



## **Education is a Civil Right Toolkit**

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## **EDUCATION IS A CIVIL RIGHT**

### **What does the Education is a Civil Right (ECR) Agenda Mean?**

#### **Overview**

Regardless of all the initiatives that have taken place over the past many years, the disparity between black and white student performance has sadly remained the same or even increased in some cases, with no immediate end in sight. Moreover, the financial crisis of 2008 that has gripped the nation will have an even greater impact on funding for schools, as well as employment opportunities available to minority citizens. Many of the jobs and industries that have employed black citizens in the past, such as the automobile industry, and manufacturing, will see severe job cuts. This means that competition for low, medium and high paying jobs will no longer be assured with just a high school or even college education. Even low wage jobs are no longer available in many cases, as an ever increasing immigrant population is willing to take lower wages and work longer hours than the traditional low-wage worker. It is no longer reasonable to expect that a young person, who drops out of school with minimal skills, will have the opportunity at acquiring a living-wage job. In addition, the gap between the middle class and the economically disadvantaged will continue to grow wider as new technology skills become a common skill of the well educated, but a non-existent skill of the poor and minority classes.

#### **Historical Perspective**

Since their arrival in this country in 1619, African Americans have been subjected to inferior and disproportionate education and other services. First denied and then suffering an inadequate, under funded, under resourced and separate education. To this day, African American students perform well behind their white counterparts. From the founding of the first school, there has always been the issue of racial discrimination and segregation in the American educational system. Racial segregation eliminated by law has been difficult to eliminate in practice, leaving a variety of inequities in facilities, performance, and other areas that still plague African American students and their families today.

Research clearly reveals the extensive and growing inequities between white and black students in academic achievement, dropout rates, grade retention, suspensions and special education placement. These disparities continue into and throughout adulthood, in the criminal justices system, unemployment, wage earnings and life expectancy. The underachievement of African American students in public schools continues to be our nation's most glaring inequity for social justice.

These differences are evident as early as kindergarten and continue to widen over time. On average, African American kindergarteners exhibit fewer emerging literacy and mathematics skills than white children. By the end of fourth grade, African American

students are two years behind white students in reading and mathematics. By eighth grade, they are three years behind and by the twelfth grade, they are four years behind. In 2003, 17 year-old African American students, on average, scored the same as white 13 year-olds in reading and mathematics. (USDOE, NCEES, National Assessment of Educational Progress).

Despite the prolonged struggles over school desegregation, racial segregation and educational inequality still persist in American public schools. In fact, the segregation of African American and Latino students has actually increased, especially in the nation's urban centers. The percentage of black students attending majority non-white schools increased from 66 percent in 1991 to 73 percent in 2003-2004. In general, schools in economically depressed, racially segregated communities, are almost always unequal schools, characterized by low teacher morale, strained relationships between teachers and administrators, defiant and oppositional behavior from students, an inordinate number of inexperienced teachers and high turnover in administrative leadership.

Even when black and white students attend the same schools, district and school policies and practices may result in differential, less positive outcomes for African American students. Disproportionality<sup>[1]</sup>, defined as the inappropriate over- representation or under-representation of African American students in various educational programs, involves the over-identification and enrollment of minority students in special education and the over-identification of minority students for suspensions, expulsions, and other disciplinary measures. Black students are more likely to be identified as disabled, more likely to be labeled as mentally retarded or emotionally disturbed, and more likely to receive special education services in more restrictive or segregated programs. Black males are most likely to be suspended from school and more likely to receive more severe punishment than white students for the same types of offense (Cartledge et al., 2002). In addition is the issue of under-enrollment of African American students in gifted and talented programs and advanced placement and honors classes.

Given the documented gaps in academic achievement that occur from kindergarten through high school, it is not surprising that fewer African American students graduate from high school or enroll in college. In 2004, less than half of African American males (43 percent) earned high school diplomas in four years (Orfield et al., 2004). The failure to complete high school has dire consequences for those students who drop out and for their communities. These educational differences translate into disparities that continue throughout adulthood in the form of increased incarceration, higher unemployment, lower wage earnings, poorer health and lower life expectancy. Closing the gap thus becomes the greatest concern we must have for the 21 Century

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## **EDUCATION IS A CIVIL RIGHT**

### **Background**

The Educational Civil Rights Agenda (ECR) is an initiative designed to address the historic national underachievement of African-American students in public schools that remains a glaring inequality and denial of basic educational justice as a civil right. This initiative was designed to counteract and reverse the disparities and inequities in the public education system; to bring about intended and measurable improvements in our local school districts; and eventually expand to county, state and national influence.

In February 2006, the Los Angeles County Alliance of Black School Educators, an affiliate of the National Alliance of Black School Educators (NABSE) convened a group of professional educators, elected officials, local school board members, community representatives and civic leaders in the Southern California area to discuss how to improve educational outcomes for African American students in local public schools. The group continued to meet regularly and, in July 2006, formed the Education is a Civil Right Committee. In October 2006, the Committee sponsored a forum, featuring Bill Cosby as keynote speaker. The meeting was attended by over two thousand parents, teachers, students and others.

