

# **2023 ANNUAL CONVENTION**

## **EQUITY**

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# Training Objectives

- Review the Role of the Board
- Define Educational Equity
- Identify and Discuss the Realities of Implementing, interpreting, and Enforcing Board Policies

# Realities in Having Equity Discussions - Recommendations

- Speak your truth
- Stay engaged
- **Expect to experience discomfort and pushback at each or at some levels -- PERSIST ANYWAY**
- Be *Aware of Intent*; Own your *Impact*
- Expect and accept non-closure
- It's about education
- Open to new Ideas

# BASICS

- The Main Function and Role of the Board of Education
  - Hiring the Superintendent
  - Setting policy
  - Approving the budget
- **SUBJECT TO THE RULES OF THE PED**

# BASICS

- The Role of the Superintendent
  - Managing school district staff
  - Implementing policy
  - Recommending and reporting to the Board on budget and policy items
- **SUBJECT TO THE RULES OF THE PED**

# COMPLIANCE WITH LAW

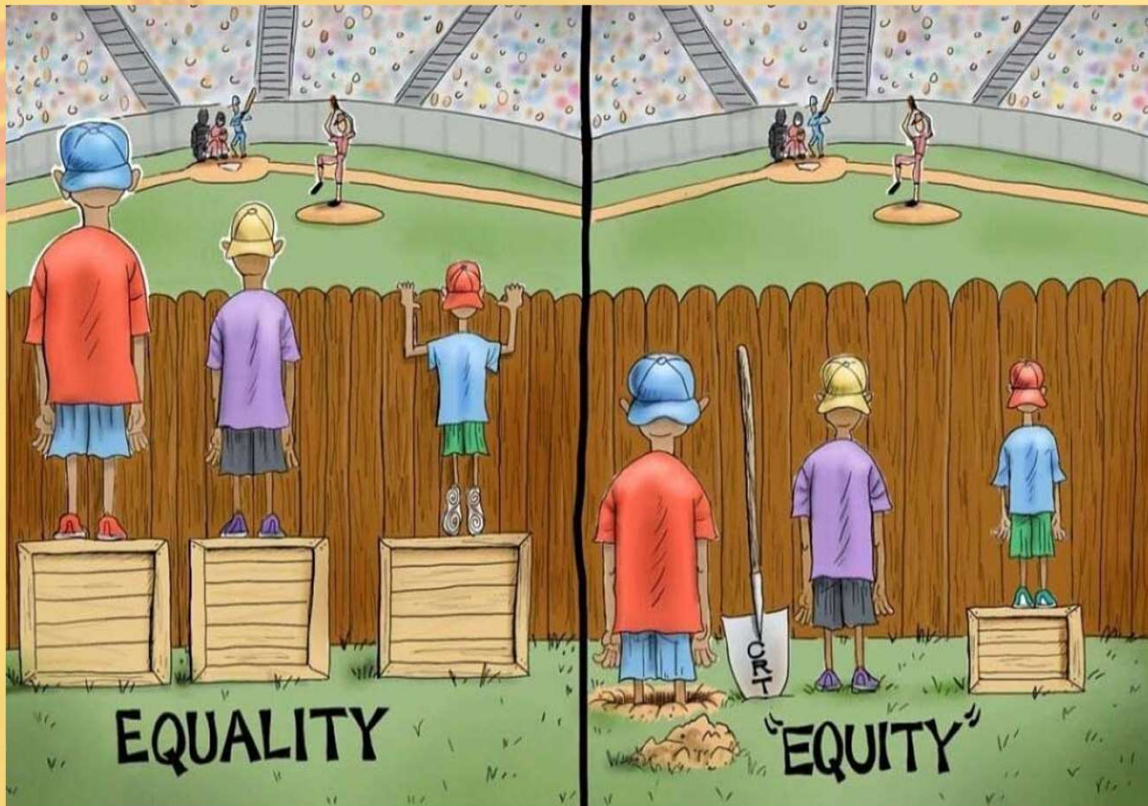
- **Title I and Title VI of the Civil Rights Act of 1964 is a federal law that protects students from discrimination based on**
  - **race**
  - **color**
  - **disability, or relationship or association with an individual with a disability**
  - **national origin****in programs and activities that receive federal financial assistance. Any governmental entity receiving federal money cannot discriminate. It is a basic accountability system: if a recipient receives federal funds, that recipient cannot use those funds to discriminate.**

