Educational Rights and Latinos: Tracking As a Form of Second Generation Discrimination

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I. INTRODUCTION

The cumulative effects of civil rights laws and policies have substantially eliminated official forms of racial discrimination. However, new forms of bias and discrimination remain firmly intact in institutional practices and procedures.\(^1\) Moreover, due to their more subtle nature, these insidious forms of racial discrimination constitute barriers to racial justice that are in many ways more difficult to overcome. This is particularly true for Latinos in the area of educational rights. Past efforts to promote civil rights in education focused on issues of access through desegregation of the public schools,\(^2\) and to a lesser extent a more equal distribution of resources.\(^3\) Current efforts focus on different issues including tracking, the cultural content of curriculum, language rights, educational leadership, and representation.\(^4\) Although fundamental principles of fairness and equity remain central to the new civil rights agenda, new complex and controversial issues arise, issues which may be much more difficult to address than the official forms of discrimination targeted by past civil rights efforts.

Several important differences between the past and present civil rights struggles in education must be understood. First, the civil rights efforts of the previous generation aimed at eliminating overt forms of blatant dis-

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\(^{1}\) This point is central to an argument advanced by William J. Wilson, *The Declining Significance of Race* 1 (1978). Wilson argues that “until the latter half of the twentieth century... racial oppression was deliberate, overt, and easily documented. As the nation entered the latter half of the twentieth century, many of the traditional barriers have crumbled and a new set of obstacles has emerged from basic structural shifts in the economy.”

\(^{2}\) See Kenneth Meier et al., *Race, Class and Education* 9-11 (1989), for a discussion on how the focus of civil rights efforts in education shifted from desegregation to other issues.

\(^{3}\) In 1971, the California State Supreme Court ruled in Serano v. Priest, 487 P.2d 1241 (Cal. 1971), that property based financing of public education was unconstitutional due to the inequality in funding that it created between school districts. However, the utility of the decision was largely nullified by the U.S. Supreme Court decision in San Antonio v. Rodriguez, 411 U.S. 1 (1973), when the court ruled that citizens did not have a constitutional right to equally funded education. See John R. Domingues, *School Finance: The Issues of Equity and Efficiency*, 8 *Aztlán* 175, 175-176 (1979).

crimination, while current efforts aim at overcoming less obvious covert forms of bias. This is not to say that the issues are any less important, or that their effects on Latinos in particular are any less pernicious. However, whereas past forms of discrimination, such as the prohibition against speaking Spanish in school, or restrictions on access for children of Mexican heritage to certain schools, were generally explicit and undeniable, present forms are often hidden and less obvious.\footnote{Past efforts to address the segregation of Latino students were made difficult because of the practice of classifying Latinos as white. As a result of this practice, the Mexican American Legal Defense and Education Fund focused its energies on desegregation because the Office of Civil Rights treated Hispanics as whites for desegregation purposes. This allowed local school districts to desegregate Black schools by busing Latino students, and also allowed many predominantly Latino schools to remain segregated since they were officially considered “white.” \textit{See} John R. Domingues, \textit{Project Report: De Jure Segregation of Chicanos in Texas Schools}, 7 Harv. C.R.-C.L. L. Rev. 2, 307-92 (1972).} For example, while no public educational institutions in the state of California officially deny access to Latino students, Latinos are vastly underrepresented in several schools and universities designated for academically advanced students.\footnote{\textit{Latino Eligibility Task Force, University of Cal., Latino Student Eligibility and Participation in the University of California No. 1, 2} (1993).} Such practices are not justified by arguments predicated on the racial inferiority of Latinos, but rather, academic standards and the restrictions created by the rising costs of education serve as effective “non-racial” explanations.