In April 2007, the Committee drafted a formal document, "A Black Educational Civil Rights Agenda" designed to provide strategies and activities for use in school districts serving a significant population of African American students. In June 2007, with the help of original sponsors, Achieve3000 and the Pearson Foundation, it held a public forum with Jack O'Connell, the California State Superintendent of Public Instruction to review the Agenda and a formal Planning Session in August to plan for implementation. The Education is a Civil Right Organizing Committee continues to meet and has garnered significant attention and support for its efforts in Southern California.

One of the Committee's goals is to stimulate discussion, collaborations and action on behalf of African American students throughout the nation. To this end, it approached the National Alliance of Black School Educators which has assumed responsibility for implementing a similar initiative on a national level. The national initiative was launched in November 2007 at NABSE's 35<sup>th</sup> annual conference, held in Nashville, Tennessee. Educator, author and activist, Dr. Bill Cosby gave a keynote speech in which he discussed the issues facing African-American children in the nation's public schools and officially announced the Education is a Civil Rights Initiative in partnership with the Pearson Foundation and Achieve3000. The Pearson Foundation provided support for a promotional video that presents a cross-section of African American leaders expressing their thoughts and support for the initiative.

[www.pearsonfoundation.org/pr/071116\\_nabse.html](http://www.pearsonfoundation.org/pr/071116_nabse.html).)

Since that time, NABSE, with the continued support from the Pearson Foundation and Achieve3000, hosted representatives from national education organizations such as the National School Board Association, the National Education Association, the American Federation of Teachers, etc. At the meeting, NABSE staff described the Initiative, solicited their support and asked for formal letters of endorsement. Since that time the organization has received over 70 letters of endorsement for the Initiative. Letters have been received from the National School Board Association, Derek Black, Education Law professor at Harvard Law School, five members of the Congressional Black Caucus and several other organizations. NABSE has also asked State Superintendents to assign a cabinet-level person to serve as state liaison for the Initiative. To date, favorable responses have been received from State Superintendents from California, Virginia, Texas, Kentucky and Florida.

NABSE also commissioned a paper, *Education is a Civil Right*, written by Derek Black, Harvard Law School Professor that discusses the legal foundation for education as a civil or fundamental right in the United States and the implications for African American students. In July 2008, NABSE submitted written testimony on Education as a Civil Right to the Committee on Education & Labor, U.S. House of Representatives.

## **EDUCATION IS A CIVIL RIGHT**

### **Goals of ECR Initiative**

African Americans in communities across the country consistently identify public education as one of their primary concerns and yet, there are few community-based organizations attempting to mobilize members of the Black community to work toward improving student achievement at the local level.

The primary focus of NABSE's *Education is a Civil Right* initiative is to raise awareness and mobilize the public, and especially members of the African American community, to more actively advocate for strategies that will result in improved academic achievement for African American students.

The Education Is a Civil Right initiative has as its goals to:

- Foster and develop through dialogue, workshops, political and civil action, and other appropriate means, an awareness of the consequences of educational underachievement in every corner of society;
- To initiate activities that will directly address the educational disparities and inequities faced by African American students and families, and bring about intended and measurable improvements in our public school systems; and;
- To develop the talents, skills and leadership within our communities that can use its collective expertise and knowledge to continuously monitor, review and affect needed changes relative to the educational civil rights of the students and families in all parts of our society. To provide strategies and activities for use in school districts serving a significant population of African American students.

## **EDUCATION IS A CIVIL RIGHT**

### **What is the Rationale for This Initiative?**

The educational and legal rationale for the ECR are based on the documented underachievement of African-American students in public schools and three basic legal theories that support the educational rights of students including: state based constitutional, claims, federal fundamental rights claims and federal equal protection claims. The ECR is an effort to bring a national focus to the educational and legal efforts to ensure high quality educational outcomes for all African-American students.

Research shows extensive inequities between white and African American students on a wide range of educational indicators. These differences are evident as early as kindergarten and continue to widen over time. On average, African American kindergarteners exhibit fewer emerging literacy and mathematics skills than white children. By the end of fourth grade, African American students are two years behind white students in reading and mathematics. By eighth grade, they are three years behind and by the twelfth grade, they are four years behind. In 2003, 17 year-old African American students, on average, scored the same as white 13 year-olds in reading and mathematics. (USDOE, NCES, National Assessment of Educational Progress).

Much of the black-white achievement gap can be attributed to substantial differences in quality between the schools that enroll predominantly ethnic minority students and those attended by the white middle class. Despite the prolonged struggles over school desegregation, racial segregation and educational inequality still persist in American public schools. In fact, the segregation of African American and Latino students has actually increased ---especially in the nation's urban centers --- since the 1970s. Orfield & Lee (2006) calculate that the percentage of black students attending majority non-white schools increased from 66 percent in 1991 to 73 percent in 2003-2004.

