



## **CRP Newsletter, Issue 5, March 2006**

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## From Gary Orfield, Director

What follows are my personal views, not policies or conclusions of the Civil Rights Project. I say that because the work of each author and advocate working with the Project is her or his individual work, signed by them and we do not require acceptance of any set of political conclusions, only the best possible work on each issue we study or work on with community groups and civil rights organizations. I am a political scientist, however, who studied political science and history with great scholars who have illuminated my understanding, a person who wrote a book on Congress and has been to Washington regularly for a third of a century, and who watches policy every day. I think we are at a time when the external political forces are large and negative and need to be discussed. In a democracy the political framework matters profoundly.

The present moment, in my judgment, is probably the worst period for civil rights since the 1950's and, in some ways, the first period with a clearly hostile control of all three branches of the government for almost a century. President Bush has run against major civil rights policies and his Administration went to the Supreme Court to try to end affirmative action in higher education. His two new Supreme Court appointees are the products of the strong anti-civil rights movement focused in the Justice Department of Reagan Attorney General Edwin Meese and developed in the workings of the Federalist Society. They believed that much of modern civil rights law and many court-ordered changes were wrong and that the law had gone too far and was doing injury to whites.

They do not see, except in the most extreme individual cases, the continuing impact of discrimination on inequality in America. They believe that the courts should limit their remedies greatly both in scope and duration and that there should be a much higher standard of proof for civil rights violations. The Warren Court gave us a Constitution in which the civil rights amendments added to the Constitution after the Civil War came back to life after generations of neglect. We now have a President and a Congress dominated by the anti-civil rights wing of the Republican Party, elected with little minority support. In this situation, it seems all too likely that rights, which have already been limited considerably since the 1970's, will shrink much more. Civil rights law has already been very severely cut back. Now the policies that broke the back of Southern apartheid, demanding specific racial changes, not just theoretical rights, are very much at risk. Civil rights lawyers speak with fear about pursuing rights in federal courts and are looking with hope to find state legal bases for action. There is great concern about the future of the Voting Rights Act, one of the greatest breakthroughs of the century, which is set to expire in 2007 and must be reenacted by Congress. There has not been government funding for a long time for civil rights research and action and private philanthropy, in an era of vast fortunes, usually tends

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## 2 Supporting Civil Rights Work

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to follow fashion and political trends, not to stand against them on issues of civil rights. It seems very likely, from the views of the two new Supreme Court justices, that we will have to fight again battles that were previously won with great difficulty and that we may be pushed back toward a still more segregated and unequal society.

In this setting it might be easy to decide that work on racial justice policy was futile and to shift to something else. I think Americans who care should do exactly the opposite and I hope many of our readers make that decision to stay focused on the truly important issues when it seems impossible to make serious progress. I am in the midst of Taylor Branch's amazing book, *At Canaan's Edge: America in the King Years, 1965-68*, which at once vividly paints the picture of apartheid America which still dominated major sections of the South 40 years ago and shows the daring, creativity, and faith in overcoming what seemed impossible odds that were necessary to move the country to new understandings and better policy. The book also describes the breakup of the coalition that created the great civil rights laws and all the work on urban and economic justice that Dr. King left undone, left for us to work on. It is in the long periods of inaction and retreat on racial equity that the new dreams are forged and we think through what is needed when the arc of history bends once more towards justice.



### Special Education & Racial Inequity

The Civil Rights Project's advocacy work is having an impact addressing racial inequity in special education. In 2000, The Civil Rights Project briefed the press on research findings from our conference on the racial identification and placement disparities in special education. There is no dispute that well-intentioned special education has become a source of stigma and inferior educational opportunities for some children of color, even as failures of accommodation has left others without the kinds of assistance that their White counterparts have obtained to promote their academic success.

Our work was influential: In 2004 Congress made racial disproportionality in special education a priority area for the monitoring and enforcement of the Individuals with Disabilities Education Act (IDEA). If implemented well, the new IDEA priority area would represent the first comprehensive effort to identify and develop remedies in every state with significant racial disparities in identification, placement, and discipline. The new law also requires that funds be set aside to address the issue whenever states find "significant racial disparities" at the district level.

With this issue as a new priority area, a rare opportunity exists for some meaningful reforms to take place. However, there is also a grave danger that without continued attention, the development of a solid research base, and attempted remedies evaluated for effectiveness, this opportunity will be squandered and the disturbing trends will continue unabated. Given the opportunity and the risks, it is urgent that CRP continue this work. CRP is poised to work in collaboration with state administrators and advocacy groups across the country but we have struggled to find funders to support our ongoing efforts. Please send all inquiries and suggestions on this work to CRP's Senior Education Law and Policy Associate, Daniel Losen at [dlosen@law.harvard.edu](mailto:dlosen@law.harvard.edu) or call (617-496-3884).