**Discrimination need not be intentional.**

# COMPLIANCE WITH LAW

- **New Mexico Human Rights Act prohibits discrimination on the basis of:**
  - race
  - age
  - religion
  - color
  - national origin
  - ancestry
  - sex
  - sexual orientation
  - gender
  - gender identity
  - pregnancy
  - childbirth or condition related to pregnancy or childbirth
  - physical or mental disability or serious medical condition

# What are we fighting about?



**FAIR VS. EQUAL**

- **EQUAL MEANS THE SAME. I WILL NOT BE TREATING YOU ALL THE SAME.**
- **BEING FAIR MEANS I WILL DO MY BEST TO GIVE EACH STUDENT WHAT HE OR SHE NEEDS IN ORDER TO BE SUCCESSFUL.**
- **WHAT YOU NEED AND WHAT SOMEONE ELSE NEEDS MAY BE VERY DIFFERENT.**
- **I WILL ALWAYS BE FAIR BUT THIS MEANS THAT THINGS WON'T ALWAYS FEEL EQUAL.**



# History of Equity Litigation



Sylvia Mendez, one of Gonzalo and Felicitas's children who was turned away from her local school because of her ethnicity.

- *Méndez v. Westminster School District of Orange County* was a federal court case that challenged racial segregation in the education system of Orange County, California.
- Five Mexican-American fathers—Thomas Estrada, William Guzmán, Gonzalo Méndez, Frank Palomino, and Lorenzo Ramírez—set out to challenge the practice of school segregation in federal court
- Their claim was that their children and some 5,000 others of Mexican ancestry, had fallen victim to unconstitutional discriminatory practices by being forced to attend separate schools that had been designated “schools for Mexicans” in the school districts of El Modena, Garden Grove, Santa Ana, and Westminster—all of which were in Orange County.
- The U.S. Court of Appeals for the Ninth Circuit affirmed the Federal District Court and held that the segregation of Mexican and Mexican-American students, by relegating them to “Mexican Schools,” was unconstitutional.

# *Méndez v. Westminster School District of Orange County*

- The Case highlighted the disparagingly hostile language that was used by the superintendents of the Orange County schools to rationalize their motives for enforcing segregation practices:
  - “‘Mexicans are inferior in personal hygiene, ability, and in their economic outlook.’ He [the superintendent] further stated that their lack of English prevented them from learning Mother Goose rhymes and that they had hygiene deficiencies, like lice, impetigo, tuberculosis, and generally dirty hands, neck, face and ears. These he [the superintendent] stated warranted separation.”
  - To refute these claims, the attorney for Méndez brought forth experts in social science to address these essentialist (and erroneous) perspectives of students of Mexican decent. To counter the argument of the Mexican-American children’s inability to speak English, he called a Hispanic young lady named Carol Torres to take the stand. This was to illustrate that Mexican-American students were certainly capable of speaking English. Mrs. Méndez also testified and delivered, in English, one resounding line --“We always tell our children they are Americans.”

# *Méndez v. Westminster School District of Orange County*

- In the “Mexican Schools” the students were only given instruction necessary to become gardeners, laborers, cooks, maids and nannies.
- After nearly a year, Senior Judge Paul John McCormick for the U.S. District Court for the Southern District of California, ruled on April 14, 1947, that there were no legal grounds for the segregation of Mexican children and that these actions were a “clear denial of the equal protection clause of the 14<sup>th</sup> Amendment.”
- The previously-mentioned school districts appealed the ruling to the U.S. Court of Appeals for the Ninth Circuit, which affirmed Judge McCormick’s ruling.
- Two months later, California’s Governor Earl Warren signed a bill ending school segregation in California, making it the first state to official desegregate its public schools.”
- Earl Warren would later become the Chief Justice of the Supreme Court of the United States, at the time that the Court heard the *Brown v. Board of Education* case. Earl Warren’s role in seeing to the passing of legislation (the Anderson bill) in his state—after understanding the arguments brought before the federal courts paved the way for the outcome in *Brown v. Board of Education*.

