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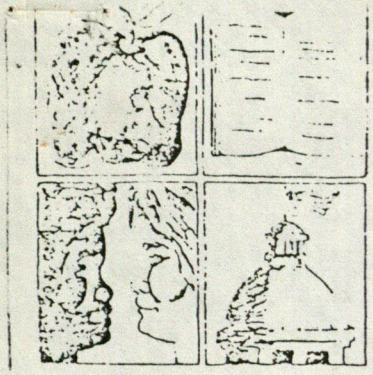

PROGRESS

A Report of Desegregation Trends in the States

Fall 1980

A publication of the National Project and Task Force on Desegregation Strategies

This issue of Progress is dedicated in its entirety to some of the concerns surrounding desegregation in Hispanic communities. Dr. Diego Castellanos offers a reasoned approach toward assuring equal educational opportunity for Hispanic children. At the same time he increases our awareness of integrated education for this group.

Dr. Castellanos argues for a two-pronged strategy of bilingual/bicultural instruction while simultaneously eliminating Hispanic isolation. He calls on school officials at both the state and local levels to "sell" desegregation to Hispanics by assuring them that bilingual programs will be preserved within a desegregated setting.

Providing equal educational opportunity to minority groups requires persistent state leadership. An estimated 2½ million Hispanic children deserve access to the best education resources which the community offers. Bilingual instruction guarantees only one aspect of Dr. Castellanos' two-pronged remedy. Already twenty-two states are addressing the needs of Hispanics through some form of financial assistance to local districts for bilingual education. What remains to be initiated, in most of these states, is financial assistance and programmatic leadership directed at eliminating Hispanic segregation, which is increasing in America. BW.

DESEGREGATION OF HISPANICS AND ITS IMPLICATIONS: A CRITICAL ISSUE FOR THE 1980s

by Diego Castellanos*

School desegregation can no longer continue to be an exclusive Black and white issue as it has been in this country for the past quarter century. With demographers predicting that Hispanics will be the largest minority in the U.S. at the turn of the century, educators are now facing the difficult challenge of integrating this national origin minority into the mainstream of American education.

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The National Project and Task Force on Desegregation Strategies is jointly sponsored by the Education Commission of the States, the National Association of State Boards of Education and the Council of Chief State School Officers. Funding is provided by the National Institute of Education, the Ford Foundation and the U.S. Office of Education.

The task may be far more complicated than the desegregation of Black students because it involves linguistic and attitudinal differences, in addition to the racial, cultural and socio-economic issues surrounding past desegregation efforts. The idea of preserving bilingual education programs while implementing tri-ethnic desegregation plans, for example, is causing chief school officers at the local and state levels to have nightmares.

One can appreciate why, when school administrators are directed to desegregate Hispanic children, the initial reaction is usually an immediate appeal: "Do we have to do it?" The prevailing legal national climate suggests an affirmative response to that question. Federal and state constitutional language, executive, legislative and judicial pronouncements, grants-in-aid conditions and assurances, and other rules, regulations and guidelines mandate that equal educational opportunity be made accessible to all students regardless of (1) race, (2) sex or (3) national origin--and specifically militate against segregation on any of these grounds.

Yet, strict desegregation compliance enforcement has focused almost exclusively on the problem of racial isolation of Black and white children. Sex desegregation, for example, deals basically with the issue of male/female equal access to opportunities and resources. Remedies aimed at providing educational equity for national origin students, whether by administrative, legislative, judicial or consent decree, have been limited for the most part to the provision of English instruction or bilingual education, both of which tend to exacerbate segregation. When it comes to the actual desegregation process, Hispanic children have been either (1) completely overlooked as if they did not exist, (2) lumped with either the Black or white groups, or (3) purposely segregated for a variety of reasons.

When overlooked Hispanics end up wherever the district's housing patterns place them without regard to the resulting isolation. When classified as white, Hispanic children are sometimes used to fill the white "quota" of a previously all Black school to achieve racial balance, thereby perpetuating the unequal treatment of both, Blacks and Hispanics. In contrast, Hispanic children classified as minority are sometimes used to fill the minority "quota" to balance a previously all white school, while Black children remain relatively isolated in the process. Whichever of these disparate approaches is used, the special educational needs of Hispanic students are seldom, if ever, considered.