### 3 New Initiative Launched

## Project SEED Off and Growing

**PROJECT SEED**  
Science and Engineering  
Equity and Diversity



*Director of Project Seed Mia Ong, says there will be a considerable demographic shift in 50 years.*



Put sixty top thinkers together at an all day Harvard civil rights convention, and they'll be sure to broach some weighty topics. Such was the case this January at the First Symposium of The Project SEED Initiative, a program designed to Promote Educational Equity and Diversity in Science, Technology, Engineering and Mathematics (STEM).

Director of the Project SEED Initiative Maria ("Mia") Ong says a storm is brewing on the US horizon. "In fifty years," said Ong, in her opening statement to the symposium, "The US will experience a demographic shift towards a majority non-white population and a shortage of highly skilled domestic science workers and engineers."

Ong reviewed statistics from the Building Engineering and Science Talent (BEST). "Women, African Americans, Hispanics/Latinos, American Indians and persons with disabilities comprise two thirds of the overall workforce but hold only about one-quarter of the technical jobs that drive innovation," she said.

"Perhaps even more disturbing" Ong continued, "is the outlook that as our nation grows even more diverse, most STEM fields remain exclusionary: in 2001, only 9% of doctoral degrees and 16% of bachelors degrees in science and engineering were awarded to African Americans, Hispanics, or American Indian/Alaska natives (NSF, 2004), while in 2003, students of color constituted 40% of the nation's youth population (ages 0-24) and are projected to reach 47% by 2020."

Director of The Civil Rights Project at Harvard University, Gary Orfield, shares Ong's concern. "This demographic shift will place the country at a serious disadvantage," Orfield said. "We're not training people here where the technology is generated. For instance, two thirds of California is minority and yet tens of thousands of people working in technology in California are from India."

Also well versed of the looming US crisis, symposium attendees held roundtable sessions to try and come up with potential solutions. They tackled topics like redefining "the best and the brightest," and debunking negative perspectives on community colleges. "What does best really mean?" asked Director of Education and Human Resources of the American Association for the Advancement of Science Shirley Malcolm. "We value what we can measure instead of valuing the person."

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*Chemistry Professor Donna Nelson wants to change how the nation defines "best and brightest."*

"Yes," agreed University of Oklahoma's Associate Professor of Chemistry Donna Nelson. "We can't develop this country if half the talent pool isn't included. What does best really mean? It means best prepared. What does brightest mean? It means best in scores? The entire applicant pool is fitted into this cookie cutter shape. A diamond could be laying in the express way and it would be missed with this conservative system of defining a student through GPA, class rank and test scores."

Speakers from around the nation raised strategies for improvement. MIT's Associate Dean of the Undergraduate Education Karl W. Reid said environment shapes our beliefs and that the quality of teachers matters greatly to the student's future. He quoted Albert Bandura: "What people think, believe and feel affects how they behave."

Founded only last summer, Ong said Project SEED was formed to help create an argument for the need for more women and minority students in STEM. "It was my dream to hold a national symposium full of like-minded people to brainstorm ideas and answers for gender equity and diversity in STEM."

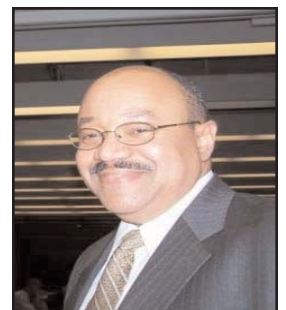
Her enthusiasm inspired others to join the initiative. Joseph Fabio, from Harvard's Dept. of Chemistry and Chemical Biology, joined the organization in its primary stages. "I hope one day," said Fabio, "any child of color can wake up in the morning and say they want to be a scientist and have the total support, resources, and freedom to achieve that goal."

The SEED Project got a crucial break when project members approached Senior Vice Provost for Faculty Development and Diversity, Evelyn Hammonds. "It was her nod of approval that made the symposium possible," Fabio said. "Her office has given us the support and endorsement which has allowed our vision to become reality. With the stewardship of Gary Orfield, Mia Ong and others, I am confident that this genesis will provide a new and viable solution to the challenges that face our society and country."