Second, even when a clear pattern of discrimination is discovered, identifying the cause of a problem and devising an appropriate solution now represents a much more complicated task due to the array of factors influencing any educational issue. In the past, discrimination was generally more easily recognized due to the overt manner in which it was carried out: racial exclusion was typically evident in official policies. However, in the current period, most official forms of racial exclusion have been eliminated and discriminatory practices tend to be disguised. For example, while in several school districts across the country Latino students are disproportionately tracked into special education or classes for low ability students,\footnote{Meier & Stewart, \textit{supra} note 4, at 16-22.} attributing cause or determining how to assign blame is not easy. The consistency of such patterns suggests the presence of discrimination. The question thus becomes: How does one separate the influence of bias on the part of teachers and guidance counselors from the role of parents, or determine how much weight to assign to the inherent cultural bias used in assessment of intelligence without full consideration of the effects of socio-economic and environmental factors? The complexity of the issues does not necessarily negate the existence of discrimination. However, it does render the task of devising a strategy based upon a new set of policies and procedures a formidable challenge.
Finally, due to the hostility of the current political climate, the effort to wage effective struggles to advance educational rights for Latinos becomes an even more arduous task. Once, allies in state legislatures and the courts could be counted on to support civil rights issues. Now, garnering their support has become increasingly difficult. The utility of anti-immigration stances as a campaign strategy for politicians, combined with the relatively small number of registered Latino voters, has reduced the leverage that Latino organizations can exert to obtain political support on educational issues. Moreover, because generating consensus among Latinos around educational issues such as bilingual education has often proved difficult, the development of strategies for addressing the issue has been hindered. Lastly, coalition building among constituencies sharing similar interests is more difficult now than in the past as competition for shrinking resources fuels inter-ethnic conflict, and groups become more receptive to nationalist and ethnocentric perspectives.

This paper was written to contribute to the understanding of how racial bias influences tracking or ability grouping, and how school culture and interactions between Latino students, teachers, and administrators affect the ways in which students are sorted. Tracking has been described by Meier and Stewart as an example of "second generation discrimination." The term is used to distinguish past forms of explicit or de facto segregation from discriminatory practices which have the same effect of separating Latino students from White students, even though they are not officially designed for that purpose. Meier and Stewart identify the ways in which schools use academic grouping and discipline to deny Hispanic students opportunities offered to Anglo students, as specific examples of second generation discrimination.

Meier and Stewart analyze a vast array of educational data (i.e., suspension and expulsion rates, graduation rates, enrollment rates in various academic tracks, etc.,) to support their contention that patterns of separation and discrimination continue. While the overwhelming consistency of the trends they identify suggests that discrimination influences outcomes for students, the numbers do not speak for themselves, and therefore require

8. For a discussion on how anti-immigrant stances are being used in campaigns for office by politicians, see CALIFORNIA TOMORROW, A RESPONSE TO ANTI-IMMIGRANT PROPOSALS (Nov. 1993).

9. Debates among Latinos regarding the need for bilingual education are described and analyzed in SONIA NIETO, AFFIRMING DIVERSITY (1992).

10. This is particularly true for Latinos and African Americans. Despite the fact that several important successful civil rights coalitions existed in the past, competition between Latinos and African Americans is growing in several areas as competition over resources increases. See Jack Miles, Blacks v. Browns; African Americans and Latinos, THE ATLANTIC MONTHLY, Oct. 1992, at 41.

11. MEIER & STEWART, supra note 4, at 1.

12. Id. at 16-23.
interpretation. Despite the evidence they amass, the two authors grudgingly acknowledge the limitations of their work:

In every case where policy reflects positively on a student, Hispanic students are underrepresented. In every case where the policy reflects negatively on a student, Hispanic students are overrepresented. Such consistency does not prove that the policies are discriminatory; but given such a clear pattern, one should be skeptical about claims that academic grouping and discipline are merely good educational practices.13

By providing a new source of data, this paper seeks to support the findings of Meier and Stewart, that ability grouping does in fact represent a new form of discrimination against Latino students. Instead of relying upon a quantitative analysis of a larger sample population, I will base my analysis upon a qualitative, ethnographic study carried out in Lockwood, a small school district in Northern California. I intend to use a more intensive analysis of a single school district to illuminate the ways in which tracking affects the educational attainment of Latino students, and, in so doing, to illuminate how such practices function as a form of second generation discrimination.

II. RACIAL BIAS IN SCHOOL SORTING PRACTICES

A. Profile of the District and the Latino Student Population

Lockwood Unified School District (hereinafter LUSD) is a relatively small school district (approximately 8,000 students) located in Northern California.14 Although Latino children are the fastest growing ethnic group in public schools in the state of California,15 their numbers in Lockwood are well below the state average. This is largely due to the high property values in the city of Lockwood and the low vacancy rate in the rental housing market. Currently, Latinos make up ten percent of the district’s population, totaling slightly under 800 students. The 1990 census for the city of Lockwood projects a doubling of the Latino population in Lockwood by the end of the century.