It is not surprising, then, that despite a quarter century of activity in public school desegregation, it is a well-documented fact that the Hispanic children are not only more likely to attend predominantly minority schools than Blacks, but their language is often used to further segregate them within the walls of school buildings in "special" classrooms that run the gamut from bilingual to EMR (educable mentally retarded) classes, which are often the result of misclassification.

Litigation by Hispanics against segregation and its effects predates Brown. Mendez, Delgado, Hernandez, Alvarado, Soria, Gonzalez, Zamora, Serna, Morales, Arvizu, and Mendoza are but a few of many Hispanic plantiffs in desegregation cases since 1946.

Brown did not specifically refer to Hispanics in 1954. The case was argued in behalf of Blacks whose blatant segregation was sanctioned by law, and was litigated in Kansas, where the Hispanic student enrollment was negligible at that time. The decision, however, was said to apply also to others similarly situated. There should be no doubt that the intent of Brown applies to any minority class which has suffered the denial of educational opportunity. Indeed, it applies to females and national origin students. Subsequent court decisions and legislation support this.

Cisneros v. Corpus Christi in 1970, for example, held that the principles of Brown are applicable to Hispanics as well as Blacks. The court ruled that Hispanics are an identifiable ethnic minority, therefore establishing that the degree of segregation in any given school can no longer depend on the ratio of the number of whites to the combined number of identified minority pupils (Black and Hispanic) in that school.

This concept of tri-ethnic desegregation has been followed in more recent court cases. One opinion stated; "No remedy for the dual system can be acceptable if it operates to deprive members of a third ethnic group of the benefits of equal educational opportunity. To exclude Mexican Americans from the benefits of tripartite integration in the very act of effecting a unitary system would be to provide Blacks with the benefit of integration while denying it to another ... group on the basis of national origin."

Other cases in which Hispanics have been legally declared to be a separate protected minority, and cannot be mixed with Blacks for purposes of desegregation as contemplated by law, include U.S. v. Texas, Tasby v. Estes, and Ross v. Eckels. The reader may wish to check out the disposition of other cases involving Hispanics, such as Aspira v. New York, Bradley v. Milliken, Morgan v. Kerrigan, Evans v. Buchanan, and U.S. v. Midland.

In cases not involving desegregation, the courts (in Serna, Overton, and Rios) declared that LEP (limited English proficiency) students have a right to bilingual education. In the context of desegregation, however, the Supreme Court (in Keyes v. Denver) ruled that bilingual education is not a constitutional right and is no substitute for desegregation. The decision stated that although bilingual instruction may be required to prevent the isolation of minority students in a predominantly Anglo school system, such instruction must be subordinate to a plan of desegregation. Maintaining a segregated school, even for purposes of bilingual instruction, violates the constitution.

The court ruling which had the greatest impact on the educational opportunity of Hispanics, ironically, did not involve the segregation issue and did not involve Hispanics. It was Lau v. Nichols, a case involving Chinese students in San Francisco who were required to attend classes which were taught exclusively in English. The landmark decision was based on Title VI of the Civil Rights Act of 1964, which specifically mentions national origin as a criterion that may not be used to exclude, deny, or discriminate.

The Supreme Court in Lau noted that Title VI regulations prohibited conduct which had a discriminatory effect as well as conduct which was intentionally discriminatory. It stated that there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. That opinion upheld an HEW memorandum issued on May 25, 1970, which had interpreted Title VI to prohibit the denial of access to educational programs because of a student's limited English proficiency (LEP), therefore establishing language discrimination, distinct from racial discrimination, as the principal cause for national origin segregation.

It follows, then, that Title IV of the Civil Rights Act, which provides technical assistance for desegregation of public education, places a high priority on the learning of English as the most urgent need of national origin students. This focus, of course, negates a large constituency of Hispanics who speak English fluently but are still subjected to the indignities, subtle or otherwise, hurled against national origin groups by an ethnocentric society. National origin desegregation ought to be a broader issue than compensatory language instruction, although bilingual education may be a necessary part of it. It has to deal with physical segregation, cultural isolation, service denial, and unequal opportunities, in addition to language discrimination. Title IV rules and regulations presuppose that other discrimination, denial of opportunity, and/or segregation suffered by national origin pupils who are not of limited English proficiency will be addressed by the race desegregation component of Title IV programs. That assumption has proven to be wrong. Just as schools generally do not involve Hispanics in their desegregation efforts, race desegregation assistance centers, institutes, and agencies do not generally have the capabilities to provide services to Hispanic students.