# History of Native American Education



- 1819-2013: Congress passes the Indian Civilization Act, which authorizes up to \$10,000 a year to support the efforts of religious groups and interested individuals willing to live among and teach Indians. The act leads many to found so-called mission schools, which increase in number until federal officials stop providing direct funding for them at the end of the 19th century. Some mission schools continue to operate today.

# History of Native American Education

- In the late 19th century, the federal government's Indian Office developed and expanded a system of day and boarding schools for Native Americans, opening the first off-reservation boarding school, the Carlisle Indian Industrial School, in 1879 in Carlisle, Pa.
- Boarding schools provided half-day academic and half-day vocational programs with all instruction in English and were often run like military schools.
- As of 2013, only 7 percent of the 607,000 Native American students in the United States attend federally run Bureau of Indian Education (BIE) day and boarding schools.
- Most Native American students now attend public schools on and off tribal lands.

# History of Native American Education

- Army Capt. Richard Henry Pratt, founder of the Carlisle school , says his educational goal for Native Americans is to civilize them through total cultural assimilation. As he states in an 1892 speech: **“Kill the Indian in him, and save the man.”**
- In the 1920s, federal policy toward Indian schools comes under increasing fire as Indian reservations remain mired in poverty. In 1928, an independent investigation of the Indian Office by the Brookings Institution, known as the Meriam Report and published by the Johns Hopkins Press, sharply criticizes the quality of education provided by government-run Indian schools.
- The report is especially critical of vocational education programs, which it says are used to provide student labor to keep the schools running and save the government money. The report calls for more child-centered, culturally appropriate education in keeping with the then-current philosophy of progressive education.

# History of Native American Education

- In 1934, Congress passes the Johnson O'Malley (JOM) Act, authorizing the U.S. Secretary of the Interior to enter into contracts with states and territories to pay for the education of Indian students. (Since 1891, federal officials had worked through individual contracts with school districts.)
- Today, in addition to receiving JOM funding, public schools can obtain federal Impact Aid to support the education of Native students who live on nontaxable Indian land. (Impact Aid also provides support to districts that serve students from military bases or other land not subject to local and state property taxes.)
- In 1969, a special U.S. Senate subcommittee releases "Indian Education: A National Tragedy, A National Challenge." With other reports, it brings renewed attention to Native education, leading to passage of the Indian Education Act of 1972 and the 1975 Indian Self Determination and Education Assistance Act.

# Purpose of Public Education by the Courts

- Supreme Court Justice Brennan expressed the current view of the purpose of public education in *Abington School District v. Schemp* (1963):

**“It is implicit in the history and character of American public education that public schools serve a uniquely public function: the training of American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort – an atmosphere in which children may assimilate a heritage common to all American groups and religions. This is a heritage neither theistic nor atheistic, but simply civic and patriotic.” (pp. 241-242, Justice Brennan concurring)**



# How to Address Equity Issues

## **DIRE** Action Means Practicing Equity

### **Define**

What equity is to the Board?

### **Identify**

Where equity is lacking or absent?

### **Revise**

Revise strategic plan/learning plans.

### **Evaluate**

Is there progress being made?