As their numbers have increased, so have the academic and social problems that Latino children experience. Academically, Chicano and Latino students in Lockwood fall below the 50th percentile on standardized

13. MEIER ET AL., supra note 2, at 89.
14. The name of the district has been changed, and the names of individuals interviewed have been omitted in order to protect the identities of those who participated in the study.
15. Between 1950 and 1980 the Latino population in the U.S. grew by about 250%. In California the Latino population increased by 30% from 1980-1985, the fastest growth rate for any ethnic group in the United States and the largest increase for any state. By 1990, Latinos comprised 35.8% of the state’s population, and their numbers are expected to grow steadily in the years ahead. See HISPANIC POLICY DEVELOPMENT PROJECT, HISPANIC ALMANAC 229 (2nd 1990).
tests administered statewide. Of all the Chicano and Latino students who enter Lockwood High School, 38 percent either drop out or transfer to a new high school before graduation. More specifically, the 1993 district office report on attrition shows that the three year cumulative dropout rate for Hispanic students in the 9th grade class of 1988-1989 is 6.5 percent. While this figure is well below the national (approximately 40%) and state (approximately 45%) drop-out rates, Lockwood's lower rates may be explained in part by the fact that the district has kept no consistent records on dropout rates for any of its students. Additionally, data collected in the most recent 1993 study was based on incomplete reports of student destinations after leaving Lockwood High School. Finally, of those that do graduate, school guidance counselors report that only a small percentage go on to college and even fewer complete a four-year degree.

Socially, at the junior high and high school levels, Latino students display a high degree of disinterest in school activities and engage in behaviors that result in a higher than average rate of suspensions, expulsions and absenteeism. The disproportionate number of Latino students subjected to varying levels of punitive sanctions in Lockwood schools follows patterns observed nationally. Particularly at the secondary level, teachers and counselors describe many Latino students as "disruptive," "alienated" and "isolated" from other students and school personnel. Though not as prevalent as in some other California school districts, there are also reports that a significant number of Latino students in Lockwood are affiliated with gangs. Moreover, as one of the smallest cultural groups within this multiethnic district, a district characterized by considerable conflict and tension among students from different ethnic backgrounds, Latino students express the need to maintain strong group cohesion and separation as a defense against the hostility of others.

The Latino community in the district is also quite diverse. Although data available from the district does not contain information related to the national origin of students, interviews conducted with teachers, counselors and parents revealed the presence of students from a variety of backgrounds. While the majority of Lockwood's Latino students are of Mexican heritage, there are also significant numbers of Central and South American students. Among those of Mexican heritage, the population is

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17. See MEIER & STEWART, supra note 4, at 25.
18. Id. at 24.
19. A confidential study conducted by the school district in collaboration with the local police department reported the existence of at least three Latino gangs, two Black gangs and one Cambodian gang. According to the study, with the exception of the Cambodian gang, none of the Lockwood gangs are affiliated with larger gangs that operate throughout California and the west coast. PEDRO NOGUERA, CHICANO/LATINO POLICY PROJECT (1994).
further differentiated by national origin, with those born in the U.S. typically referring to themselves as "Chicano," and those born in Mexico identifying more closely with their national identity, or even the state or region within Mexico in which they were born. Additionally, while most of the Latino students come from homes where Spanish is the primary spoken language, many of the Chicano students speak English at home and are not fluent or literate in the Spanish language.

At both the junior high schools and the high school, Latino students are underrepresented in advanced placement and college track classes. They are overrepresented in classes designated for low ability students. Although many Latino students are native English speakers, school administrators regard English deficiency as the primary reason for their concentration in the lower tracks. Of the students enrolled in bilingual or English as a second language (hereinafter ESL) classes at the junior high level, only two were placed in college track courses in science and math. Both of these students were children of highly educated, middle class, South American immigrants, and therefore differed in several important ways from the majority of Latino students in the district who disproportionately come from low income families with low levels of education. At the high school, another eighteen students of Latino heritage were identified in college track and advanced placement classes. Without exception, all of these students came from middle class families.

1. Identifying Bias

To determine whether or not racial bias influenced the way in which Latino students are tracked in Lockwood secondary schools, interviews were conducted with guidance counselors, teachers, school administrators and students.20 The purpose of these interviews was to determine how these individuals, each occupying a distinct role in the educational process, explained the concentration of Latino students in low ability classes, and how they viewed the academic abilities of Latino students. Through the interviews, we hoped to understand how adults perceived the relationship between tracking and educational opportunities for Latino students.