Many people would argue that most Hispanics are Caucasians, were never slaves, and their school experience is no different from that of other white ethnics before them. Others insist that since Hispanics have been traditionally regarded as members of a non-white, despicable race, their experience is closer to that of Blacks. Both schools of thought are correct, of course, because a capricious society has chosen to treat them as both non-white and foreign, with all the "double jeopardy" implications that these labels carry.

In their social relations, for example, most white Anglos are less leery of Black Americans than of Hispanics because at least Blacks speak English. Compared against other non-English speaking people, however, Anglos probably prefer to socialize with European immigrants because European whiteness is not in doubt. This classical Catch-22 inconsistency clearly places Hispanic students in a suspect category, against whom discrimination is not only conceivable but highly probable.

This suspicion is confirmed by national statistics which indicate that Hispanic children are typically two to three grade levels behind other students, their dropout rate has been frequently reported as high as 85%, their parents have the lowest median income, and their families live in segregated barrios.

The segregated housing patterns, the language difference, and a fatalistic parental attitude which clouds any causal relationship between racism and their children's lack of success in school are probably the main impediments in desegregating Hispanics. While Black Americans grew up in a racially divided society, Hispanics come from homelands where stratification is on socioeconomic bases. They accept the denial of access to resources as a logical consequence of being poor, just as they accept the denial of educational opportunity as a logical consequence of not knowing English, often faulting themselves for the failure. The concept of racism is alien and often incomprehensible to them. One must bear in mind they became minorities for the first time when they arrived here.

Not unlike most other parents, Hispanic parents favor neighborhood schools, are against busing, and do not seem to mind their children attending segregated schools. They are apprehensive about not being able to walk their children to school, not being able to stroll by the school once or twice a day to keep an eye on them, not having a car to go pick them up in case of emergency, and they are afraid of siblings being assigned to separate schools because one is a little darker than the other. Hispanic children feel more comfortable among other Latinos with whom they share a common language, culture, and values. Hispanic civic leaders fear the presumed loss of power, political and economic, that would result from the diffusion of their community. Hispanic intellectuals argue that "Hispanic" cannot be a racial designation and they do not understand the broad meaning of desegregation, which includes sex and national origin desegregation. Hispanic educators are not convinced that the process of desegregation as currently implemented is the most viable strategy to ensure equal educational opportunity for their students. They have a better remedy which specifically addresses the main impediment to educational opportunity and integration for them, the language barrier. The remedy, of course, is bilingual education, whereby students receive instruction in their native language while simultaneously learning English as a second language (ESL).

Not exactly a new concept in education, bilingual instruction experienced a renaissance at the end of the sixties through the enactment of Title VII ESEA in the wake of the civil rights movement. The early pilot programs were plagued with difficulties stemming from lack of support, lack of trained personnel, lack of materials, lack of a clear philosophy, and the segregative aspect inherent in the bilingual methodology. Because of the need to group children linguistically for this mode of instruction, national origin minorities were being culturally isolated from the rest of the student body. Partly because of its uncertain future and partly because it was the only strategy available to assist a growing number of underachieving students, bilingual education was initially accepted as a bona fide reason for segregating students (on pedagogical grounds and not for the purpose of discrimination).

Still, proponents sought to guard against the potential of prolonged segregation by limiting the children's participation in bilingual programs to three years and insisting that they be mixed in non-academic areas in which verbalization is not essential to understanding of the subject matter, such as art, music and physical education. Some guidelines further stipulate that programs in bilingual education must be located in the regular public schools of the district rather than in separate facilities. Others have provided for the voluntary participation of English-speaking students.

However, most of these safeguards have been circumvented in one way or another. Many school administrators claim that scheduling problems preclude the daily mainstreaming of LEP students, therefore they keep these students in self-contained classrooms for the entire day. While insufficient funding to serve LEP students has curtailed the luxury of Anglo student involvement, the lack of exit criteria, on the other hand, is recycling Hispanic students into bilingual instruction long after they have become functional in English. The resulting isolation is causing these programs to become tracks in and of themselves and giving bilingual students an undesirable and unnecessary stigma.

