MAJOR "SOCIAL CHANGE" INITIATIVES IN THE QUEST FOR EFFECTIVE EDUCATION IN BLACK COMMUNITIES: DIRECTIONS OLD AND NEW

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I. A HISTORY OF STRUGGLE FOR EQUAL ACCESS TO AND PARTICIPATION IN PUBLIC SCHOOLS

Since 1863, Black Americans have initiated at least four distinct policy strategies in their bid to attain equality in educational opportunities. Legally oriented strategies dominated the Black initiative from 1863 to 1954. These efforts reached their watershed in 1954 when the United States Supreme Court ruled in *Brown v. Board of Education*[1] that segregated schools deprived Black Americans of equal protection under the law. The *Brown* decision was the result of nearly a century of struggle by Blacks against Jim Crow laws, and over a half-century of legal battles against the "separate but equal" doctrine of *Plessy v. Ferguson*.[2] *Brown* was heralded in 1954 as a landmark legal ruling that promised all Americans access to equal educational opportunities. Over the thirty-year period since *Brown*, Blacks have modified their legal strategies in their efforts to achieve full equity and participation in public schools and other public institutions.

In the immediate wake of the *Brown* decision these efforts took their second form, that of a more intense struggle for equity in participation. The focus of this struggle soon expanded into a third strategy, that of a systematic consideration of resource equity and institutional accountability. Most recently, Blacks have further expanded their interests to include issues of excellence and equity in schooling for Black youth. This fourth strategy for change has partly included asking school teachers and school officials to collaborate with Black parents and thereby implement the particular division of labor that stands the greatest chance of preparing children for monetary success and personal satisfaction.[3]

These modifications in the nature of the "educational change" agenda in the Black community took place within ideological-political contexts that have been variously impacted by (a) increased knowledge about productive educational policies and procedures, (b) shifting ideologies about the capabilities and needs of Black learners in the dominant society, (c) changing responses to Black demands for "quality education" by schools, government, the

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1. 347 U.S. 483 (1954).

2. 153 U.S. 527 (1896).

3. J. HALE, BLACK CHILDREN: THEIR ROOTS, CULTURE, AND LEARNING STYLES 158-59, 167, 174-75 (1982).

courts and other public entities; and (d) changes in dominant-minority group relations. These fundamental changes in the ideological-political fabric seem to have directly affected the nature of the policy agenda Blacks have pursued at different historical junctures.

This paper will argue that these changes have led to improvements in school leadership and organization, effective teaching, and regular involvement of students in a balanced repertoire of home learning activities that are guided by parents. It will argue further that from the time of emancipation until the present, Black Americans have sought to secure for their children certain basic rights. Among these has been the right to pursue educational opportunities equal to those enjoyed by white schoolchildren.

II. CHANGE STRATEGY I (1863-1954): THE PUSH FOR EQUAL ACCESS TO PUBLIC FACILITIES

From the time of the signing of the Emancipation Proclamation in 1863, Blacks and their civil rights supporters have pursued four fundamental legal strategies to attain "equal" and "quality" education for Black schoolchildren. During successive historical periods, these strategies have had as their goal the overall improvement of the education that Black youths receive.

Before 1950, legal efforts by Blacks and supporters of their civil rights were aimed at overturning the "separate but equal" doctrine established by *Plessy v. Ferguson*.[4] The Supreme Court ruled in *Plessy* that the maintenance of separate facilities for the White and Black races did not violate the Constitution.[5] In *Plessy*, the Court had sanctioned segregation on railroad cars and in public schools.

Plessy was decided when the majority of white Americans believed that Blacks were socially and genetically inferior.[6] The Court did not attempt to counter this prevailing attitude, believing that it lacked the institutional competence to legislate good feelings between the races.[7]

Although *Plessy* had a deep and negative impact upon national race relations, supporters of equality of educational opportunity for Blacks persisted in their fight against the almost overwhelming tide of institutional exclusion. They filed lawsuits in the hope of establishing the legal basis for a socio-political climate in which equality of educational opportunity could become a reality. In reaching its decisions in these suits, the Court sought to define the

4. 153 U.S. 527 (1896).

5. *Id.* at 550-51.

6. In *Plessy*, the Court pointed out that the fourteenth amendment to the Constitution had not brought about social equality for Blacks. *Plessy*, 153 U.S. at 544. In addition, the Court relied upon People v. Gallagher, 93 N.Y. 438, 448 (1883), for the proposition that social equality can be achieved through the laws only when the majority favors those laws. *Plessy*, at 551. The Court implied that the white majority was not in favor of using the laws to establish and defend the social equality of Blacks. It must also be remembered, of course, that four decades prior to *Plessy*, the Court had declared that Black Americans had no rights which whites needed to respect, which declaration had placed the Court on the side of denying Blacks social equality. *See* Dred Scott v. Sanford, 60 U.S. (19 How.) 393, 407 (1856). For the beliefs of nineteenth-century American scientists on the genetic inferiority of the Negro, *see generally* W. STANTON, THE LEOPARD'S SPOTS: SCIENTIFIC ATTITUDES TOWARDS RACE IN AMERICA 1815-59, 155-60 (5th ed. 1972), which states, *inter alia*, that by 1851 most American naturalists either accepted or did not oppose a theory of human origin and development which held the Negro race to be inferior to the Caucasian.

7. *Plessy*, 153 U.S. at 551-52.

limits of the states' ability to separate the races. Among these cases were *Maryland v. Murray*[8] and *Missouri ex rel. Gaines v. Canada.*[9]

Between *Plessy* and the early 1950's, civil rights attorneys were unsuccessful in overturning the "separate but equal" doctrine. However, through litigation they were able to establish some basic principles which were of great importance in forming the ideological context of the Court's decision in *Brown*. Among these were the key principles that the resource base of a school can serve as a crucial factor in determining the quality of a school, so that inequalities in the resource base create inequalities in learning; and that there is an intangible inequality inherent in segregated public facilities.[10] With the introduction of new cases, the Court increasingly recognized the importance of both intangible and material inequalities in school learning resources.[11]

As this perspective became more crystallized, the Court began to re-evaluate the wisdom of arbitrary racial segregation in the schools. The two decisions which clearly exemplified the Court's increasing recognition of the tangible and intangible factors which affect educational opportunity were decided on the same day in 1950. They were *Sweatt v. Painter*[12] and *McLaurin v. Oklahoma.*[13]

In *Sweatt*, the Court held that the plaintiff should be admitted to the University of Texas Law School because of the inferior facilities available at the law school that the state had established exclusively for Blacks. Writing for a unanimous Court, Chief Justice Vinson stated that:

> The University of Texas Law School, from which petitioner was excluded, was staffed by a faculty of sixteen full-time and three part-time professors, some of whom are nationally recognized authorities in their field. Its student body numbered 850. The library contained over 65,000 volumes. Among the other facilities available to the students were a law review, moot court facilities, scholarship funds, and the Order of the Coif affiliation. The school's alumni occupy the most distinguished positions in the private practice of the law and in the public life of the State. It may properly be considered one of the nation's ranking law schools. Since the trial of this case, respondents report the opening of a law school at the Texas State University for Negroes. . . . We cannot find substantial equality in the educational opportunities offered white and Negro law students by the State. . . . What is more important, the University of Texas Law School possesses to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school. . . . It is difficult to believe that one who had a free choice between these law schools would consider the question close . . . . With such a substantial and significant segment of society excluded (from the Texas State University for Negroes Law School), we cannot conclude that the education offered petitioner is substantially equal to that which he would receive if admitted to the University of Texas Law School. . . . "Equal protection of the laws is not achieved through indiscriminate imposition of inequalities."[14]

8. 169 Md. 478, 182 A. 590 (1936).
9. 305 U.S. 337 (1938).
10. *See infra* text accompanying notes 12-16.
11. D. BERMAN, IT IS SO ORDERED 7 (1966).
12. 339 U.S. 629 (1950).
13. 339 U.S. 637 (1950).
14. *Sweatt*, 339 U.S. at 632-35, (last sentence quoting Shelley v. Kraemer, 334 U.S. 1, 22 (1948)).

In *McLaurin*, the Court held that the state of Oklahoma deprived a Black graduate student of equal protection of the laws where the state-run university admitted him and then proceeded to force him to sit in a section of the classroom that was separated from the white students, to eat separately in the cafeteria, and to study separately in the library.[15] The Court stated that this separation harmed the petitioner's ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.[16] Segregation was held to have an intangible but very real and detrimental impact upon a Black individual.

The language of *Sweatt* and *McLaurin* represented a significant break with the strict interpretation of the "separate but equal" doctrine established by *Plessy*. With regard to education, the Court recognized that such intangible factors as school prestige, traditions, and influence, as well as the opportunity to interact with fellow students, were essential factors in assessing the equality of educational opportunities.

But despite the apparent contradiction between the *Plessy* doctrine and the Court's view in 1950 that separate facilities were unequal, *Plessy* was not explicitly overturned. That particular task would have to wait until 1954.

III. CHANGE STRATEGY II (1954-1965): THE STRUGGLE FOR EQUITY IN PARTICIPATION, RESOURCES AND RESULTS

During the period from 1954 to 1965, the organized forces for "quality education" for Blacks sought to obtain quality in access to instructional resources and in educational results. The primary strategy was to work at desegregating the schools as a means of accomplishing these pedagogic goals. School buildings, school size, transportation, curriculum, and teacher qualifications were seen as tangible resources that could be distributed more equitably when the schools were integrated.[17] School "climate factors" (such as teachers' expectations of the students) were also becoming recognized as important variables in children's school success.

In 1951, Reverend Oliver Brown and others brought a class action suit against the Topeka, Kansas Board of Education.[18] The Board required Black children to ride a bus to a school many miles from home. The District Court ruled against the Black plaintiffs, yet found it appropriate to acknowledge that:

> Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to (retard) the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.[19]

15. *McLaurin*, 339 U.S. at 640.

16. *Id.* at 641.

17. J. OGBU, MINORITY EDUCATION AND CASTE 70 (1978); UNITED STATES COMMISSION ON CIVIL RIGHTS, RACIAL ISOLATION IN THE PUBLIC SCHOOLS 154-163 (1967).

18. Brown v. Board of Education, 98 F. Supp. 797 (D. Kan. 1951).

19. This finding of the District Court of Kansas was noted by the Supreme Court in Brown v. Board of Education, 347 U.S. 483, 494 (1954). A similar finding was made by the Chancery Court of

Apparently, this court was keenly aware of the effects of forced separation on the hearts and minds of children who are set apart because of their race. Nonetheless, the court refused to overturn the policy established by *Plessy*.

In reversing the District Court's decision, the Supreme Court's 1954 decision, *Brown v. Board of Education*,[20] provided a legal and social context within which the educational community would have an opportunity to chart a new course for pursuing quality education for all. Specifically, the Court, aided by nineteen amicus curiae briefs[21] and a large body of social science research, decided that segregated public schools violated the fourteenth amendment right to equal protection of the laws.[22] Racially segregated public schools were thus held to be unconstitutional.

The social science research upon which the Court relied was cited in footnote eleven of the Court's decision.[23] The Court relied upon the "doll studies" research of the Black experimental social psychologists Kenneth and Mamie Clark, the work of Black sociologist, E. Franklin Frazier, and the work of white social scientists such as Swedish sociologist Gunnar Myrdal, all of whom had conducted social psychological studies that explained how segregation and racially discriminatory Jim Crow laws worked to induce low levels of motivation in Blacks and psychic illness in the population at large.

Dr. Kenneth Clark's research findings and those of the other studies cited in footnote eleven suggested that segregation itself deprives minority group children of equal educational opportunities. However, in addition, Dr. Clark and the other social scientists who had testified in the District Court on behalf of the petitioners in Brown had expressed their concern that sensitive white children could also be scarred by the pervasive practices of racial separation in the United States. According to Dr. Clark and his colleagues, the children would tend to experience crippling feelings of guilt when struck by the realization that the creed of brotherly love that they had been taught was, in fact, contradicted by the common practices of racial separation and discrimination.[24]

The Court's decision in *Brown* met with approval from Blacks and civil right advocates, many of whom felt that Black youth would be more likely to get equal learning opportunities and resources as a result of being in classrooms with white youths. Their implicit logic was that since white youths were less likely to be shortchanged in learning resources (presumably because of their parents' strong influence in the power structure of the educational community), Black youths in mostly white schools would be in a better posi-

Delaware in Belton v. Gebhart, 32 Del. Ch. 343, 349, 87 A. 2d 862, 865 (1952), *aff'd* Gebhart v. Belton, 33 Del. Ch. 144, 91 A. 2d 137 (1952), *aff'd sub nom.* Bolling v. Sharpe, 347 U.S. 497 (1954). In addition to *Brown* and *Belton*, two more cases were consolidated into the Supreme Court's decision in *Brown*. They were Briggs v. Elliot, 98 F. Supp. 529 (E.D.S.C. 1951), *vacated and remanded*, 342 U.S. 350 (1952), *on remand* 103 F. Supp. 920 (E.D.S.C. 1952), *rev'd sub nom.* Bolling v. Sharpe, 347 U.S. 497 (1954), and Davis v. County School Board, 103 F. Supp. 337 (E.D.Va. 1952) *rev'd sub nom.* Bolling v. Sharpe, 347 U.S. 497 (1954).

20. 347 U.S. 483 (1954).

21. D. BERMAN, *supra* note 11, at 56.

22. *Brown*, 347 U.S. at 495.

23. *Id.* at 494 n.11.