In addition, we conducted classroom observations of student-teacher interactions in ninth grade classes to assess whether or not differences existed in how Latino students were being treated as compared to non-Latino students. The ninth grade classes at Lockwood High School were chosen

20. The data presented in this section of the paper comes from CHICANO/LATINO POLICY PROJECT, UNIVERSITY OF CAL. BERKELEY, FACTORS INFLUENCING PATTERNS OF ACADEMIC ACHIEVEMENT AMONG LATINO STUDENTS: AN ASSESSMENT OF EDUCATIONAL PROGRAMS AND A PRESCRIPTION FOR CHANGE (Pedro Noguera et al. eds., 1994).
because, although tracking often begins quite early in the primary grades,\textsuperscript{21} if the possibility for upward movement within the tracks exists at all, it is most likely to occur as a result of a student’s performance in the ninth grade.\textsuperscript{22} At the high school, five classes: two ESL classes, one English, one History and one Math class were chosen for observation. At north and south junior high schools, a total of eight classes were chosen for observation. One of each of the classes listed above was chosen from each school. Finally, a cross-section of junior high and high school students were interviewed (nine junior high and nine high school students). The interviews of those chosen for the cross-section allowed us to determine how the students felt about school and about themselves as students, as well as to document their own explanations for the overrepresentation of Latino students in classes for low ability students.

In our classroom observations, we found some teachers who were more likely to focus upon institutional factors rather than student attitudes or behavior as the primary explanation for the underachievement of Latino students. In our interviews, these teachers consistently stated that a student’s difficulty with spoken English should not be used as a gauge for their academic potential. When asked to explain why Latino students were disproportionately placed in low ability classes, these teachers pointed to low teacher expectations and the inability of many Latino parents to serve as effective advocates for their children. The response from one junior high school ESL teacher was indicative of the sentiments expressed by the others:

Many of the ESL students are quiet and well behaved in their mainstream classes. Many of their teachers mistake their quietness for intellectual deficiency. They assume that because a student has trouble with English that they must be slow mentally. A lot of the teachers and guidance counselors assume that it is in the student’s best interest to place them in classes that are less challenging, even though they realize that this will hold them back permanently.\textsuperscript{23}

These teachers consistently brought in culturally relevant extra curricular materials and conducted innovative and interactive classroom exercises to engage their students, but this was only true for three of the ESL teachers (one at the high school and one at each of the junior highs) and one high school English teacher. Despite having students with a broad range of literacy abilities in English, these teachers found ways to keep the entire class involved, using a combination of group assignments and whole group dis-

\textsuperscript{21} For a discussion of how tracking occurs during elementary school see \textit{Ray Rist, The Urban School A Factory For Failure} 64-90 (1973).
\textsuperscript{23} Interview with anonymous junior high ESL teacher, Lockwood Unified School District, in Lockwood, Cal. (Oct. 2, 1992). (The names of the teachers have been omitted and the name of the school district and the city have been changed to protect those who participated in the study).
cussions during most of the instructional time. We also saw teachers providing a great deal of individual attention to students requiring additional help. Several teachers even stayed after school to help students experiencing difficulty with course material.

The two junior high school ESL classes are taught by dedicated and enthusiastic teachers. During our visits to both classes (eight visits, each for forty-five minutes), we were impressed by the positive and pleasant learning environments that had been created for students. The atmosphere within the classrooms was relaxed, and we observed students working together in small groups as well as independently. The classrooms were clean and well ventilated, and decorated with culturally affirming pictures and wall hangings. Students attending these classes stated that they liked their teachers and found the material covered interesting and challenging. In both our observations and interviews with these teachers, we found evidence of high teacher expectations for the students. Despite the challenge entailed in teaching ESL classes, these two teachers covered the material in an academically rigorous manner. We found students who were encouraged to engage in work that involved higher order cognitive skills and analytical ability. Much of the teaching and learning that we saw in these classes was interactive.

Clearly, many of these teachers worked hard to engage their students with materials that the students found both challenging and relevant. For example, in one junior high class, the teacher brought in an article from a local newspaper about "banda," a music and dance craze among some Chicano and Mexican youth. This article was fairly difficult for some students due to the vocabulary and the style of writing employed by the author. The article would undoubtedly have been a challenge even for the average native English speaking junior high school student. Yet, we watched these mostly seventh and eighth grade ESL students struggling through difficult and unfamiliar words as they took turns reading the article out loud. Throughout the exercise, the students never seemed to lose interest or become distracted. With the support and assistance of the teacher, who became quite animated when explaining metaphors, the entire class completed the article. The relevance of the material to the experiences of the students, the collaborative and interactive teaching style and the challenging content of the material all seemed to have a positive influence on these usually hyperactive junior high school students.