As it became obvious through the seventies that the perseverance of bilingual educators, some governmental support, and a great deal of pedagogical success was forging bilingual instruction into a permanent feature of American education, the segregation issue surfaced as a serious national concern. The apparent conflict is antagonizing Blacks, alarming Hispanics, and playing into the hands of a few school administrators who want neither desegregation nor bilingual education.

Black civil rights advocates feel that bilingual education is interfering with desegregation plans, that it has been used at times as a ploy to foil desegregation efforts, and that it is re-establishing a dual education system, which desegregation technicians have struggled so hard to eliminate. Some have even charged that advocates of bilingual education are merely creating

jobs for which only bilinguals can qualify, thereby excluding monolingual teachers from scarce employment opportunities. In a puzzling display of patriotism, many citizens (both Black and white) who would support desegregation because it leads to the assimilation of Americans as "envisioned in the melting pot theory," would oppose bilingual education as a "diverse process associated with the foreign born." This view fails to recognize the fact that both strategies are designed to equalize educational opportunities for disadvantaged students whose parents have been socially subordinated and are politically powerless. Brown ruled separate-but-equal facilities to be inherently unequal; Lau ruled that the same facilities are not necessarily equal. Desegregation strives for equal access and input while bilingual education strives for equal benefit. Both are rights: desegregation is a constitutional right; bilingual education is a statutory right.

The vast majority of Hispanics want bilingual education and view any Anglo (white or Black) criticism of it as an expression of prejudice and as an attack on Hispanic culture and identity. In fact, bilingual instruction is the only educational service that the Hispanic communities collectively have demanded from governments.

Segregation is seen as a necessary evil of bilingual instruction because it is generally agreed that having a minimum of 20 homogeneous students massed together is critical for the school to provide cost-effective bilingual services. Indeed, laws mandating bilingual instruction usually do not require compliance if fewer than 20 students in the district are limited English proficient. Obviously, if bilingual programs are contingent upon the strength of numbers, the more students that can be clustered, the more comprehensive the program that can be offered. Desegregation, then, is seen as disruptive to bilingual education because it disperses the critical mass necessary to justify bilingual instruction.

As a result, Hispanics feel that bilingual programs should be exempted from desegregation. Whether this is permitted or not, it is obvious that national origin students cannot be dispersed arbitrarily. While planning for desegregation, bilingual programs can be protected by first assigning LEP students to schools in administratively feasible clusters to facilitate bilingual instruction, then completing the student assignment process with the racial or ethnic composition necessary to balance each school.

Educational planners must proceed from the basis that bilingual education and school desegregation are not incompatible. Both are processes leading to the integration of different students. While a limited English proficiency keeps national origin students isolated on the periphery of society, bilingualism affords them the skills to join the mainstream of society and the option to unify with it.

To fulfill this promise, however, bilingual education must truly aim toward bilingualism and biculturalism on a give and take, two-way approach. A monolingual Hispanic class defeats the whole idea of bilingual/bicultural education unless its purpose is to transit the students into a bilingual/bicultural ambiance. Even in the transition, LEP students learning ESL in an isolated setting do not benefit from language reinforcement through informal interaction with native English-speaking peers. Anyone who studied Spanish, French or German in American schools or English in Puerto Rican, Cuban or Mexican schools where there was no opportunity to use the language outside the classroom would appreciate the wisdom of early role models.

Black and Anglo voluntary participation in bilingual education, however, will not take place as long as bilingual programs are implemented under substandard conditions, in dismal environments, or in the heart of the Hispanic ghetto. Placing a bilingual program in a non-Hispanic neighborhood will not only facilitate Black and Anglo involvement, but will act as a magnet to draw Hispanic students to a non-Hispanic school. This might begin the process of destigmatizing bilingual instruction using desegregation strategies.

Bilingual education and school desegregation will conflict only to the extent that the staffs of both programs do not take cognizance of each other, are inflexible in their demands, or insist on quarreling over turf. The technical problems, albeit complex, are not insurmountable. Bilingual educators should familiarize themselves with desegregation concepts and strategies while Black educators need to learn more about bilingual instruction. These two protagonist groups must communicate, coordinate their actions, and adopt the philosophy of win/win, i.e.: one does not need to lose for the other to win. Common sense, good faith, and mutual trust must prevail if the children are to prevail. Ironically, the conflict is often unwittingly created by the fervor of those who strongly favor one or the other strategy as much as by those who strongly oppose both.