# What is Equity?

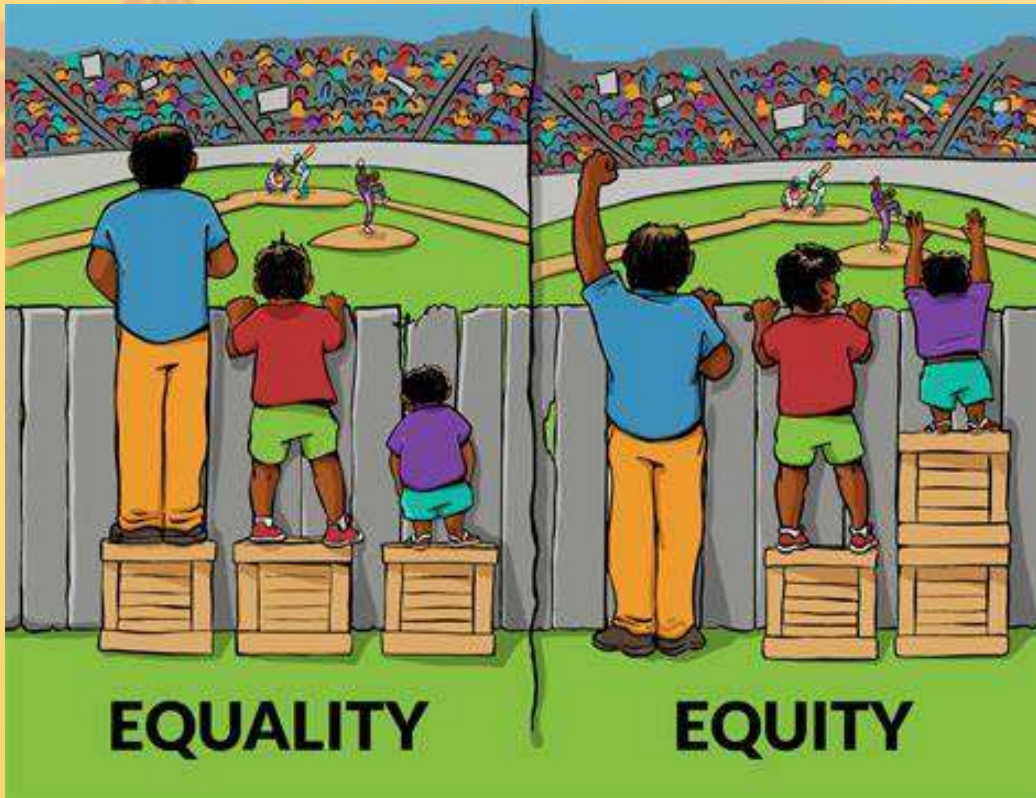
“ We affirm in our actions that each student can, will, and shall learn. We recognize that based on factors including but not limited to disability, race, ethnicity, and socio-economic status, student deprived of equitable educational opportunities. Educational equity is the intentional allocation of resources, instruction, and opportunities according to need, requiring that discriminatory practices, prejudices, and beliefs be identified and eradicated.”

*-Adopted by the NSBA Board of Directors in December 2017*

**Equity:** an interruption of systems, structures, policies, and practices which privilege some students while marginalizing other students. Strategies that promote equity are intended to ensure fairness and justice by the following:

- a. Countering biased behaviors that cause harm to specific groups;
- b. Opposing unfair policies, programs, and practices that consistently result in negative outcomes for groups who are disadvantaged by these actions; and
- c. Negotiating, re-allocating, and sometimes re-imagining resources, opportunities, and supports when equal distribution of these things (one size fits all) results in inequitable outcomes that do not adequately meet specific needs and interests of all groups of students.