24. D. BERMAN, *supra* note 11, at 16.

tion to receive a quality education.[25]

There was in fact a second *Brown* ruling, in which the Court ordered that the nation's public schools be desegregated, and allowed an unspecified "period of transition" for this to be accomplished.[26] In the South, some school districts complied with the order, but many defied it by pursuing a wide variety of tactics.[27] With varying degrees of effectiveness, the lower courts were instrumental in monitoring legislative and administrative plans developed by school districts to desegregate the schools. These monitoring efforts by the courts were supported by the emerging ideology that the laws, and school administrative policies and procedures were critical factors in determining whether quality education or equal educational opportunity were provided to Blacks.

Brown was thus rooted in, and took its place among, the steadily emerging ideology that defined discrimination and segregation as legal and institutional constraints that denied quality education and psychological support to Black schoolchildren. The research which gave rise to this ideology both preceded and followed *Brown*; the results of this research have revealed the significant role of societal forces in maintaining inequality. Among the studies were Hunt's work on institutional and environmental factors that affect children's intellectual development,[28] and the work of sociologists Johnson,[29] Lewis,[30] Dollard,[31] Davis,[32] and Frazier,[33] among others. These studies emphasized

25. *Id.*

26. Brown v. Board of Education (II), 349 U.S. 294, 301 (1955).

27. J. OGBU, *supra* note 17, at 73-76; D. BERMAN, *supra* note 11, at 127 n.12; *see also,* Hall v. St. Helena Parish School Board, 197 F. Supp. 649 (E.D. La. 1961), *aff'd per curiam sub. nom.* St. Helena Parish School Board v. Hall, 368 U.S. 515 (1962), in which the district court held unconstitutional as violative of the equal protection clause a statute which "closed" the public schools of St. Helena Parish, Louisiana, and later reopened them as "private" schools. The court held that this was simply an attempt to circumvent an earlier order to desegregate the parish's public schools.

28. J. MCV. HUNT, INTELLIGENCE AND EXPERIENCE 362-63 (1961). The author found that the stimulation that a child receives from his or her environment is directly related to the intellectual development of the child. The major question for parents and educators was found to be "how to govern the encounters that children have with their environments to foster both an optimally rapid rate of intellectual development and a satisfying life." *Id.* at 363.

29. C. JOHNSON, SHADOW OF THE PLANTATION 208-12 (1934). The author explained that the Negroes of the rural South lived under economic and social conditions inherited from and similar to those which existed under slavery; they were the inferior class.

30. H. LEWIS, BLACKWAYS OF KENT 151-202 (1955). In the Piedmont area of the Carolinas, Blacks had virtually no local school board power; social and economic "realities" prevented Black youths from pursuing professional careers; Blacks were without effective political power and were unable to resort to the judicial system to combat discrimination and discourage police harassment. The idea of their own inferiority pervaded the minds of the Piedmont Blacks.

31. J. DOLLARD, CASTE AND CLASS IN A SOUTHERN TOWN XII, 61-96, 134-72, 188-204, 205-19 (1957). The author illustrated some of the ways in which Blacks were relegated to inferior status. An inferior position in the Southern caste system had replaced Negro slavery. This caste system allowed white men sexual access to both Black and white women; but allowed Black men sexual access to Black women only, while sexual relations between Black men and white women remained taboo. Whites received educational training for the roles of responsible leaders, while Blacks received an education which was simpler, more manually oriented, and geared towards preserving their inferior status. Finally, poll taxes, physical threats, and local "constitutional interpretations" effectively disenfranchised Blacks.

32. A. DAVIS & J. DOLLARD, CHILDREN OF BONDAGE 237-56 (1940). In studies conducted in New Orleans, Louisiana and Natchez, Mississippi, the authors found that whites considered all Negroes to be of an inferior caste and that Blacks felt compelled to remain in their inferior status. Blacks felt powerless in the face of everyday insults (*e.g.*, an adult was always addressed by her first name

the insidious role of caste-like barriers to Black progress that exist in public institutions.

IV. CHANGE STRATEGY III (1965-1980): THE STRUGGLE FOR RESOURCE EQUITY AND INSTITUTIONAL ACCOUNTABILITY FOR STUDENT DEVELOPMENT

The political-ideological context which existed between 1954 and 1965 provided Blacks with the opportunities to develop new research and policy strategies for the pursuit of equal educational opportunities. These new strategies were pursued in earnest beginning in 1965. Politically, many Blacks had reached the conclusion that structurally integrated public institutions were essential to social progress and that school integration represented a social good in itself.[34] Strategically, Blacks struggled to make public schools accountable for Black children's achievement by seeking "community control" of the schools. Some Blacks began seeking quality education by establishing "alternative" or "freedom" schools in which parents could help determine school policies and curriculum and select school personnel.[35]

Prior to this period, a more traditional view of Black school failure prevailed. Studies produced by the federal government and, indeed, the dominant societal ideology before 1965 held that Blacks failed to become upwardly mobile as a result of a disorganized community and "deteriorating family structure."[36] The failure of Black children was attributable to cultural deficiencies.[37]

In contrast to these studies, however, research studies after 1965 were increasingly likely to conclude that Black youths are raised in a culture that is different from that of the dominant culture, but not deficient.[38] During this period, the cultural difference ideology was proposed as an explanation of the

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and never referred to as Miss or Mrs., *id.* at 238-39), police harassment, and physical violence both by private citizens and police.

33. E. FRAZIER, NEGRO YOUTH AT THE CROSSWAYS 261-68 (1967). A study of Black youths in the border-state cities of Washington, D.C. and Louisville, Kentucky found that the personal and professional development of these youths were hindered not only by discrimination against them in the society at large, which branded them as inferior, but also by their own internalization of this belief.

34. J. OGBU, *supra* note 17, at 71.

35. *Id.* at 49-50, 69.

36. OFFICE OF POLICY PLANNING AND RESEARCH, DEPT. OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION 48 (1965) [hereinafter THE MOYNIHAN REPORT]; SENATE SELECT COMM. ON EQUAL EDUCATION OPPORTUNITY, 91st Cong., 2d. Sess., TOWARD EQUAL EDUCATION OPPORTUNITY 166-67 (Comm. Print 1974) (citing the COLEMAN REPORT).

37. F. RIESSMAN, THE CULTURALLY DEPRIVED CHILD 16-24, 112-13 (1964). The author cites several studies which attribute the failure of Black children to cultural deficits. He concludes, however, that this belief is erroneous, since many educational problems of the disadvantaged are due to the failure of teachers to understand minority cultures and to comprehend their strengths and struggles. *See also* E. BANFIELD, THE UNHEAVENLY CITY 85 n.32, 142 n.18, 143, 144-46 (1970)(citing studies).