Some top school administrators are forcing their constituents to choose between bilingual education and school desegregation, as if the two remedies were mutually exclusive. One remedy has been used as justification to deny the other. Much needed bilingual instruction, paradoxically, has not been offered in some districts on the grounds that segregating the students would violate Civil rights guidelines. Actually, the opposite is true. The denial of services to LEP students is a violation of Lau regulations, which will have the force of law. Less importance should be paid to the critical mass criterion. Critical mass is a logistical tool for administrative convenience, not a pedagogical consideration. Consider the logic of telling one blind child in a classroom that as soon as 19 other blind children enroll in the school, he or she will be provided with Braille books and other essential services. In fact, bilingual instruction should not be an adjunct program, but an integral part of the school system, with foreign

language instruction becoming part and parcel of a comprehensive bilingual education department in each district. This could easily be done once the threshold barrier of territorial politics is resolved, and it would make more sense than the present fragmented approach. The concept of ethnic literacy, meanwhile, must permeate the entire system. The bilingual classroom must not be the only concession to pluralism.

These recommendations, of course, require affirmative steps on the part of boards of education. Voluntary plans, freedom of choice, noble intentions, or laissez faire policies are ineffective change agents. For example, minority history cannot be an elective subject, for obvious reasons; and magnet schools do not normally attract Hispanic students, most of whom do not volunteer and tend to be less assertive. A better community relations job must be done by education officials to "sell" desegregation to Hispanics. They need to be assured that their programs will not be dismantled by desegregation. People will naturally reject what they do not understand. Some will feel threatened by it. Hispanics need to be convinced that, while there is no need to burn cultural bridges, there is a critical need to establish new linkages with those with whom they now share their neighborhoods and their schools The resulting coalitions will not only benefit all concerned, they may truly be the only way to save tomorrow.

The dichotomy between bilingual education and school desegregation has not gone totally unperceived. Several attempts have been made by both sides to reconcile the differences. A national conference on desegregation and education concerns of the Hispanic community was held in Washington in 1977. The National Project and Task Force on Desegregation Strategies took the initiative some time ago to focus attention on this problem; the subject was on the Task Force's agenda at its May 1979 meeting in Washington. The National Association of Bilingual Education passed a resolution during its 1979 convention in Seattle calling for a dialogue between bilingual educators and desegregation advocates. A series of regional conferences conducted by the U.S. Department of Education's Hispanic Concerns Staff have deal with desegregation. The Illinois State Department of Education recently conducted a "brain-picking" consultation involving the nation's top experts in the field of bilingual/desegregation interfacing. The New Jersey State Department of Education is planning a similar "think tank" approach for the same purpose. While the Illinois group emphasized the legal aspect of court ordered desegregation and equal opportunity legislation, the New Jersey experience will focus on the logistics of desegregating bilingual instruction and eliciting the support of the Hispanic community for the desegregation process.

Unfortunately, while these dialogues so far have raised very intriguing issues, very few solutions have been generated and no follow-up has been conducted after the participants disband.

Meanwhile, back at the schools, it is business as usual for the most part, while the children muddle through a sea of ambivalence. In the absence of initiative by Black or bilingual groups to alter their collision course, the State educational agencies must provide the leadership to ensure that Murphy's law will not strike the generation to whom the world will be entrusted in the year 2,000.

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POLITICS AND THE EDUCATION OF HISPANICS

(The following are excerpts from a paper presented by Lorenza Calvillo Schmidt* at the Education of Hispanics: Issues for the 80's conference held in San Francisco, California on January 15-18, 1980.)

Within the field of education, the political struggle has focused on the nature of state legislation guaranteeing equal educational opportunity for bilingual Hispanic learners; the credential or certificate required of teaching personnel; the funding support for education for Hispanic communities; the impact of testing systems on bilingual communities and education for Hispanic handicapped children. The present governance systems are predominantly Anglo-American, male and middle-class; the systems are generally not supportive of Hispanic educational and political needs. In 1980, the systems of governance find themselves in a period of change. The challenge for this period of transition will be to evolve the systems of governance to new forms while achieving quality education, fiscal accountability and a strengthened political role.