*Director of The Civil Rights Project Gary Orfield, says the oncoming shift will put the US at a serious disadvantage.*

*Joseph Fabio, from Harvard's Dept. of Chemistry and Chemical Biology, hopes to help pave the road for all minority children to fulfill their dreams.*



## 5 New Releases: Resegregation & Multiracial Schools

On Martin Luther King Day, in its fourth annual look at the status of Dr. King's Dream for equity and integration in American schools, the Civil Rights Project at Harvard University releases findings showing an American educational landscape that is increasingly multiracial yet, simultaneously, separate and unequal. Coauthored by Gary Orfield and Chungmei Lee, the report "*Racial Transformation and the Changing Nature of Segregation*," documents the changing patterns of segregation in American public schools for the past four decades, focusing on the changes brought on by the dismantling of the desegregation orders in the last decade in districts that have been declared unitary. The most dramatic trends in resegregation are seen in the South and the Border states for black students and increasing segregation for Latinos in the West. While South and Border regions are resegregating, black students in the South and Border states still have among the highest levels of exposure to white students. Furthermore, the report analyzes the rise of multiracial schools and the need for a new paradigm to discuss race relations. Since the 1990s, the percentage of students of every race in multiracial groups has increased, especially in the three largest states - California, Texas, and Florida - and Nevada. Lastly, the report documents the strong correlation between school composition and poverty.

For further details about the report, please check out the website at:  
<http://www.civilrightsproject.harvard.edu>



In 1973, Denver became the first northern school district ordered to desegregate by the U.S. Supreme Court. As one of the few major school districts with a history of desegregation of both Blacks and Latinos, the implications of this reversal of Keyes is important to understand. During the period from 1990 to 2003, Black, Latino, and Asian students all experienced a drop in exposure to White students while White students became increasingly isolated. Latino students in general and Latino English Language Learners in particular are especially segregated. The report found that the increasing segregation levels disproportionately affect the educational opportunities of minority students. In the 2003-04 school year, more than half of the Denver Public schools have at least an 80 percent minority student body and, with a few exceptions, at least 50 percent of students eligible for free or reduced lunch. Less than half of the class of 2002 in Denver completed high school with a diploma. This report, "*Denver Public Schools: Resegregation, Latino Style*" by Chungmei Lee, found that segregation is on the rise in the Denver Public Schools and given the demographic trends, will continue to be unless school officials take active measures to address the problem.

For the full report, please check our website at:  
<http://www.civilrightsproject.harvard.edu>

## **New Research Shows How the U.S. Department of Education is Changing the Meaning of 'No Child Left Behind' Through Negotiated Deals with States**

A new study released by the Civil Rights Project at Harvard University (CRP) shows how the federal No Child Left Behind Act (NCLB) is being changed through a series of negotiations between the U.S. Department of Education and individual states.

This study entitled "*The Unraveling of No Child Left Behind: How Negotiated Changes Transform the Law*," reports that Department officials have been approving changes in how states implement NCLB by negotiating changes individually with each state. The authors contend that this process of making compromises with individual states has altered the meaning of accountability since no two states are now subject to the same requirements.

According to Gail Sunderman, the report's author, "These changes are a response to the growing political opposition we are seeing in states and the increasing number of schools and districts that are being identified as needing improvement. Rather than deal systematically with the problems in the law, the Department of Education has adopted a political strategy to changing NCLB. But this also suggests that the law is not working very well."

The report traces the growing opposition to the law among states and shows how these changes reduce the number of schools and districts identified for improvement. "The problem with this approach is that it does not affect all schools equally," says Sunderman.

Since many high performing schools and districts are labeled as failing under NCLB, this has become a political issue. Some changes have a differential impact that is unrelated to educational achievement. For example, changes some states have negotiated in how districts are held accountable under NCLB reduce the number of districts identified for improvement, but these changes primarily benefit those districts serving more white than minority students.

Professor Gary Orfield, Director of the Civil Rights Project, believes that these glaring inconsistencies produce cynicism about the demands of the law and undermine the parts of the law that have the greatest potential for reducing educational inequalities.

"The effort to paper over the defects of the law's limited and unrealistic accountability scheme has failed," he says, "and threatens the entire effort unless Congress and the Administration admit the problems and work together with educators to devise means that will produce serious reforms and genuine gains."

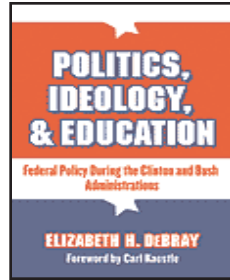
Among the changes approved by the U.S. Department of Education are a number of statistical techniques that states can use to calculate "adequate yearly progress" (AYP), which the authors demonstrate are only making it more difficult to understand what accountability means and obscure the ability of schools to show improvement in student performance.