However, most of the teachers we observed were less engaged with their students and seemed more aloof in their interactions with Latino students in particular. Most of the teachers employed less interactive pedagogical styles, and generally seemed to have difficulty motivating their students. These teachers relied heavily on lecture as the primary mode for teaching, and assigned work for students to do individually and quietly in class.
Many of these teachers seemed to have little patience for disruptions or tardiness, and referred several students to the principal's office. Although Latino students made up close to a third of some of these classes, the teachers seemed to ignore them during class discussions except for when they felt it necessary to discipline a student for sleeping or speaking too loudly to other students. In most of these classes, Latino students typically sat in groups at the rear of the room. They generally appeared bored and unmotivated during lectures and rarely participated in class discussions. Although most of the students participated in classroom writing assignments, those who did not could generally get by with staring into space or quietly talking to a friend.

In our interviews, these teachers tended to blame the students for what they perceived as shortcomings (i.e., lack of motivation, frivolous attitude toward school, low self esteem, etc.,) and generally explained the tracking patterns on that basis. "Many of them (Latino students) are too easily influenced by their friends. The peer groups have a negative influence on their academic performance," reported an English teacher. Another said that her students were "too lazy and unambitious to learn." Culture figured prominently in the teachers' explanations of Latino student performance. For example, one math teacher told us that "most of these kids would rather work than go to school, and that's what their parents want too. The idea of a college education is really very foreign to many of them." An English teacher at north junior high school described her Latino students as "wannabe" gangsters. "They don't care about what class they're in. All they care about is impressing their friends. Most of my Mexican students just aren't motivated when it comes to school."

A lack of rapport between Latino students and their teachers, conveyed by teacher comments, was evident in many classrooms as well. A visit to a sheltered history class at the high school provided a clear example of such a dynamic. The teacher spoke in English for the first quarter of the period without ever pausing for questions or inquiring whether or not the students comprehended the material. Following her lecture, the students were told to choose between two multiple choice exams on two different chapters which they were to answer in groups. The Latino students got together in groups with other Latinos, and the other students, mostly Asian, formed groups that were predominantly Asian. Although it was an open

27. Interview with anonymous junior high English teacher, Lockwood Unified Schools, in Lockwood, Cal. (Sept. 21, 1992).
book test, the students were guessing at answers and filling in spaces on the exam without reading the chapter from which the questions were derived. A big part of the problem for most of these students seemed to be the lack of linguistic comprehension of the assigned material. In conversations with the students after class, many complained that in this class they mainly saw movies and filled out worksheets, but did not learn much.

This kind of dynamic between teachers and students was evident in many of the other classes we observed as well. Generally, we found students who seemed disengaged and appeared to have little interest in the subject matter. In some cases, this was largely because the class was instructed in English, a language that some of the students do not understand. For example, in one math class we observed a teacher who did not speak any Spanish present a lesson on probability and assign problem sets. There were two tutors in the classroom: one who spoke Spanish fluently and one who did not seem to speak any Spanish. As the students began working on the problem sets, all of the Spanish speaking students began to call out for assistance from the Spanish speaking tutor. Some students were completely helpless unless the tutor translated the question word for word, and then needed assistance in figuring out how to solve the problems. The teacher seemed oblivious to the needs of these students, and focused her attention on a small group of English speakers seated at the front of the room. Meanwhile, the one Spanish speaking tutor attempted to re-teach the lesson for those who had not understood the teacher, a task which proved to be extremely frustrating for both the tutor and the students.

For Limited English Proficient (hereinafter LEP) students who are still learning the parts of speech and verb tenses, reading and comprehending chapters of prose in English presents quite a challenge. Yet, they are regularly tested on their comprehension of the material via exercises and exams. From our observations and comments of both students and teachers, it appears that many of the LEP students have a very practical approach to the requirements of multiple choice exams and fill-in-the-blank type assignments. Students look for key words in questions and try to locate those same words in their textbook. While this practice enables them to fill in the blanks and even find some of the right answers on multiple choice exams, the students often do not seem to comprehend the content of their classes in history, science and math.

A history teacher at the high school level commented about her surprise and frustration at finding that the ESL students from junior high school came with strategies to "get by" which excluded actual comprehension of the material. She said that by the time these students got to her class in high school, it appeared that they had mastered the skill of doing exercises by finding key words and copying them down. She said that her students refused to do the exercises unless they were able to identify the
answers word for word from the book. As she put it, "It seemed like they had learned this game somewhere before."  