Race/ethnicity and socioeconomic status are systematically linked within the American society as a whole and, as a result, racial segregation in schools is almost always confounded with concentrated student poverty, and, sometimes accompanied by linguistic segregation as well (Orfield and Lee, 2005). In general, schools in economically depressed, racially segregated communities, with few exceptions, are almost always unequal schools characterized by low teacher morale, strained relationships between teachers and administrators, defiant and oppositional behavior from students, an inordinate number of inexperienced teachers and high turnover in administrative leadership.

Even when black and white students attend the same schools, district and school policies and practices may result in differential, less positive outcomes for African American students. Disproportionality, defined as the inappropriate over- representation or under-

representation of African American students in various educational programs, involves the over-identification and enrollment of minority students in special education and the over-identification of minority students for suspensions, expulsions, and other disciplinary measures.

Black students are more likely to be identified as disabled, more likely to be labeled as mentally retarded or emotionally disturbed, and more likely to receive special education services in more restrictive or segregated programs. Black males are most likely to be suspended from school and more likely to receive more severe punishment than white students for the same types of offense (Cartledge et al., 2002). Even more disturbing, as school districts across the country have adopted zero tolerance approaches to discipline, students who break school rules are sometimes subject to criminal charges as well, leading to arrest and incarceration.

Given the documented gaps in academic achievement that occur from kindergarten through high school, it is not surprising that fewer African American students graduate from high school or enroll in college. In 2004, less than half of African American males (43 percent) earned high school diplomas in four years (Orfield et al., 2004). The failure to complete high school has dire consequences for those students who drop out and for their communities. These educational differences translate into disparities that continue throughout adulthood in the form of increased incarceration, higher unemployment, lower wage earnings, poorer health and lower life expectancy.

## **EDUCATION IS A CIVIL RIGHT**

### **The NABSE Implementation Plan**

The national campaign is being conducted at two different levels. The first level of the campaign is aimed at the general public and especially members of the Black community. The goal is to provide information, to raise public awareness regarding educational inequalities and to increase public interest in public education. NABSE is seeking endorsements for the campaign from school boards across the nation; local, state, and federal elected officials; religious institutions; corporations; media organizations; star athletes and entertainers; and civic, social and professional organizations. A national media campaign will be conducted involving public service announcements in print media and on radio and television.

The second level will involve educators, parents, students and other community members in areas where NABSE affiliates are located. The goals of the local campaigns are to provide information and raise awareness, to increase community engagement in public education and to enlist parents and other community members to work as advocates for improved student achievement. The successful organizing efforts used in Los Angeles will serve as a model. In addition, affiliate groups will organize local Education is Civil Right committees in collaboration with elected officials, local school board members, community representatives and civic leaders in their communities.

## **EDUCATION IS A CIVIL RIGHT**

### **How You Can Help**

The Education is a Civil Right Campaign is being conducted at two different levels. The first level of the campaign is aimed at the general public and especially members of the African American community. The goal is to provide information, to raise public awareness regarding educational inequalities and to increase public interest in public education. NABSE is seeking endorsements for the campaign from school boards across the nation; local, state, and federal elected officials; religious institutions; corporations; media organizations; star athletes and entertainers; and civic, social and professional organizations. A national media campaign will be conducted involving public service announcements in print media and on radio and television.

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Here is what you can do...

- Become familiar with the initiative by reading the material in this packet as well as reviewing materials on the NABSE website: [www.NABSE.org](http://www.NABSE.org).
- Identify your local opinion makers: press, celebrities, educators, parents, local and state officials, church groups and other civic and business leaders.
- Learn how to obtain and interpret local school data through NABSE's partnership with the Education Trust, and make it available to other members of the community. (Since the 2002 NCLB legislation, achievement and other data are available for students broken out by race, by gender, and by language and special education for every public school district and school. These data are available to the public but many people do not know that they are available or how to interpret the information.)
- Obtain training and materials from NABSE for use in conducting meetings and workshops with parents and community organizations to help identify the most pressing issues in your local school district and develop action plans for addressing them.

- Since the 2002 NCLB legislation, achievement and other data are available for students broken out by race, by gender, and by language and special education for every public school district and school. These data are available to the public, but many people do not know that they are available or how to interpret the information. Create a forum/identify and convene a committee of professional educators, elected officials, local school board members, community representatives, civic leaders, teachers, parents and students to:
  - review local educational data
    - identify and discuss critical issues and concerns
    - work collectively to create public awareness and understanding; and
    - Seek additional community endorsements
  - Publicize meetings, discussions, findings and action plans with: parents, students, local school and state school officials, local and state government, civic and religious organizations.
  - 
  - Lobby the print, web and broadcast press; write press releases, op-ed pieces and public service announcements
  - Encourage action. Formulate an implementation plan that can support and affect the following changes:
    - Administrative
    - Policy
    - Legislative
  - Record and document achievements and best practices for sharing with other communities.
  - Keep NABSE national office informed.

***Be a part of improving the educational outcomes for African American students in local public schools!***