# Educational Equity vs. Educational Equality



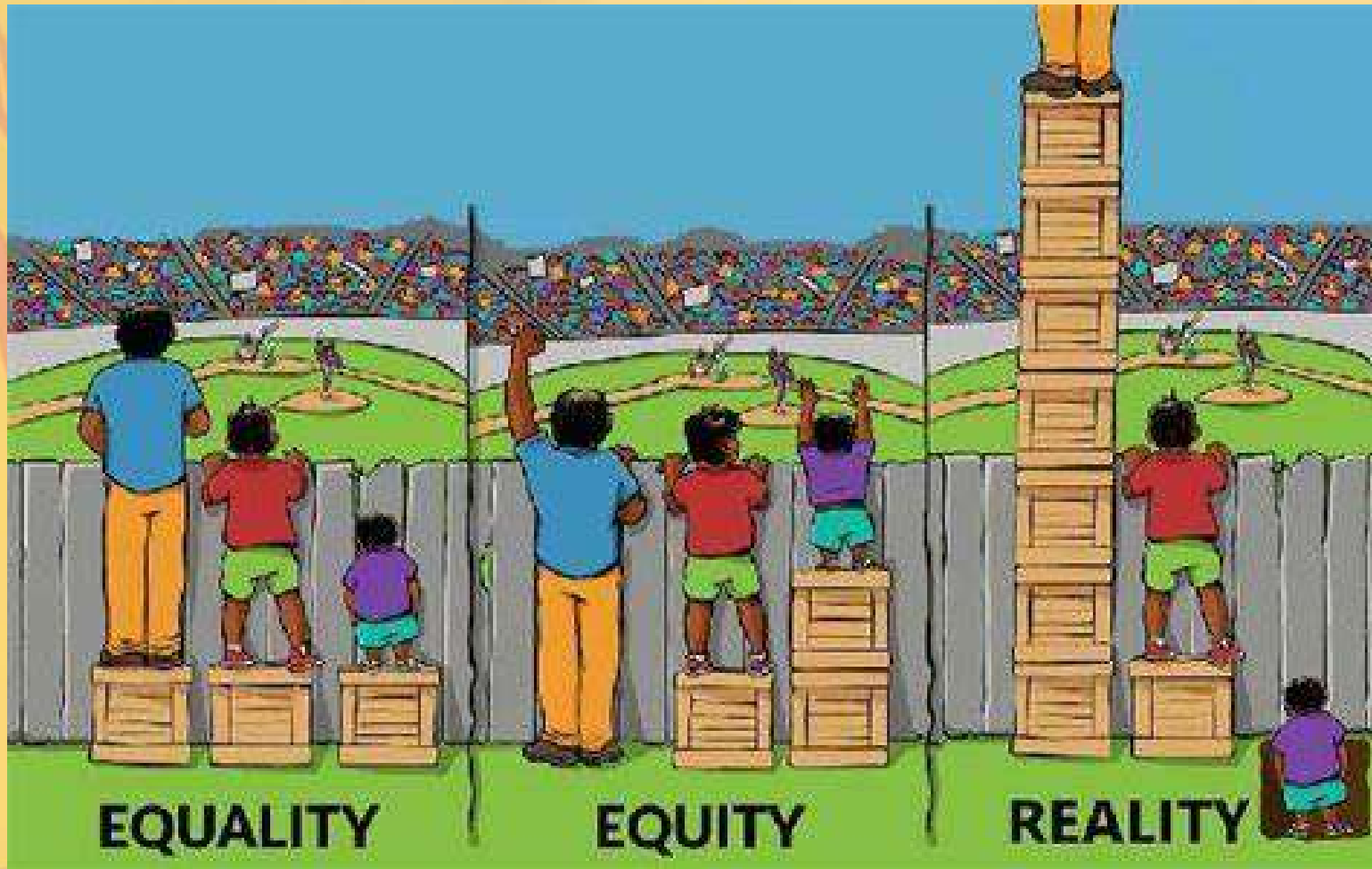
Educational equity ensures that the needs of individuals from disadvantaged socioeconomic backgrounds, individuals with disabilities, and other disenfranchised minorities are provided with educational tools, resources, and support that are individualized to a student's educational needs.

In juxtaposition, educational equality assumes that all students' educational needs are the same, and that individualized systems of educational resources are not warranted.

Educational equality negates the ability to transition into the next iteration of public education that focuses on education that is equitable.

# Educational Equity vs. Educational Equality

**PERCEPTION IS REALITY**



# Main Drivers of Equity

- Funding
- High Level Curriculum
- Effective Educators
- Safe and Supportive School Climate
- Meaningful Community Engagement
- Tribal Consultation, where required

# Main Drivers of Equity Funding

- Unit Value/Funding Formula
- Identify all available federal funding
  - JOM, Impact Aid, Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. § 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. § 3101 et seq.), the Head Start Act (42 U.S.C. § 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. § 9858 et seq.), the Education Sciences Reform Act of 2002 (20 U.S.C. § 9501 et seq.), the Education Act of 2002 (20 U.S.C. § 9601 et seq.), the National Assessment of Educational Progress Authorization Act (20 U.S.C. § 9621 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11301 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. § 3271 et seq.)
- Equity across campuses and school assignments
- Equity across programs (Title IX)
- Equity in student discipline (Title VI)

# Main Drivers of Equity Assignments

- *Parents Involved in Community Schools v. Seattle School District No.1*, 551 U.S. 701 (2007)
- Achieving racially balanced school districts does not amount to a compelling governmental interest that satisfies strict scrutiny

# Main Drivers of Equity High-Level Curriculum

- Disparate Impact by race, ethnicity, and gender
- Disability rights (IDEA/Section 504)
  - SPED
- Tribal consultation