An incident observed in a math classroom at one of the junior high schools illustrates how students develop coping strategies which enable them to "get by" without learning. After asking a group of students to stop talking on two occasions, this math teacher became very frustrated and began to yell at the mostly Latino students, ordering them to stop speaking in Spanish. The students eventually settled down and started working. After a few minutes, one of the students asked a Spanish speaking tutor for assistance in translating a question. The teacher responded by telling the tutor not to help the student. She claimed that two of the three boys had deteriorated in their English speaking abilities since last year and therefore needed to be forced to attempt to do their work without help. She then proceeded to tell the story of her father who had come to the United States at the age of eleven speaking only Russian, and who learned to speak English in one year. While the teacher lectured the students in English, the students deciphered the instructions for the assignment on their own. Ignoring the teacher, both because it seemed they did not understand and because they did not want to hear her, the students worked together on the assignment, occasionally making jokes about the teacher as they shared answers to questions.

2. Student Perceptions at the Secondary Level

In our interviews with students at the secondary level, we found widely shared perceptions that the schools were hostile toward Latino students and their culture. This hostility was described in several ways. First, Chicano and Latino students consistently reported that they had experienced overt racism, discrimination and stereotyping within the classroom and the school. Examples of biased treatment included being ignored or neglected by teachers (e.g. not being called upon during class discussions, little eye contact, minimal attention except in the form of punishment, etc.,) and being unfairly targeted for punishment and ostracism. Students also reported feeling as though their teachers looked down upon them and were not willing to give them needed assistance. The students we interviewed felt that some teachers stereotyped them as being less capable of succeeding in school and thus expected less of them due to their ethnic background.

As a result of this treatment, several students reported that they felt discouraged and less willing to make an effort to excel. A quote from a ninth grade high school student exemplifies this perception:

[M]y math teacher didn't teach me nothin'. He didn't explain the work and I just felt dumb. One time he threw my homework at me. Don't ask me

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why, I think he just looks down on us [Chicanos]. After that I just gave up. I don’t go to that class no more, I just cut, and kick it with my friends. . . .

Similar sentiments were expressed to Marcello Suarez Orozco when he was carrying out ethnographic research among Latino students at two northern California high schools. Orozco also found that bias and negative stereotypes about Latinos were pervasive among teachers and administrators. In our study, the Latino students who were interviewed perceived such attitudes to be widespread among the faculty and administration at Lockwood High School. In fact, the students were more likely to see the presence of sensitive and supportive adults as the exception, rather than the norm. While most students described the adults they encountered as either insensitive or indifferent, some cited examples of individuals who they felt “had it out for Latinos.” Another high school student described some of the ways in which she felt Latino students were negatively stereotyped:

They look at us and think we’re just a bunch of gang bangers. If you wear baggy clothes or a Raiders jacket they think you’re some kinda hood. They’re just prejudiced against us. Half my teachers don’t even know my name. They’re always calling me Maria or some other girl’s name just ‘cause we’re the only Latinas in the class. I think it’s racism.

The feelings of estrangement and alienation described by Latino students in Lockwood’s secondary schools are reinforced by the lack of Latinos in professional roles at the school sites. Latino students report that they are disturbed by the fact that they do not have equal representation on campus or in the school district. Students see few Chicanos or Latinos on the school board, in parent and student organizations, or on the school staff. There is one Chicana faculty member at Northside Junior High School, none at Southside Junior High, and three Latino teachers and one Latino guidance counselor at the high school. Most of the adults the students encounter, even in the bilingual, ESL and sheltered classes, are not Latino, and the vast majority do not speak Spanish.

Commenting on the lack of representation of Latinos on the school faculty, one twelfth grade, upper tracked student said the following:

[One] of the main things that needs to change is the representation in the staff and . . . in the classes. The school needs to hire more Chicano and Latino teachers so that students feel included and more like they are a part of the school. A lot of us don’t feel comfortable in the school because there


31. Id.

are no role models around. We need people that we can talk to and identify with.\textsuperscript{33}

Another ninth grade student made a similar point regarding the need for Latino role models:

I think that teachers should be mentors and role models to the students, and that's what I look for in a teacher. Someone who cares and reaches out to me and who I can talk to. Someone who is interested, who is interested in my culture and who will let me bring my culture into class... I like it when we learn about Chicano/Latino writers, African American writers, Asian American writers, European writers, and writers from all over, you know, the world. People have so much to offer us through their writing, we learn about their culture and then we're not ignorant or bored because we learn about everyone... Do you understand?\textsuperscript{34}

The lack of representation at the school sites exacerbates the students' feelings of exclusion. Students feel that this problem is further compounded by a curriculum that largely omits any mention of their history or culture. Many believe that their teachers are uninterested or hostile to covering material that is relevant to their socioeconomic and cultural reality. One student expressed his frustration with the curriculum in the following way:

