accurate one; that the placement, supports and services provided to the recipients were necessarily

beneficial; and that there were adequate procedural protections to ensure that students with disabilities were not unfairly disciplined. Additionally, research indicated that children of colour who do have disabilities receive vastly unequal supports and services, especially compared to their white counterparts. Ultimately, compared to white students with disabilities, black students with disabilities were found to be four times as likely to be educated in a correctional facility (prison), and Latinos nearly twice as likely.

Any one of the several studies alone might have raised questions about unjust labelling. An isolated report, however, would not have been as illuminating as the combination of the data with individual anecdotes and historical references. The legal history of the misuse of special education placement to circumvent court ordered desegregation requirements, for example, helped to connect the dots between

Table 1 National graduation rates by race and gender (class of 2001)

Race/ethnicity	Nation	Female	Male
Asian/Pacific Islander	77	80	73
Hispanic	53	59	48
Black	50	56	43
White	75	77	71
All Groups	68	72	64

very low graduation rates among minority students. The regulations should lead to more accurate reporting, but issues of accountability and resources for intervention remain. Fortunately, the issue remains high on Obama’s education reform agenda, and that of numerous politicians, education researchers and campaigners.

But the hard reality is that we know the least about the minority children who are suffering the most. For example, when rates of discipline are disaggregated by gender and race, black males are often significantly worse off than other groups, including black females. Unlike the data on special education and graduation rates, the disaggregated discipline data on short-term suspensions is not reported annually to the federal government, and large racial disparities do not trigger any interventions.

As Table 2 on 12–14-year-old students demonstrates, there are dramatic differences in rates of suspension both between racial groups and within racial groups, when the data are broken down by gender. Moreover, the USA fails to regularly collect and report data on the thousands of children who are arrested (many for offences committed while in school) and put in jail. These untracked children are the most vulnerable, in part because we know the least about them. From the few reports that have been conducted we know these children are disproportionately minority males, and students with disabilities. We also know that children in US prisons are exposed to a high risk of abuse and substandard education, if education is even provided. Juvenile incarceration is known to be a leading indicator of adult incarceration. Moreover, the USA incarcerates the highest percentage of its adult citizenry, with tremendous racial disparities. According to Marian Wright Edelman, President of the Children’s Defense Fund, a non-profit organization:

‘In America, a black boy born in 2001 has a 1 in 3 chance of going to prison in his lifetime, and a Latino boy a 1 in 6 chance, and yet we spend nearly three times as much on every prisoner as we do per public school pupil.’

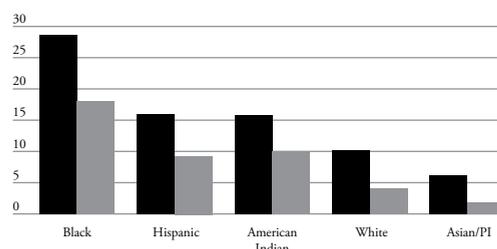
Therefore, domestically and internationally, there is a need to collect and analyse disaggregated data on rates of incarceration and access to education for minority children behind bars.

Conclusion

We only count those whom we care about, the rest remain invisible. If we cannot keep track of children from minorities, their educational outcomes, their access to educational resources or their rates of incarceration, then we cannot hope to protect their right to be educated. From a human rights perspective, having access to disaggregated quantitative data increases our capacity to reveal injustices and speak truth to power.

The disparities highlighted here reflect deep educational resource inequalities. We can often predict educational outcomes for minorities by looking at

Table 2 Middle school suspension rates for all children broken down by race and gender: 2005–6



Source: USA. Department of Education: Office for Civil Rights (over 9,000 middle schools).

their access to key resources, including per pupil expenditures on education and access to qualified teachers. Therefore, one important specific recommendation to complement the general one is that campaigners and others urge governments to track and monitor minorities’ access to the most critical educational resources.

While human rights advocates must be sensitive to the potentially divisive quality of discourse on race, too much caution risks failing to confront racial injustice. Though the examples here may seem unique to the USA, there are several core principles embedded in them that are relevant for advocacy once the following prerequisites are achieved: that states acknowledge that minorities do exist; and that the education of minority children is an important national interest (even if, as in the USA, a fundamental right to education is not yet protected constitutionally). When those prerequisites are in place, here are just a few important principles regarding data that advocates from the international community might stress for every country.

- Data on minority children should be publicly reported and verifiable by independent researchers.
- Racial and ethnic data should be further disaggregated and reported by gender, socio-economic status and disability whenever possible.
- It is critically important to track and monitor data on all forms of labelling, sorting and exclusion from mainstream educational opportunities.
- The most predictive inputs, such as access to highly qualified teachers, as well as outputs that reflect the success or failure of the entire system, such as high school graduation rates in the USA, should be measured and monitored.
- Disaggregated data on minority children who are incarcerated, forced to serve in the military or otherwise foreclosed from the educational system should be collected and investigated. ■