In California, Hispanics comprise an estimated twenty percent of the state population. Within the next decade, Hispanics will surpass twelve percent of the national population, hence becoming the single largest minority in the United Stated. Eighty-five percent of the Hispanic population in California is in urban centers. Hispanics constitute fifteen percent of California's public school enrollment. In fact, forty-two percent of the Hispanic population is below the age of 20.

In 1980 the systems of governance, the systems which establish policy, laws, budget, that is, political processes, are predominantly Anglo, male and middleclass. The educational needs of Hispanics are addressed within these systems of governance. Through the decade of the seventies, the first responses to the needs of Hispanics by a white governing structure have been limited in scope, remedial in nature, minimally funded, often racistly conceptualized and grudgingly permitted. Comprehensive, long range, total educational designs have not been developed for Hispanic learners.

The educational programs created to meet the needs of Hispanics began in the late sixties and continued through the late seventies.

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These programs included Title VII federal bilingual programs, a few Title I bilingual services, state bilingual programs (AB 2284; AB 1329), federal migrant programs, Head Start programs and a few state and federal teacher development programs. By 1975, however, a period of political backlash was in full swing. Somehow public policy makers (appointed and elected) excused or explained decisions detrimental to Hispanics by merely citing that a period of backlash existed.

Legislative and educational policy developed for Hispanic needs in the sixties and seventies by and large sought to correct deficiencies perceived to be within the Hispanic person rather than within the system which served them. Political support from legislators and policymakers was obtained by suggesting that these new systems would "correct the differences" in Hispanics and make them more like the Anglo, middle-class, English-speaking, average American prototype valued by the Anglo decision maker. These same legislators contributed to the backlash of the seventies when the fabric of America began recognizing and respecting its pluralism, which in fact was two hundred years old.

It is necessary in the eighties to continue to articulate this new definition of pluralism. There was little change in the political analysis of minority communities in the seventies and little in rearticulation of minority participation and contribution. The eighties will require an increased effort to introduce different political analysis and goals.

In education bilingual teachers do not receive differential pay. The number of education consumers who need bilingual education, however, is growing. The Supreme Court's Lau decision guaranteed that a child must receive linguistically appropriate instruction. The Court stated that it was a violation of the right to equal educational opportunity to teach Chinese children who spoke no English entirely in English. The need for teachers with bilingual education is growing. Although there is no differential pay for bilingual teachers, within a two-year period 6,000 teachers received bilingual credentials or certificates. According to a report by the Commission on Teacher Preparation and Licensing, an additional 5,000 to 7,000 teachers could currently qualify. The Commission believes these teachers hesitate to act because they are unsure whether politicians will change the current legal mandate. The current need for bilingual skills in education is large and will continue to grow. The government agencies requiring personnel with bilingual skills will also continue to grow. The challenge for California education, therefore, is to prepare the bilingual resources needed to work in state and local agencies, and in private industry.

Within the public political realm, non-Hispanic policy makers must recognize that Hispanics are seeking maximally effective education for <u>all</u> children; policy makers must stop interpreting the concerns of the Hispanic community as being totally limited to narrow needs of Hispanic children. The challenge of the eighties will be to

convince policy makers that the Hispanic community is seeking with them quality education for California public schools. Bilingual education is an integrate part of appropriate education for bilingual Hispanic children. Effective linguistic development is a necessary integrate part of education for all children.

Sound educational programs for Hispanics will require cooperative political work with non-Hispanic communities. Hispanics will find it necessary and profitable to build permanent and temporary coalitions. Two factors will make coalitions difficult. First, majority controlled political systems will establish procedures to place minority or excluded groups in competition with each other. Second, there will be members of minority communities who will be intensely opposed to forming coalitions. However, there will continue to be individuals within the minority communities who have utilized coalitions effectively.

As the education needs of Hispanics evolve, it will be imperative that a clear articulation be developed to be shared with political decision makers. Positive educational goals must replace the negative, hostile goals presently pursued to limit Hispanic development. The challenge will include the careful development of educational goals, the effective articulation of appropriate education for all children, the acquisition of political support for those educational goals and finally the successful implementation of these educational programs.

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