[I]t [bothers] me that all the discussions seem to focus on black and white issues... it's important but I don't see my people represented at all. I think during class discussion, everyone should be included. When you learn about your people you feel more motivated to do the work.\textsuperscript{35}

Many students expressed a desire to learn more about their history and culture in school, and regarded its absence from the curriculum as a sign of discrimination. The students we interviewed said they want classes in Chicano/Latino studies which focus on history, culture and contemporary issues relevant to the experience of Latinos in the United States. The students also want to see literature and material written by Latino scholars included in their traditional classes, especially English and History. An eighth grade student at Northside Junior High School made the following argument for the inclusion of Latino issues in the school curriculum:

If kids have to wait until they get out of school to find out about all the bad things that white people have done to us it just makes them madder. Then they might end up hating white people and hurting the wrong ones. Its better if you give us a chance to learn these things in school so that we can

\textsuperscript{33} Interview with anonymous twelfth grade student, Lockwood Unified School District, Lockwood, Cal. (Oct. 24, 1992).

\textsuperscript{34} Interview with anonymous ninth grade student, Lockwood Unified School District, Lockwood, Cal. (Oct. 24, 1992).

\textsuperscript{35} Interview with anonymous student, Lockwood Unified School District, in Lockwood, Cal. (Oct. 21, 1992).
think about it in an intelligent way. Maybe then so many of us won't be so angry.\textsuperscript{36}

Many of the students that we interviewed connected the cultural bias of the curriculum to their placement in low ability classes. In addition to what they regarded as "straight up racism," many of the students said that they were unmotivated to take on the more challenging work offered in the college prep courses since it was not made relevant to their experience. In addition, many said that they did not want to be the only Latinos in those classes and would prefer to be in less challenging classes than to feel alienated and isolated. The quote below from a twelfth grade student captures the perspective we heard from many students.

I used to be in GATE (Gifted and Talented Education) when I was in grade school. But when I got to junior high I saw that they were basically trying to keep me away from my homies by putting me in those classes. You get tired of being the only Latino all of the time. Especially since all we ever read about is White people anyway. So I decided, hey why should I have to work so hard learning all of that bullshit, when I could be kicking it with my friends in the easy classes.\textsuperscript{37}

Another student who chose to remain in the college prep track class explained the dilemma faced by Latino students in this way:

[I] think one of the problems is that we're not a large percentage of the school, especially in the upper track classes. There [are] only one or two of us in the class and we feel embarrassed, almost, to raise our hand and say something... to say well in my culture it's like this, or I feel like this because... I think that if there were more Latinos in the upper track classes it would make us feel more comfortable. The few of us who are there feel pretty much excluded from the classroom, like it doesn't have to do with us. I stay because I know that if we're not in the right classes most of us won't be able to get into the good colleges, which means more of us are going to be out on the streets. But a lot of people refuse to stay. They'd rather be in a lower class with more Latino students.\textsuperscript{38}

This student and many of the others that we interviewed seemed to have resigned themselves to accept a marginalized position within the school. Acceptance of placement in lower track classes in order to avoid being isolated from other Latino students has been widely embraced as an effective coping strategy. Although students recognize the implications of their placement—that their high school preparation will prevent them from being accepted by one of the better universities—they willingly make the

\textsuperscript{36} Interview with anonymous eighth grade student, Lockwood Unified School District, in Lockwood, Cal. (Oct. 22, 1992).

\textsuperscript{37} Interview with anonymous twelfth grade student, Lockwood Unified School District, in Lockwood, Cal. (Oct. 23, 1992).

\textsuperscript{38} Interview with anonymous college prep track student, Lockwood Unified School District, in Lockwood, Cal. (Oct. 24, 1992).
trade-off because they find the hostility and alienation in the upper-tracked classes unbearable.

III.
TRACKING AS A FORM OF RACIAL DISCRIMINATION

In many ways, our research in Lockwood revealed that racial bias does influence ability grouping practices and that, as a result, Latino students in particular are disproportionately concentrated in low ability classes. In classroom observations and interviews with students and teachers, we found substantial evidence that all parties perceived ethnicity as relevant to school performance, and more often than not there was a perception that Latino students are less capable. Our observations and interviews led us to conclude that with few exceptions, teachers hold low expectations toward Latino students, and that these low expectations influence the placement of students into low ability classes. The low expectations are based in part on the assumption that because a student has difficulty with English, he or she will necessarily be deficient in other subject areas. Additionally, some teachers’ negative attitudes toward Latino students were based upon cultural stereotypes (i.e., Latinos value work over education) or a tendency to view Latino students as susceptible to negative peer influences.