The findings make clear that NCLB must be amended in significant ways, but that the ad hoc approach adopted by the Department of Education is only making matters worse. The authors recommend that policymakers revisit some of the basic assumptions that NCLB is based upon and include educators in the process to develop a systematic approach to revising the law.

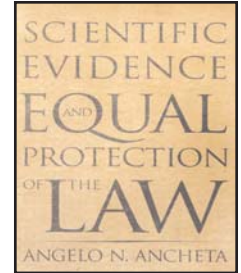
This study received significant coverage from both national and local media, including Reuters, CNN, and Boston area radio.

A full report in PDF format may be downloaded from our website:  
[http://www.civilrightsproject.harvard.edu/research/esea/nclb\\_unraveling.php](http://www.civilrightsproject.harvard.edu/research/esea/nclb_unraveling.php)

By Elizabeth H. DeBray  
Teachers College Press, NY



By Angelo Ancheta  
Rutgers University Press



In this fascinating account, the author, who previously served on the Project staff and was co-editor of *Hard Work for Good Schools*, examines the politics of federal education policy through the lens of the most recent reauthorization of the Elementary and Secondary Education Act (ESEA). Using the epic battle that spanned two Congresses and two presidential administrations, this book illustrates the new dynamics of political interactions and policy formulation as they affect public education issues.

This book provides unique insights into the judicial process and scientific inquiry by examining major decisions of the U.S. Supreme Court, advocacy efforts, and the nature of science itself. For each case, the author explores the tensions between scientific findings and constitutional values.

Reliance on science in constitutional interpretation remains controversial. Some scholars and members of the judiciary argue for the limited use of scientific evidence, while others advocate for more extensive use. This book surveys and explains this conflict and also suggests changes in the ways that judicial decisions are made that could help to remedy some of the current deficiencies.



🌀 Researchers Michal Kurlaender and John Yun are working as consultants with the School Board of the San Francisco Unified School District. The District, long under federal oversight of a school desegregation plan is working to assess student assignment policies and think about how to increase racial/ethnic, language, and socioeconomic diversity into the existing choice system.

🌀 Researchers Catherine Horn and Michal Kurlaender are working on a report about school desegregation and busing in Denver. This report, which utilizes historic test score data from the Denver Public Schools, will investigate the impact of the end of court-ordered school desegregation on achievement trends. Expected release date of this report is April 1st. The work, funded by the Piton Foundation, is a follow up to the report by Chungmei Lee about resegregation in Denver. See Page 5.

Lee's full report and a summary is available through the Piton Foundation  
<http://www.piton.org/Admin/Article/Final%20Piton2.pdf>

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If you would like to let us know how you use our research in your work, we would love to hear from you!

Email us back to [crp@harvard.edu](mailto:crp@harvard.edu), Subject line: CRP Research at Work

Or clip this and send back!

Name: \_\_\_\_\_

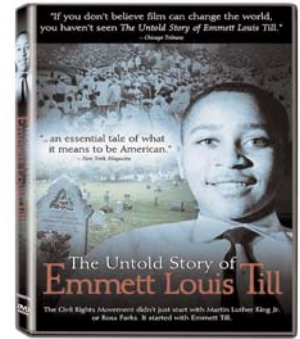
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Research: \_\_\_\_\_ Practical Application: \_\_\_\_\_

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## Civil Rights Project develops Educator's Guide to accompany DVD

*The Untold Story Of Emmett Louis Till*, the ground-breaking documentary detailing the true story of perhaps the most notorious civil rights cold case murder in American history, debuts during Black History Month on DVD February 28, 2006 from THINKFilm.



The DVD features include an audio commentary with filmmaker Keith Beauchamp and an update to the civil rights case. It also includes a special featurette with representatives from The Civil Rights Project at Harvard University, a preeminent source of ideas and action on modern civil rights. In this featurette, discussion topics include race relations in 1955 and today, civil rights progress and setbacks, and the impact of Emmett Till's death on the civil rights movement. Further, an educational guide, complete with lesson plans developed in conjunction with the Civil Rights Project, will be available for use as a learning tool in schools, universities and libraries nationwide. The lesson plans, designed primarily for use in high school classrooms, can help teachers provide the larger context of race relations in the U.S. preceding Till's murder. Echoing themes from the featurette discussion, the lesson plans also include lessons examining contemporary civil rights issues of racial segregation and inequality, including an examination of racial dimensions of Hurricane Katrina's devastation.

Director Keith Beauchamp's groundbreaking film is the result of a 10-year journey to uncover the truth behind the nightmarish murder of an innocent African-American teenager. Emmett's brutal murder - and his family's brave actions in the horrifying aftermath - served as a major impetus for America's civil rights movement and helped lead Rosa Parks and Dr. Martin Luther King Jr. to make decisions that changed the course of history.

