

Proposition 54

How a Lack of Information Will Destroy Efforts to Help California's Minority Children Succeed In School

By Rachel Heald and Blake Thompson



We have received a lot of questions about whether Proposition 54 (the Classification by Race, Ethnicity, Color, or National Origin Initiative), will impact efforts to improve California's education system for all children. Some have claimed that any effect would be limited because of the exemption in the proposition for data required by federal law.

Let us be clear: Proposition 54 will have a devastating impact. It will deprive educators, policymakers and advocates of the most powerful spotlight they now have to see how well we're educating all of California's children: honest data. This guide is our response to the questions we've received. We hope to educate Californians about the ways Proposition 54 will hamstring efforts to make California's schools better, and to probe gray areas of the law that could make things even worse.

What Is Proposition 54?

Proposition 54 is an initiative to amend the California constitution, slated to appear on next week's October 7, 2003, recall ballot. Because of the furor surrounding the recall campaign, Proposition 54 has hovered under the radar. We cannot let it slip by—too much is at stake.

This seductively marketed, but ultimately dangerous initiative would generally prevent the state from collecting, analyzing, or using racial or ethnic data in relation to any state program, including in the operation of our education system.

There are a few vaguely worded exceptions, two of which relate to education. The initiative permits the state to continue to collect data if it is: (1) required under federal law; or (2) required to remain eligible for money under a federal law or program. No matter what the initiative's backers say, until a court has ruled on them, we won't know exactly what these exceptions mean. We believe, though, that most of the relevant data under these exceptions will come from the No Child Left Behind Act (NCLB), which requires California to collect some data broken down by ethnicity. We know that California collects a great deal more critical information than the NCLB requires, and, indeed, should collect more. If Proposition 54 passes, that data will be lost, and our ability to fix our problems will be undermined.

So, in broad strokes, what does Proposition 54 mean? It means that the laudable efforts of anyone considered by the proposition to be the "state" – including principals, schools and districts, the State Board of Education, the University of California (UC) and California State University (CSU)

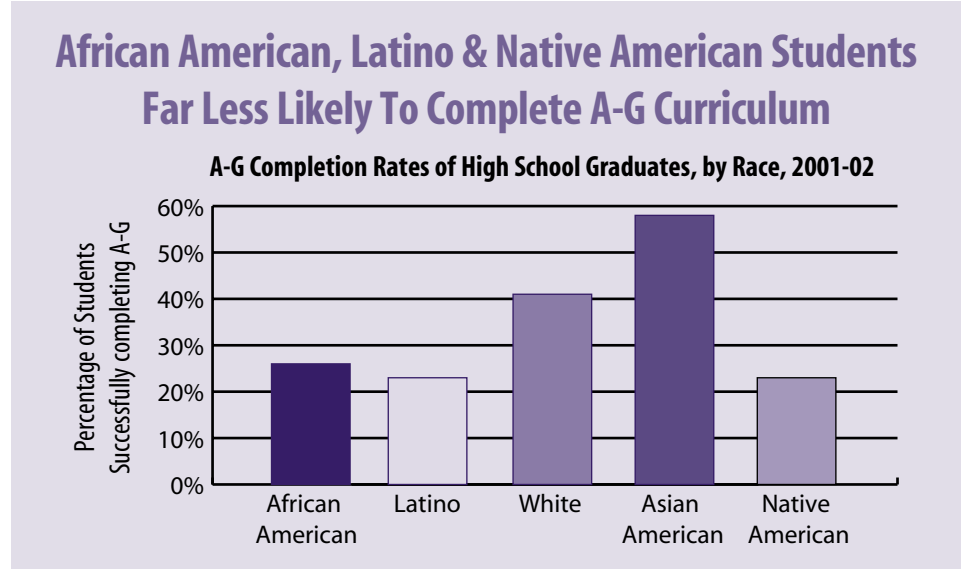
systems, and possibly professors and faculty – to find out whether students from certain racial or ethnic subgroups are treated differently would be drastically undermined. It would be virtually impossible to pinpoint the problems that plague our schools, and to ascertain if our solutions are working. And we would be precluded from devising focused strategies to fix the problems we know are out there.

This would be a tragedy. Over the last 10 years California has worked hard to implement sweeping reforms intended to help children of color and poor white children catch up with their peers. All that effort will be flushed down the drain if we lose the data that show us how we’re progressing – and where we’re falling short.