38. Baratz & Baratz, *Early Childhood Intervention: The Social Science Base of Institutional Racism*, 40 HARV. EDUC. REV. 42, 42-45 (1970). The authors cite several studies which conclude that Black Americans grow up in a culture which is different from white, middle-class American culture, but which is neither deficient nor inferior to the latter. *See also* W. LABOV, LANGUAGE IN THE INNER CITIES: STUDIES IN BLACK ENGLISH VERNACULAR 230, 232, 237, 239-40 (1972). The author states that linguists reject the verbal deprivation theory of Black schoolchildren's failures. Instead, he states that the origins of these failures are the classroom attitude of (mainly white) teachers and the refusal of white social scientists to acknowledge that Black English Vernacular (B.E.V.) is a coherent

tangible and intangible factors that have the largest effect on quality education for Blacks.[39] In the eyes of the proponents of the cultural difference theory, "cultural conflict" in the classroom, *i.e.*, the differences in expectations and lifestyles of teachers and Black children, was the source of the children's educational failures.[40]

In addition, other factors were examined as possible sources of Black children's low achievement. Institutional resources and practices were studied to determine exactly how they affected educational opportunity.[41] In particular, segregated and inferior school facilities, low teacher expectations, "tracking" policies, culturally biased and non-predictive tests, and non-stimulating curricula were seen as school resources that were the most unequal in Black schools.[42]

University researchers including Kenneth Clark,[43] and Christopher Jencks,[44] produced additional seminal policy-relevant reports pertaining to domestic affairs. The release of these reports, together with those of the federal government and those supporting the cultural difference ideology, triggered a vigorous debate among policy planners concerning whether a failure of institutional accountability as opposed to Black accountability was the primary source of Black children's educational success or failure.[45]

Local schools were caught between these conflicting studies and ideologies. Generally, the schools resisted the efforts of Black parents to increase their influence over school policies and practices. The schools' resistance was based on the ground that parents were not educators and were therefore not trained to make decisions on school policy.[46] Black parents, at least those who did not attempt to establish their own schools, rejected the explanation that the home background of their children was the cause of the children's failures, but these parents felt powerless to insist upon institutional accountability.[47]

During this period, the federal government, through Title I of the Elementary and Secondary Education Act and the Office of Economic Opportunity, provided for remedial and compensatory education programs for Blacks. By 1966, Title I's main purpose was thought to be the funding of compensatory education. Most of Title I's funds went to city school districts, thereby

system of communication. B.E.V. is, in short, an aspect of Black culture, but is not a sign of cultural deficiency *per se*.

39. J. OGBU, *supra* note 17, at 47-49. The author refers to studies that support the cultural difference ideology, but he does not support the ideology himself. *See also* Baratz & Baratz, *supra* note 38, at 45.

40. *See, e.g.*, K. CLARK, DARK GHETTO 140-47 (1965). Dr. Kenneth Clark refers to studies that indicate that Black children do learn when teachers accept the fact that Black children can learn and are not inferior.

41. J. OGBU, *supra* note 17, at 131, 133, 136-37, 141; *see also* J. KOZOL, DEATH AT AN EARLY AGE 42-56 (1967); Stein, *Strategies for Failure*, 41 HARV. EDUC. REV. 158, 160-65, 178, 192-93 (1971).

42. J. OGBU, *supra* note 17, at 136-41.

43. *See generally* K. Clark, *supra* note 40.

44. *See generally* C. JENCKS, INEQUALITY 143, 158-59, 346 (1972) (Jencks takes the position diametrically opposed to that of Clark, *supra* note 40, concluding that the most important factor in determining a child's school success is that child's family background).

45. *See infra* note 49.

46. J. OGBU, *supra* note 17, at 134.

47. *Id.*

decreasing the resource disparity between city and suburban school districts.[48]

One fact became increasingly clear from the scientific research studies that were produced during the post-1965 period: if one is interested in achieving equality of educational resources for Black and white children, one must look well beyond the "equal" distribution of money in local schools. Major policy research reports of this period provided evidence that school-based instructional support structures, school-based support structures to families, and school-based support structures for children's personal-psychological development can provide other forms of educational opportunity. Elements of such support structures included school material resources, school pedagogic policies and procedures, school support to students' parents, and school support of pupils' development of a sense of personal control over their academic fate.[49] In other words, according to this "institutional inequality" view, each school site must provide a variety of specific resources to students and their parents in order to obtain equality of educational opportunity. In this context, it is interesting to note that the Equality of Educational Opportunity study done by James Coleman and his colleagues found that funds expended on pupils in grades six, nine, and twelve accounted for less than 1% of the variance in public school achievement outcomes.[50] This research helped to establish the view that merely providing equal amounts of money to local schools does not necessarily guarantee that those schools are providing all children with equal educational opportunities.

As early as 1950 the Supreme Court directly acknowledged the range of school-based influences on student achievement when it rendered its decision in *McLaurin*.[51] The Court stated that legally-sanctioned racial segregation is

48. *Id.* at 89-91.

49. Coleman, *The Concept of Equality to Educational Opportunity*, in EQUAL EDUCATIONAL OPPORTUNITY 24 (1969). The author stresses the point that the responsibility to create achievement opportunity lies with the educational institution and not with the child. In addition, mere equality of money spent is not enough by itself to create achievement; it must be accompanied by an intense effort and determination to succeed. For the effects of the lack of these factors, *see generally* J. KOZOL, *supra* note 41. *See also* Summers & Wolfe, *Which School Resources Help Learning? Efficiency and Equity in Philadelphia Public Schools*, FED. RESERVE BANK OF PHILADELPHIA, Feb. 1975, at 1, 14, 19-21. The authors emphasize the importance of providing schoolchildren with a sense of participation in the democratic process; this is part of the desired outcome of the educational process. Toward this end, the authors advocate small class and school sizes, greater teacher experience, and higher rated colleges for teachers. *Contra*, THE MOYNIHAN REPORT, *supra* note 36, at 47. The report had stressed the need for a national effort to strengthen and support the Black family to facilitate its ability to raise and support its children.

50. James Coleman and his associates identified twenty-six other school structure variables that accounted for the remaining school-related variance. EQUAL EDUCATIONAL OPPORTUNITY REPORT (EEOR) *cited in* Smith, *Equality of Educational Opportunity: The Basic Findings Reconsidered* in ON EQUALITY OF EDUCATIONAL OPPORTUNITY 230, 321-26 (F. Mosteller and D. Moynihan eds. 1972). The Coleman Report's (EEOR's) Table 3.24.1 reflected the finding that "district per pupil instructional expenditures in grades six, nine, and twelve accounted for 0.09% of the 'variance' in educational achievement" in Black Northern schoolchildren and 0.29% for white Northern schoolchildren. Coleman's conclusion was that family background, home environment and social class were the primary determinants of academic achievement in school. The differences in school facilities, curricula, and staff characteristics accounted for "relatively little" of the disparity in academic achievement between Black and white students. The in-school variable which most strongly affected a child's academic achievement was found to be the child's teacher, and in particular, the teacher's verbal ability. According to the Senate Select Committee, Coleman's conclusions "have been reaffirmed by exhaustive reanalyses." Other studies have disagreed with Coleman however. THE MOYNIHAN REPORT, *supra* note 36, at 166-67.