# Main Drivers of Equity School Climate

- Be familiar with School District data by subgroups (academic progress and discipline)
- Incorporate restorative practices
- Limit exclusionary discipline placements
- Reexamine Codes of Conduct
- Staff training and support

# Main Drivers of Equity Community Engagement

- Comply with the OMA and IPRA
- Discussions of student performance by subgroup must take place in public
- Board and Administration self-evaluations in open and closed session
- Obtain legal advice
- Tribal Consultation
  - The Indian Education Act and the ESEA allows the Pueblos and Tribes the ability to consult with this Board before it makes major decisions with regards to the provision of public education at the local level, but it does not give any other entity, including the Pueblos or Tribes the ability to approve or disapprove of any decision made by the Board in governing and administering this School District through its Superintendent.
  - Concurrence by the Pueblos and Tribes is not consultation

# Policy Development

- “To establish a framework that promotes supportive, responsive, and equitable learning environments that validates and infuses students' home culture, language, identity, and socioeconomic status and that affirms the District's commitment to correct the inequitable experiences and negative stereotypes of historically under-represented, underserved, and marginalized student populations, cultures, and languages.”

# Policy Development

- “The Board acknowledges that the New Mexico Constitution instructs the State to develop a uniform system of public schools sufficient for the education of all New Mexico students. The Court's decision in the *Martinez* and *Yazzie* consolidated lawsuit held that New Mexico has not met its duty to provide an education to the state’s “at-risk” students, including those who are economically disadvantaged, Native American, English learners, or students with disabilities.”

# Policy Development

- “The Board recognizes that educational excellence for all students requires a commitment to equity, which is more than a list of practical strategies. It is a lens and an ideological commitment. As we deepen our understandings of equity and inequity, we aim to develop an informed critical lens, an ideological commitment to justice, and a set of goals, practices, and mechanisms of accountability.”

# Policy Development

To achieve equity and excellence for all students the Board establishes and/or commits to the following:

1. Establishing that fairness, equity, and inclusion are essential principles of our school system by integrating these principles into resource distribution, policies, programs, operations, and practices.
2. Supporting a teaching and learning culture that includes high and individualized expectations of students and staff, innovative teaching and learning styles as well as systemic supports for teachers and students.
3. Creating multiple learning pathways that widen access to educational opportunities and lifelong success.
4. Ensuring that language used in district guidelines, policies, and/or procedures include words, phrases, and tones that are culturally appropriate and do not discriminate against groups of people based on socially constructed identity categories.

# Policy Development

5. Supporting the Equity Council composed of district staff, school staff, community experts, parents, and students. The Equity Council will serve as an advisory body to the School Board and administration where they will identify inequities within current policies, practices, or structures and make recommendations to eliminate these inequities. The Equity Council will provide a formal presentation to the School Board on an annual basis.
6. Providing high quality, culturally, and linguistically responsive curricula for students and teachers by, for example, infusing Ethnic Studies into the curriculum.
7. Providing on-going professional development and support to all district administrators, teaching staff, and support staff in order to implement this policy to create culturally affirming and validating classrooms and schools.

# Policy Development

8. Engaging with staff, students, parents/guardians, and the local community in order to build and sustain a culture emblematic of the ideals of this policy.

9. School Board Members shall receive a total of five hours of annual training provided by the New Mexico School Boards Association (NMSBA) which includes a minimum of one hour of training during each term in office on equity and culturally and linguistically responsive practices (6.29.1.9 NMAC). School Board Members will be invited to attend additional equity and culturally and linguistically responsive training when offered by the school district.



# Policy Development

10. Supporting a positive approach to student behavior and the use of preventative and restorative practices to minimize the need for discipline and maximize instructional time for every student.