Why Federal Laws Won’t Protect Us

A sweeping act whose primary aim is to help close the achievement gaps that divide our public school students, NCLB requires states to measure how children in different racial and ethnic subgroups perform in English/language arts and mathematics. States must test children using assessments aligned to the state’s academic standards, each year in grades 3-8 and once again in high school. The student achievement data obtained, divided (or “disaggregated”) by race, ethnicity, English language learner status, and economic level, must be made public. If states don’t collect this data, they lose the right to certain federal funding, “Title I” funds. California is slated to receive somewhere around \$1.6 billion under this law.

Everything else would be lost. Data about student achievement in courses



other than reading and math, teachers, college readiness and college applicants, and student dropout rates. This information is crucial to identifying and eliminating achievement gaps that exist between students of varying backgrounds in California. Without it, we will be not “color blind”, but plain blind.

So, for example, if Proposition 54 passes, we will not know...

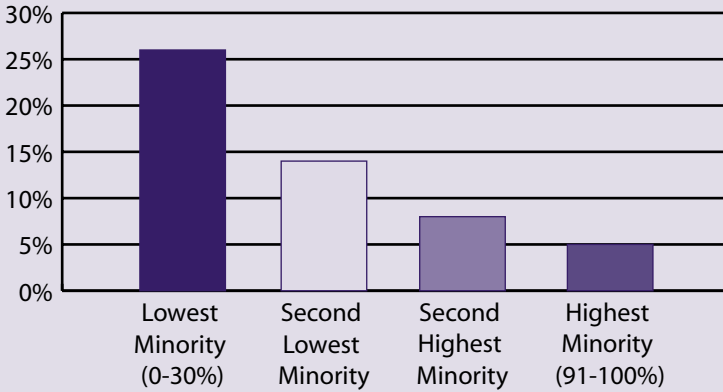
- That our African American and Latino students are about half as likely as their white and Asian peers to take the high-school classes they need to be eligible for the UC or CSU systems. We wouldn’t know, for that matter, that only 40% of our White students successfully complete the required high school curriculum. We also wouldn’t know which of our students apply to college. This is crucial information. Today’s economy requires more and more young people to go on after high school. Without the extra education, these young people are fated to a life of, at best, just barely getting by. If we can see that certain children are

being “tracked” into mind-numbing classes, we can insist that schools even the playing field, and provide better courses for everyone.

- That, of those students who take biology or life sciences in the 9th grade, only 19% of African American students and 22% of Latino students score proficient or above, while 68% of Asian American students and 62% of white students do. NCLB does not require us currently to assess student achievement in science (or in history/social studies). So we would not know that these gaps exist.
- That schools with a high percentage of minority students are five times more likely to have an under-qualified teacher than are low-minority schools. Although NCLB requires schools to report some information about teacher distribution, the law doesn’t require that data to be separated by race. Research is clear that teacher quality matters most in student learning. If we are unable to ensure that qualified teachers are distributed

High-Minority Schools are Five Times More Likely to Have a Teacher lacking Appropriate Credentials

Source: Center for the Future of Teaching and Learning



evenly across racial lines, we cannot ensure that all children can achieve at high levels.

- That 58% of our Latino students failed the high-stakes California High School Exit Exam (CAHSEE) in reading last year. NCLB requires states to test reading once in high school, and CAHSEE is the measure California uses. But NCLB requires us to look only at who scores “proficient” on the CAHSEE, not who passed the test. A passing grade is lower than a “proficient” score. So, when the punitive measures of the test are implemented in 2006 we will be unable to know which of our students need help to get to graduation.
- That our African American 11th graders read below the level of our white 7th graders. We learn this from the CAT/6, a national norm-referenced test that is not required by NCLB. We’d still know that reading gaps exist, but we’d lose the ability to see exactly how much

we’ve shortchanged certain groups of children.