51. 339 U.S. 637 (1950).

likely to detrimentally affect the ability of minorities to receive an education equal to that given whites.[52] The institutional inequality perspective of educational opportunity, combined with the reality of unequal learning opportunities caused by segregation provided a strong context for the view that the unequal educational opportunities in segregated schools could not be remedied through merely giving more money to those schools. The judiciary thus began to acknowledge that school programs that do not provide the entire array of tangible educational resources required for school success are probably impairing or inhibiting Black children's opportunities to cultivate their cognitive abilities for learning grade-level subject matter.[53]

Indeed, many children who attend predominantly Black schools (the majority of Black children in the public schools of the Northern states)[54] are not currently being provided equal opportunities to receive financial resources, instructional resources, or "self concept" enhancement information. Equal opportunities to study, engage in discussion, converse with others, "and in general . . . learn (one's) profession,"[55] result from equitable distribution of the main elements of the schools' opportunity structure: (1) children's exposure to productive school program resources; (2) the availability of well-planned home support resources (*e.g.*, giving parents information on how to prepare their child(ren) for the classroom, since the parents are the student's primary, most enduring teachers); and (3) available resources for assisting pupils to cultivate their "fate control" sensibilities. If these are the elements of equal educational opportunity, the *de facto* segregated schools of the North are not providing such opportunity.

Federal efforts to assist have been only nominally effective. Some federal programs, such as Upward Bound, have been instrumental in improving Black children's level of scholastic achievement, but there is still some disagreement as to the effectiveness of others such as Head Start.[56] Most school district programs that are available for Black children have not provided the range of learning resources needed by minority students to achieve academic success on a par with their white peers.[57] This major problem of program failure at the federal and local levels became increasingly obvious during the 1970's.

52. *Id.* at 641; *see also* M. BERGER, EQUALITY BY STATUTE 96-97 (1952).

53. This conclusion can be drawn from the language of the Court's opinions in *Sweatt* and *McLaurin*. In *Sweatt*, the Court recognized that the prestige, alumni, academic honor societies and faculty of a law school were equally as much factors in obtaining a sound legal education as was the size of a school's library. 339 U.S. at 633-35. In *McLaurin*, the ability to converse with one's fellow students was found to be vital to obtaining an adequate graduate education. The segregation of a Black student from his white colleagues denied him the opportunity to receive an education equal to that of his white colleagues. 339 U.S. at 641.

54. In a speech at the 1984 St. Louis conference commemorating the thirtieth anniversary of *Brown*, Dr. Kenneth Clark pointed out that resistance to desegregation in many Northern public school districts continues to be "intense and deep," while, in contrast, Southern school districts have largely become desegregated since 1954.

55. *McLaurin*, 339 U.S. at 641.

56. J. OGBU, *supra* note 17, at 92-94.

57. Goodman, *I Am Bewildered*, San Francisco Sunday Examiner & Chronicle (This World), Feb. 17, 1985, at 12, cols. 3 & 4. The author examines the feelings of Dr. Kenneth Clark, thirty years after the rendering of *Brown*. Dr. Clark feels that the "overriding problem" in American education is "the perpetuation of segregated and inferior education and ghettoization." Dr. Clark feels that this problem continues to be most acute in Northern schools. *See generally* J. OGBU, *supra* note 17, at 101-47.

As research studies continued to specify the range of school resources that work together to determine children's educational development, educators began to develop even more effective strategies for achieving excellence in public school settings. This context of expanding research data bases, "revisionist"-oriented federal courts, and expanding public policy perspectives set the tone for the newest social change strategy for achieving equal educational opportunity for Black children.

V. CHANGE STRATEGY IV (1981-PRESENT): THE CURRENT STRUGGLE FOR FULL EQUITY AND EXCELLENCE IN PUBLIC EDUCATION

Perhaps the most exciting sensibility that has emerged from the expanding set of research studies on minority learners and their needs is that "quality education" is stimulated by exposing children to school learning resources and programs that simultaneously address their learning needs in school, home and community settings. This "ecological" and "social systems" problem-solving approach also considers the impact of federal, state and local program factors on the level of school productivity. A salient assumption within this framework is that home settings and school settings are mutually reinforcing learning contexts that jointly provide children with an array of opportunities to develop their cognitive skills and social behaviors.

For example, Professor Sarah Lawrence Lightfoot has brought to light the fact that children are not getting a quality education because female teachers and female parents are not effectively collaborating for the benefit of children in the classroom.[58] She pointed to the mistrust, ambivalence, mixed signals and deceits embedded in most teacher-Black parent relationships as the source of the problem.[59] Similarly, Ogbu showed how the lack of supportive communication and collaboration between teachers and parents functioned as a major barrier to educational opportunity in segregated schools in his anthropological study of schooling in Black and Mexican American communities in Stockton, California.[60] The noted research scientist, Herbert Walberg, recently supported the notion of school and home as reinforcing contexts in his meta-analysis of 2,575 studies on the effects of students' home involvement on their academic achievement.[61] At the same time, a number of other studies are finding that superior education opportunities result from well-planned school-home partnership efforts.[62]

58. *See* S. LIGHTFOOT, WORLDS APART: RELATIONSHIPS BETWEEN FAMILIES AND SCHOOLS 20-42, 83-124 (1978).

59. *Id.*

60. J. OGBU, THE NEXT GENERATION: AN ETHNOGRAPHY OF EDUCATION IN AN URBAN NEIGHBORHOOD 136-42, 159 (1974).

61. *See* Walberg, *Families as Partners in Educational Productivity*, 65 PHI DELTA KAPPAN 397, 399-400 (1984).

62. W. BROOKOVER, SCHOOL SOCIAL SYSTEMS AND STUDENT ACHIEVEMENT: SCHOOLS CAN MAKE A DIFFERENCE 47 (1979); R. CLARK, COMMUNITY OPPORTUNITY STRUCTURE, FAMILY INTERACTION AND CHILDREN'S COGNITIVE DEVELOPMENT 51-55, 77-83, 126-27 (1982) [hereinafter R. CLARK, COMMUNITY OPPORTUNITY]; Moles, *Synthesis of Recent Research on Parent Participation in Children's Education*, EDUC. LEADERSHIP 44 (Nov. 1982); RUTTER, SCHOOL EFFECTS ON PUPIL PROGRESS, HANDBOOK OF TEACHING AND POLICY 3-41 (L. Schulman & G. Sykes eds. 1983); D. SEELEY, EDUCATION THROUGH PARTNERSHIP 180, 194, 230-31 (1981); *See generally,* R. CLARK, FAMILY LIFE AND SCHOOL ACHIEVEMENT: WHY POOR CHILDREN SUCCEED OR FAIL 111-42, 190-96, 197-208, 215-16 (1983); Epstein & Becker, *Teacher Practices of Parent Involvement: Problems andPossibilities*, 83 ELEMENTARY SCH. J. 103, 111-13 (1982).