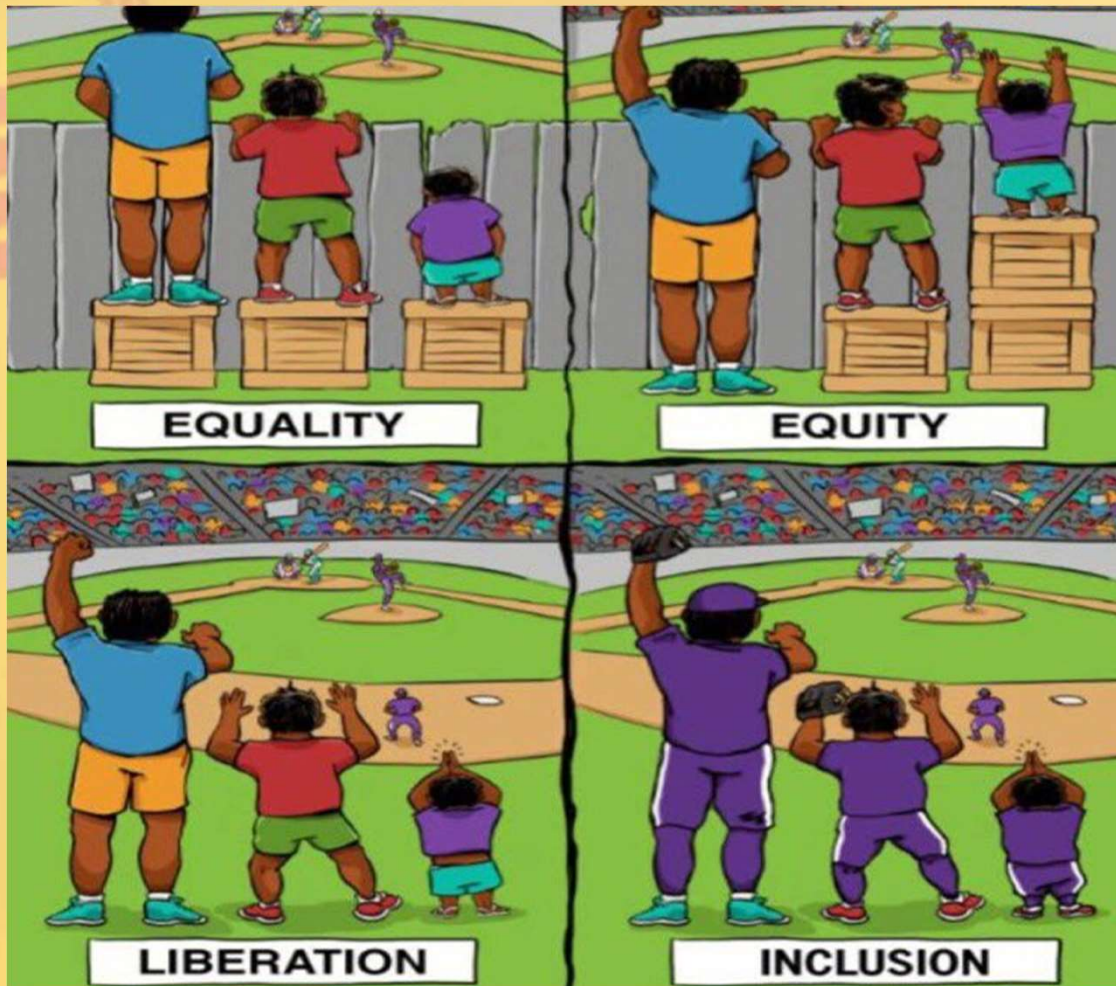
# Policy Development

11. Providing a culturally and linguistically responsive Pre-Kindergarten to Grade 12 curriculum that validates and affirms the home culture and language of students which accurately depicts and represents the distinctive contributions of the local and global communities. The curriculum shall enable staff to implement the development of the following attitudes, skills, and behaviors:

- a. Valuing one's heritage and the heritage of others.
- b. Respecting and celebrating diversity as an essential component to the health of a thriving community
- c. Valuing the richness of cultural pluralism and commonality.
- d. Developing and promoting inclusive relationships and foster the ability to work effectively in cross-cultural environments; and
- e. Confronting and eliminating stereotypes and biases related to individuals' actual or perceived socially constructed identity categories.
- f. Starting an effort to infuse Ethnic Studies into the K-12 curriculum.

12. Modeling the expectations in this Policy and expecting all Board and reports, presentations, and decision- making to adhere to the equity implications of this Policy.

# A Work in Progress



- CRT
- Parent Opt-Out
- Disrupted Board Meetings
- OCR Complaints
- Tribal interventions
- Tribal Sovereignty
- Elections
- Student Athletics
- Recruitment

# Questions



# Contact Information



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