- Anything about the diversity or segregation of our public schools, a topic which has long been of concern to both parents and policymakers.
- Which groups of students take state teacher credentialing examinations. This is an important measure of the diversity of our pool of teachers. And, while the most important element in learning is teacher quality,

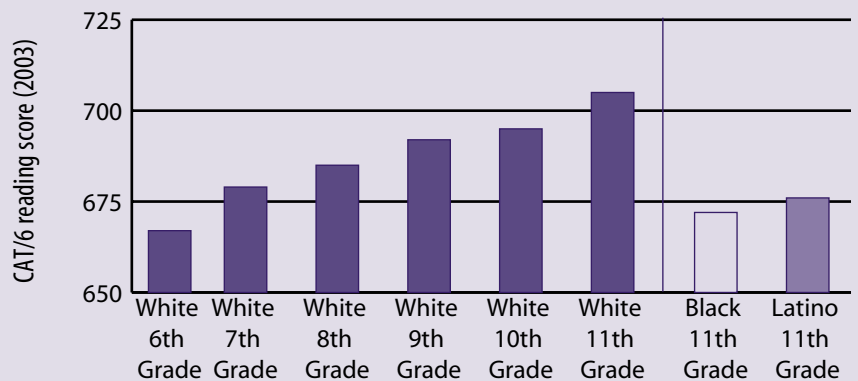
it is also important for children to have a teacher they can relate to. A role model. We wouldn’t know whether or how to provide that.

What Other Information Is At Risk?

As a result of Proposition 54, we know that we would lose all of the above information about the challenges our state faces. What we don’t know is what else we might lose.

We don’t know, for example, whether we’d lose the ability to use the data the NCLB and other federal laws require us to collect. Much of the K-12 data that we report to the federal government comes from the California Standards Tests (CSTs). This data identifies how well we teach our standards and how well our students learn the material we expect them to learn. While federal law requires us to publicly report the results of the tests broken down by ethnicity, it is not clear in what form we would have to report it. It is not clear whether we would be able to use this

Black and Latino 11th Graders Read Below White 7th Graders



data for any purpose other than that expressly proscribed in Proposition 54.

For instance:

- Could the California Department of Education post this data on its web site in the “user friendly” database form it employs now? Or would non-governmental researchers be denied the use of this information?
- Could a school district use the data to identify a particular subgroup in their community struggling with literacy and work with a local non-profit on a literacy campaign targeted to that group?
- Could a school district track differences in graduation rates by ethnicity and target a particular message to that community about the importance of the high school diploma?
- Could the California Department of Education post on its website or use any data on who is taking college admissions tests, and how they score? The company that produces the SAT collects this data themselves, and provides it to the state. Would the state be able to do anything with it?

What else are we unsure about? We don't know whether faculty and staff at the UC and CSU systems would be deemed the “state” and prohibited from conducting research that includes racial or ethnic data. Faculty are employees of the state just like staff in the admissions office. If faculty members and students believe their research will be curtailed by California law, they are less likely to come to our state to do their work. California's public institutions of higher education are internationally renowned. They are the last vestiges of a California

that at one time offered the best public school system – kindergarten through college – in the nation. If we limit the research capabilities of university faculty and students, we will lose the best of them to schools and states that won't tie their hands. And with them we would lose our reputation.

There's more. Indeed, the consequences are untold. But we do know we could lose a lot.

What's The End Result?

Our state policymakers and school districts would be blind to many of our schools' problems and stripped of the data tools necessary to solve them. Until now, other states and the federal government have followed California's lead – in the right direction – by requiring that data be disaggregated by ethnicity to avoid hiding large achievement gaps among acceptable averages.

Proposition 54 would shove us back behind the rest of the pack.

The backers of Proposition 54 have stolen the language of the civil rights movement to support their efforts to roll back the best protections we've crafted yet to ensure that California's poor children and children of color all learn to high standards. But Proposition 54's will not make California a “color blind” state. Racism and unequal treatment will still exist. We will, however, be blinded to their effects. We will be blinded to the inequities in our schools. We will still have to check those “annoying little boxes”. But we will lose the crucial information those boxes provide.

On October 7, California voters have an opportunity to VOTE NO on this deceptive and potentially devastating initiative, and a chance to support the right to access the information we need to help our children succeed.

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About the Education Trust West

The Education Trust West is the West Coast presence of the national policy organization, the Education Trust. We work for the high academic achievement of all students at all levels, kindergarten through college. While we know that all schools and colleges could better serve their students, we concentrate on the institutions most often left behind — those serving low-income, Latino, African American or Native American students.

The Education Trust West works alongside policy-makers, parents, education professionals, business and community leaders, in cities and towns throughout California — who are trying to transform their schools and colleges into institutions that genuinely serve all students. We especially work to ensure that all students have the opportunity to enroll in and successfully complete California's college readiness curriculum. In today's and tomorrow's economy, Ready for Work and Ready for College mean the same thing: Ready for Life. Our goal is that high school graduates are empowered and prepared to choose among all postsecondary options.