Most of the recent research studies emphasize the necessity of establishing school policies that (1) encourage effective classroom teaching practices, and (2) emphasize correspondence with parents in ways that stimulate parental involvement and home support of the child's classroom education. As a whole, these studies overwhelmingly suggest that educational opportunity is a function of those interpersonal interactions that schools help promote in school and home environments. In addition, collaboration between the home and the school is viewed as both economically and socially justifiable. As Lareau and Benson stated:

> Home/school relationships are eminently fair, because education produces both public and private benefits. Public benefits include such things as social cohesion, an enlightened electorate, intellectual and artistic expressions, inventions, and innovation. But education also fosters economic success for individuals—benefits that are private and exclusive. Since education produces public benefits, it is appropriate that taxpayers meet most of the costs. Since education also produces private benefits, it is appropriate that parents make an extra contribution to schools, over and above that made by taxpayers as a general group. If home/school partnerships meet the costs of education more equitably, they also serve as powerful devices to improve the efficiency of schools. Moreover, no other approach gives parents a greater sense of "ownership" of the schools their children attend.[63]

In the 1984 study conducted by these authors at the University of California, Berkeley, they examined the quality of the school program at two public elementary schools in Oakland, California. One of the schools was a predominantly white school in a middle-income neighborhood, and the other school was predominantly white in a low-income neighborhood. It was found that the parents of children in the middle-income school received much more support, encouragement, and access to information resources than did the parents in the low-income school.[64] These results suggest that low-income white parents also are not provided equitable opportunities to receive information from local school officials. It seems reasonable to assume that this class-based disparity in access to resources is particularly problematic in the most segregated predominantly Black schools. Also, inequality in school support to the home seems clearly to result from inefficiency in establishing school-home correspondence procedures.

In a 1982 sociological study of the school and home experiences of thirty-three Los Angeles fourth-grade students, Reginald Clark found that the manner in which teachers relate to parents (and to the child in the classroom) was a major factor in determining whether (and how) parents assisted their children at home to prepare for school lessons.[65] Parents who regularly commu-

63. Lareau & Benson, *The Economics of Home School Relationships: A Cautionary Note*, 65 PHI DELTA KAPPAN 401, 401 (1984).

64. *Id.* at 402-03.

65. R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62, at 49-57. In Clark's 1982 study involving thirty-three fourth-graders (from Black, white and Mexican-American families) and their families in four different Los Angeles public elementary schools, it was found that parents of students who were high achievers both in the classroom and on standardized tests often had more contact with their child's teacher than did parents of low achievers. High achievers' parents were more likely to communicate directly with the school to monitor their children's progress, and such communications were often used to prevent the onset of new learning problems. In addition, teachers of high achievers tended to send informal notes home to their parents, which contained information on the child's progress, areas for the child's academic improvement, homework, the general curriculum, the

nicated with their child's teacher, and who felt that they were getting guidance and assistance from these encounters, were more effective in reinforcing and guiding their child's academic growth outside of school. In other words, whenever children attended a school where teachers intentionally kept parents informed and collaborated with them on pedagogic issues, the children received more opportunities to be exposed to (and to learn from) a set of well-organized educational experiences, and they achieved higher grades as well as higher scores on standardized tests.[66]

Do segregated schools provide such equal educational opportunities to these children within the instructional program? What is the likelihood that a child's teacher will intentionally give the parents the opportunity to plan collaboratively, and exchange vital information with the teacher at racially isolated schools? At this time, the author is not aware of any research studies that can provide definitive answers to these questions. However, there is ample evidence that predominantly-Black public schools in general do not provide equal opportunities for Black students to be exposed to "well-organized" instructional programs that facilitate abundant educational opportunities — even when the schools have received federal aid for such programs.[67] No one has as yet relied on this evidence to present a legal challenge to these apparently unequal educational opportunities embedded in the instructional programs provided to pupils in predominantly minority schools as compared to programs provided to pupils in predominantly white schools. Perhaps larger scale basic research studies will have to be conducted on this specific issue before we can clearly document the scope and depth of this "tangible" form of educational inequality. Perhaps more legal research is also needed to ascertain the viability of a legal challenge to such inequities.

VI. A Pilot Program of School Reform

An extensive body of recent educational research has helped to clarify which school policies and procedures produce effective educational programs and which do not.[68] As a result of findings from these studies, we know a great deal more about the school policies that can function as "tangible" and "intangible" stimulators of learning opportunities.

Since *Brown*, the courts have intervened to uphold constitutional rights

subject matter of the class, and occasionally, words of personal encouragement. Low achievers' parents generally did not receive such communications; their direct, formal contact with the school was often related to the child's existing learning problems. The informal communications which high achievers' parents received and low achievers' parents did not was found to be important because such communications were often utilized to plan the child's academic growth. As parents of low achievers, the majority of the Black and Mexican-American parents in Clark's study did not tend to have positive direct or indirect contact with the schools.

66. *Id.* A "well organized" school instructional program (*i.e.*, a program capable of producing "excellence") may be conceptualized as one in which the school establishes policies and procedures that produce systematic, intellectually-nurturing communications between (1) the principal, the teaching staff and the support staff; (2) the teaching staff and the students' parents; (3) the teaching staff and the students in the classroom; and (4) the parents and their children. All of these relationships must be functioning in a productive manner in order for a school instructional program to be considered well organized.

67. *See* J. Ogbu, *supra* note 60, at 205-28; *see also* C. Persell, Education and Inequality: Roots and Results of Stratification 140-52 (1976); K. Clark, *supra* note 40, at 111-25.

68. U.S. Dep't of Education, Researching for Excellence: An Effective Schools Sourcebook (1985).

that may have been violated by local school board policies. The courts have thus acted to reshape the agenda of the nation's schools.[69]

The ultimate objective of school policy is to teach children. As the judiciary has acted to determine which policies (*e.g.*, segregation) are not acceptable in the nation's schools, other branches of government have sought to identify those which affect the quality of education and teaching. Recently, the Department of Education identified factors which presumably are to be considered in determining the effectiveness of school policy. Those factors were as follows: (1) The standards for obtaining credentials in English, mathematics, science, social studies, computer science, and foreign languages; (2) competency testing for graduation; (3) the implementation of written policies for the amount and type of homework to be assigned to pupils; (4) the length of the school day; (5) length of school year; (6) career ladders for teachers (*e.g.*, a position of master teacher); (7) provisions made for home-school collaboration and support; (8) the length of contracts for teachers; (9) a performance evaluation system for teachers; (10) structured staff development; (11) financial incentives based on performance; (12) clarified codes of student conduct, and consistency of enforcement; (13) assignment to students of books written at or near grade level; (14) the availability of remedial courses, grade level skills taught in class, and remediation in the lab; (15) placement of students by academic needs rather than by age; and (16) implementation of desegregation plans.[70]

A large body of recent research has highlighted the significance of the school principal's role in producing excellence in the school. The principal's actions are thought to go a long way toward "setting the tone" for achievement in a school. The productive principal understands and applies the precepts of educational effectiveness when managing the instructional program at the school. Therefore, principals can rationally be held accountable for functioning as "instructional leaders." They can do this by making certain that (a) teachers take time at the start of the school year to diagnose in detail the nature of the students — their skills, interests, work habits, attitudes, psychological needs, and family expectations and support; (b) the school clearly states its goals to parents throughout the school year; (c) there is a climate of high expectations and standards, a sense that all children can learn (and will be taught); (d) there is a safe and orderly environment for learning; (e) there is a coordinated curriculum with rigorous content and regular homework that is evaluated; (f) there are heterogeneous grouping patterns in classrooms; (g) time actually teaching is maximized by minimizing classroom interruptions; (h) teachers are continually assessing students' growth and needs and continually assessing general school procedure; and (i) teachers are actively encouraging parent involvement in the pupil's home learning.[71]

69. Fischer, *The Courts and Educational Policy*, 81 YEARBOOK OF THE NATIONAL SOCIETY FOR THE STUDY OF EDUCATION, PART I, 56, 71, 78-79 (1982).