As a result of the findings uncovered in the film - including first-hand accounts by eye-witnesses and the discovery of additional potentially guilty parties still liable for prosecution - the U.S. Department of Justice reopened the infamous case just a few months shy of the 50th anniversary of Till's murder. Possible indictments are expected to come down in early 2006.

### BASICS

DVD or VHS: \$29.99 SRP

Running Time: 70 mins.

Language: English

DVD Catalog # TF-54725

VHS Catalog # TF-54720

Educational Guide 2 Disc DVD/CD Pack includes

The Untold Story of Emmett Louis Till DVD and Lesson Plan on CD

DVD/CD: \$39.99 SRP

DVD/CD Catalog # TF-54724

[www.emmettillstory.com](http://www.emmettillstory.com)

[www.civilrightsproject.harvard.edu](http://www.civilrightsproject.harvard.edu)

Privately owned and based in Toronto, TH!NKFilm was founded in September 2001 by President/CEO Jeff Sackman. TH!NKFilm represents the new face of independent film, distributing high-quality, award-winning independent films to the home entertainment marketplace. TH!NKFilm's most recent releases include the Academy Award® winning documentary *Born into Brothels*, *Murderball*, *The Aristocrats*, *Tell Them Who You Are*, *Game Over: Kasparov and the Machine*, *Overnight*, *Mondovino*, *Kontroll* and *Dallas 362*. More information about TH!NKFilm can be found online at [www.thinkfilmcompany.com](http://www.thinkfilmcompany.com).

## 9 Anniversary

### CRP Celebrates its 10th Anniversary in 2006

The Civil Rights Project will begin the celebration of its 10th Anniversary at the annual meeting of the American Educational Research Association in San Francisco, California. Please join us for the following events (see [http://convention2.allacademic.com/index.php?cmd=aera\\_guest](http://convention2.allacademic.com/index.php?cmd=aera_guest) to see abstracts & full list of panelists for each):

**The 10th Anniversary of the Civil Rights Project -- Is Access to Higher Education Shrinking? Impacts of Shifts in Race-Conscious Policies & Their Alternatives**, Monday, April 10, 6:15pm - 8:15pm, in the Moscone Center South, Mezzanine Level East, Room 206.

We will also co-host a reception with the Harvard Education Publishing Group, a partner with CRP on numerous book projects on Sunday, April 9, 3:00-4:00 pm in the Exhibit Hall. We hope to see you in San Francisco!

#### Other panels with CRP affiliates :

*State Capacity to Implement No Child Left Behind: What Have We Achieved?*

Friday, April 7, 12:00pm - 2:00pm, in Moscone Center West, 2nd Floor, Room 2002. Papers: "Regulating Intervention: Do States Have the Capacity to Implement No Child Left Behind?" & "Do State Accountability Amendments Change the Meaning of Accountability Under NCLB?"

*Lessons in Integration: Realizing the Promise of Racial Diversity in America's Schools*

Monday, April 10, 8:15am - 9:45am, in the Moscone Center West, 2nd Floor, Room 2012.

*Research on the Politics of Education: Contemporary Issues and Methods*

Monday April 10, 12:25pm to 1:55pm, in the Marriott San Francisco, Golden Gate Hall, Section A3.

### CRP Staff News and Other Milestones

Congratulations to **Gary Orfield** and **Patricia Gándara** for their nuptials on Feb. 17 in California. She is Professor and Associate Director of the University of California Linguistic Minority Research Institute, at UC Davis (and will be on sabbatical in Cambridge next fall).

**Al Kauffman**, former Senior Legal and Advocacy Associate, although still working from his CRP office until the summer, is now Senior Legal Advocacy Associate at the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity at University of California Berkeley Law School where he will be working on issues of voting rights, school finance, NCLB, affirmative action and immigration.

**Christina Tobias-Nahi**, former Project Assistant, will be transferring within Harvard to the Office of the University Marshal to be the Acting Program Coordinator for international visitors.

••••• Visit our website at:

• <http://www.civilrightsproject.harvard.edu/aboutus/contactus.php>

• to sign up to receive more information about CRP activities  
• (but make sure your filter is set so as not to go into Spam mail).

• to opt out of future newsletters

• please visit

• [http://www.civilrightsproject.harvard.edu/news/newsletter\\_remove.php](http://www.civilrightsproject.harvard.edu/news/newsletter_remove.php)



**The Civil Rights Project**  
Harvard University