Nonetheless, evidence of low expectations and discriminatory attitudes on the part of teachers does not by itself prove that racial bias is responsible for the way in which Latino students are tracked. Latinos are not the only ethnic group that can be found in lower-tracked classes. Moreover, there are some Latinos in upper-track classes—even if they are all from middle class families. Hence, establishing definitively that Latinos have been singled out for discriminatory treatment as a result of tracking practices in Lockwood schools is difficult to substantiate. Furthermore, our interviews revealed that some Latino students were at least partially tracking themselves by deliberately avoiding college prep classes in order to avoid alienation and remain with their Latino friends. In this respect, the Latino students at Lockwood are following the pattern of “self damnation” identified by Paul Willis and others as one of the ways in which working class students respond to social reproduction processes (i.e., tracking) within schools.39 For all of these reasons, efforts to link tracking practices to discrimination against Latinos are certainly harder to substantiate than earlier forms of discrimination.

While complicating factors such as these make it difficult to prove discrimination, the results of such practices remain undeniable. Latino students in Lockwood and across the country disproportionately drop out of school prior to graduation. They are also substantially more likely to get

suspended or expelled, and unlikely to go on to college. While tracking may not be the only factor responsible for perpetuating these patterns, certainly few could argue that it has helped to make the situation any better. Throughout our study, even the least supportive teachers agreed that there were major problems confronting the education of Latino students, many of which were unrelated to the motivation of students. Though there were wide variations regarding how to address these problems and who should assume responsibility for them, we did sense an openness to the idea that something should be done.

A. The Search For Remedies

For parents, teachers and others who want to see a reversal in these patterns, the question remains: What can be done to improve the educational experience of Latino students? Clearly, the forms of intervention that will be needed to address problems like tracking will differ substantially from the remedies used to address discrimination in the past. Court orders and consent decrees may neither be forthcoming, nor are they likely to bring about the kind of change in school culture that is needed to rectify the situation. To the extent that tracking practices are influenced by subtle or even unconscious forms of bias, changes in policies and procedures alone will not necessarily produce a change in the attitudes and behavior of students and teachers. Even if the Lockwood School Board were to pass a policy banning tracking in schools, it is very likely that new ways of sorting students would replace the old, since attitudes about the practice are rooted in assumptions about the intellectual potential of students.

Given the challenges confronting future civil rights efforts in education, it is especially important that issues be framed precisely and proposed remedies carefully designed to overcome the pitfalls and potential obstructions to successful attainment of collective goals. There is undoubtedly no way to avoid controversy and concerted opposition around issues like tracking and bilingual education, but lessons derived from past experience should remind us that strategies developed through a careful and thorough analysis of issues are almost always more effective than protests driven primarily by emotion and spontaneity. While walk-outs by students, such as those that occurred in California at several high schools and colleges in the fall of 1993, are an effective way of drawing attention to issues, such actions certainly can not be seen as a replacement for a more well thought out and deliberate strategy. Similarly, although objections raised by parents at local school board meetings aimed at blocking the approval of the Houghton Mifflin social studies text books were successful in raising awareness
about the cultural bias of school curricula, in the end most school districts approved the texts and the issue remains largely unresolved.\textsuperscript{40}

The courts will undoubtedly continue to play a major role in efforts to promote civil rights struggles in education. However, much of the effort to address second generation forms of discrimination will undoubtedly be subsumed within broader efforts to reform and improve public schools. As pressure mounts for the schools to improve the ways in which they educate and serve students, new initiatives for raising academic achievement will be considered. Efforts to initiate heterogeneous grouping or to promote a form of bilingual education that does not stifle the academic attainment of students must be integral to the larger reform agenda. In light of the current xenophobic climate evidenced, in part, by growing hostility to providing services to immigrants, efforts to improve the education of Latinos generally, must not become marginalized or treated as an exclusively Latino issue. Most Latino students will continue attend schools where the majority of teachers and administrators are not Latino. Even without the leverage of the courts, we must find ways to make those responsible for educating Latino students accountable and responsive to the needs of our children.

\textsuperscript{40} Although protest over the social studies text books took place in several communities across the state, with the exception of the Oakland, Hayward and Alum Rock school districts, the books were eventually adopted. See Robert Reinhold, \textit{Class Struggle}, \textit{The New York Times}, Sept. 21, 1991 (Magazine), at 26 and K. Connie Kang & Dexter Waugh, \textit{Textbooks: An American Tragedy}, \textit{San Francisco Examiner}, May 6, 1990, at A1.