70. *Survey Will Explore Conditions in Schools That Affect Teaching*, BASIC EDUC., June 1984, at 12-13. *See also* Murphy, *Academic Press: Translating High Expectations into School Policies and Classroom Practices*, EDUC. LEADERSHIP, Dec. 1982, at 22, 23-25; NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION, A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM 29, 30, 31 (1983).

71. NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION, *supra* note 70, at 27, 29, 30, 32; *see also* R. Edmonds, *A Discussion of the Literature and Issues Related to Effective Schooling* in

The manner in which teachers create learning opportunities in the classroom for students is a major determinant of what the students actually learn.[72] Specific teacher actions have been consistently correlated with higher rates of student achievement. Some of these specific actions include the teacher's: (1) being active with the children in the classroom;[73] (2) presenting a wide-ranging and challenging curriculum to the child;[74] (3) encouraging children to make their own decisions;[75] (4) telling parents exactly what progress the students are expected to make over the school year —in language arts, math, science, other subjects and social behavior— and making a "contract" with parents and students to achieve these goals;[76] (5) emphasizing the concept of teachers and parents as co-managers of the child's learning environment;[77] (6) telling parents the routine of the school day, the topics that will be covered, the classroom organization pattern, and the teacher's management style and philosophy;[78] (7) assigning homework regularly and grading its completion;[79] (8) communicating regularly to parents exactly what the parents should do at home to encourage the child's academic growth;[80]and (9) enacting procedures for effectively teaching students and reaching parents in non-intimidating ways.[81] These factors suggest that teachers can rationally be held accountable for initiating such actions in an effort to provide educational opportunities.

Activities that children and their parents should be doing in order to reinforce the efforts of the school to produce academic excellence can also be identified. Although school preparation must ultimately be the collective responsibility of teachers, students, and parents, the "outreach" of school personnel help to determine the extent to which parents and students actually perform their assigned tasks.[82]

WHAT DO WE KNOW ABOUT TEACHING AND LEARNING IN URBAN SCHOOLS 23-28 (1979); L. Winfield, Principals' Instructional Behavior in Inner-Urban Schools, i, 1, 2, 5, 12 (Mar. 21, 1982), (unpublished paper presented to the Annual Meeting of the American Educational Research Association, Symposium on School Leadership and Instructional Effectiveness).

72. Evertson, *Differences in Instructional Activities in Higher- and Lower-Achieving Junior High English and Math Classes*, 82 ELEMENTARY SCH. J. 329, 349-50 (1982); Rosenshine, *Teaching Functions in Instructional Programs*, 83 ELEMENTARY SCH. J. 335, 336-37 (1983).

73. Evertson, *supra* note 72, at 346-49.

74. *Id.*

75. *See* Bossert, *Tasks, Group Management and Teacher Control Behavior: A Study of Classroom Organization and Teacher Style*, 85 SCH. REV. 552, 554 (1977).

76. *See* M. SMITH, SCHOOL AND HOME: FOCUS ON ACHIEVEMENT IN DEVELOPING PROGRAMS FOR THE EDUCATIONALLY DISADVANTAGED 87, 94-98 (1968).

77. D. SEELEY, *supra* note 62 , at 191, 194, 213, 230-31; R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62 , at 47-48, 125-26.

78. R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62, at 51-52, 54.

79. Walberg, *supra* note 61, at 399; Strother, *Homework: Too Much, Just Right, or Not Enough?* 65 PHI DELTA KAPPAN 423, 424-25 (1984).

80. R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62, at 47-48, 128-29; *see also* Walberg, *supra* note 61, at 400. Walberg describes the successful Grant School Operation Higher Achievement program, in Chicago, in which teachers, parents and the principal established a "partnership." The partners identified specific educational services to be delivered to the children and established specific tasks for the teachers in the classroom and the parents in the home. The goal of these specific objectives and tasks was to improve the learning environment. Walberg concluded that "inner-city children can make middle-class progress in achievement if educators work cooperatively with parents in pursuit of joint goals." *Id.* at 400.

81. *See* M. SMITH, *supra* note 76, at 94-98; R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62, at 128-29.

82. R. CLARK, COMMUNITY OPPORTUNITY, *supra* note 62, at 217-18; Moles, *supra note* 62 , at 46-47; D. SEELEY, *supra note* 62 , at 217-18. Seeley cites the study that Dr. Comer of Yale University

Research such as that of Hoge and Luce,[83] Kedar-Voivodas,[84] and Pullis and Caldwell[85] suggest that children themselves can rationally be held accountable for performing the tasks of: (1) establishing personal life goals for public roles; (2) regularly coming to class on time; (3) attending classroom lessons; (4) asking questions and showing enthusiasm for learning; (5) being cooperative, and avoiding disruptions; and (6) doing assigned homework and exploring new knowledge. Performance of these tasks will tend to create educational opportunities and success.[86]

Tasks that parents can rationally be held accountable for performing include: (1) responding to all school inquiries; (2) getting the child a regular health checkup and paying close attention to grooming habits; (3) getting to know the child's teacher early in the year; (4) looking at the child's school records; (5) making an effort to consult with the child's teacher to learn how they can help at home; (6) getting the child up each morning with adequate time for a good breakfast; (7) sending the child off to school properly nourished and equipped with personal goals and understanding that his/her purpose in school is to learn; (8) getting the child to bed at a regular time each night so that (s)he can get the proper sleep and rest; (9) reading regularly, in the child's presence; (10) writing regularly, in the child's presence; (11) articulating new words and ideas in the child's presence; (12) providing a daily quiet period in the home for completing assigned homework; (13) providing the child with a favorite treat or other pleasurable event after homework; (14) checking the completion of the child's homework and monitoring its delivery to the teacher; (15) preventing the child's work from being damaged or destroyed by pre-school children; (16) seeing that the child has a desk or table with light, pencils, paper, reference books and other tools necessary for doing a good job (this does not necessarily mean getting a personal computer or other expensive items); (17) listening to the child read, and reading aloud to the child; (18) establishing a balanced repertoire of activities as a routine part of the child's daily and weekend schedule including making certain that the child goes to the library, museums and cultural events; (19) showing interest

conducted at the Martin Luther King, Jr. High School in New Haven, Connecticut, which showed that positive academic results occurred after traditional bureaucratic barriers were removed and teachers and parents were able to meet personally and exchange perspectives. Dr. Comer noted the sharing of information which took place, as well as the positive effects of the mutual trust and respect which developed. These findings suggested that continued communication between parents, teachers and school administrators would benefit the education of Black youth.

83. *See generally* Hoge and Luce, *Predicting Academic Achievement from Classroom Behavior*, 49 REV. OF EDUC. RESEARCH 479, 493-94 (1979).

84. Kedar-Voivodas, *The Impact of Elementary Children's School; Roles and Sex Roles on Teacher Attitudes: An International Analysis*, 3 REV. OF EDUC. RESEARCH 415, 418-19 (1983).

85. *See generally* Pullis & Caldwell, *The Influence of Children's Temperament Characteristics on Teachers' Decision Strategies*, 19 AM. EDUC. RESEARCH J. *765, 765-81 (1982).*

86. Hoge & Luce, *supra* note 83, at 481, 493-94. The authors state that although more research is needed, enough has been done to begin to formulate hypotheses relating to behaviors which are associated with academic achievement. Factors which the current research shows are positively related to achievement include 1) paying attention, 2) compliance with teacher requests, 3) attending classes, 4) "positive" interaction with peers, 5) constructive play, and 6) constructive self- directed activities. *See generally* Cooper, *Pygmalion Grows Up: A Model for Teacher Expectation Communication and Performance Influence*, 49 REV. OF EDUC. RESEARCH 389, 394, 400, 406. The author concludes, *inter alia*, that a student's belief in his or her own ability, "personal efficacy," is a prerequisite for achievement motivation and that the student's belief that by working harder, he or she will achieve greater success, may also affect student performance. *Id.* at 406.

in the child's work by asking questions, participating sometimes, and giving praise and encouragement when needed and deserved (give one-minute praise and reprimands); and (20) encouraging the child to perceive him/herself as possessed of intellectual power.[87]

The extent to which the tasks listed for principals, teachers, students and parents are performed in a school may indicate how much educational opportunity the school is actually providing to its pupils. When local school districts provide effective instructional programs for students and effective staff development programs for teachers and principals, the minority child is more likely to obtain the requisite opportunities to achieve academic excellence in school.

Unfortunately, it is the rare principal and teacher who has received any training in how to work with parents to provide equal educational opportunity. Educators simply have not been trained effectively in how to involve teachers, parents, and students together in the instructional process. Until this staff training problem is somehow resolved, Black students will not receive the basic kinds of opportunities they need to perform well in school, even when court decisions call for structural changes in the school program. The items on these lists, however, could serve as a set of criteria for evaluation of school resource distribution patterns in case of litigation.

VII. A Pilot Attempt to Empower Teachers and Parents

A number of university professors, private businesses, independent consultants, staff development officers in districts, and others have begun working on ways to improve school programs through school staff training. This author has been invited in his capacity as a clinical sociologist to assist the Pasadena (California) Unified School District and the Los Angeles Unified School District in developing pilot demonstration projects that show how racially isolated schools can establish the policies and practices listed above. These projects are currently providing training and technical assistance to principals and teachers in selected schools.

87. *See generally* R. Clark, Community Opportunity, *supra* note 62, at 86-125. Clark describes the various literary activities and management behaviors that parents of high achievers engaged in with their children. Clark found that high achievers were more often engaged in home literary activities than were low achievers. The activities included wide-ranging conversation, feedback on day-to-day problems, reading aloud, being read to by parents, writing letters and poems, and using dictionaries and other study aids. *Id.* at 86-98. High achieving children were also more often involved in recreational activities, for example, hobbies and games. *Id.* at 123-24. In addition, the high achievers' parents exercised more control over their children, following an authoritarian model to cause the children to participate in literacy and recreational activities, than did parents of low achievers. The exercise of parental authority over the child was the most significant dimension of the parents' behavior. *Id.* at 125. *See also* Moles, *supra* note 62, at 45; Morrow, *Home and School Correlates of Early Interest in Literature*, 76 J. of Educ. Research, 221, 227, 228-29 (1983); J. Hale, *supra* note 3, at 169-70. In Morrow's study of twenty-one kindergarten children, it was found that children with a "high" interest in literature were read aloud to by their parents more often than were children with "low" interest. In addition, high-interest children watched less television and had access to more children's books placed in many rooms of the home than did low interest children. These findings are significant because, although the correlation is not perfect, "school achievement and literary interest tend to go together." *Id.* at 227. The findings suggest that children whose interest in literature is encouraged early on by their parents will tend to succeed better in school than those children whose parents do not stimulate such interests. *See also* National Commission on Excellence in Education, *supra* note 70, at 34.

The projects aim to increase parent-teacher collaboration and teacher classroom effectiveness through in-service training in: (a) effective teacher-parent progress reporting, conferencing, and contracting; (b) systematic homework planning; and (c) ongoing planning for parent support and school improvement. These aims will be realized by: (1) giving volunteer teachers an orientation to the role of students' home experiences in producing school achievement, and the role of the classroom in producing achievement; (2) presenting teachers with strategies for effectively conducting parent-teacher conferences; (3) presenting teachers with strategies for developing homework activities that parents can assist their children to complete; (4) establishing a committee to plan after-school enrichment programs for students whose home circumstances simply preclude their studying effectively (such programs are staffed by teacher aides and other low-cost paraprofessionals); (5) providing consultative assistance to principals and school committees to establish a school plan for systematic parent/community involvement and support; and (6) conducting evaluation studies to determine program effectiveness. Although still in their infancy, we expect the projects' activities to help produce an increase in minority children's level of scholastic achievement.

The reader need not infer that we perceive of our project activities as "the answer" to all the ills that have befallen our educational system. But we do see this type of effort as bringing us much closer to the "nuts-and-bolts" of effective teaching and learning. Effective (*i.e.*, equitable) educational opportunities are possible to obtain only when careful attention is given to the unique personal and social needs of students in racially isolated schools. As Mort and Lawler wrote fifty years ago: "Equalization of educational opportunity between local administrative units requires the use of a measure of need, a measuring device by which the amount of expenditure required to support an educational program of a given degree of excellence in each administrative unit may be equitably determined."[88]

Parents who do not know how effectively to help prepare their children for school success, and who do not have equal access to such knowledge, are clearly at a disadvantage in the quest for equal educational opportunity.

VIII. CONCLUSION

Black Americans and civil rights supporters have used a variety of reform strategies over the past century, and particularly in the last thirty years. These collective efforts have produced many improvements in Black children's participation in public schools (albeit segregated ones), and in the quality of the schooling that these children receive. In this author's opinion, we are not very far from seeing federal agencies and many school districts make serious efforts to improve Black children's learning opportunities by systematically providing a range of "tangible" resources to students and their parents. These new school-based initiatives could "empower" parents and children to play a very large role in charting their own educational destinies for the first time. It is clearly an important time for young educators and attorneys to be in on the "action" together. Working from within the ideological-political contexts that have already been established, members of the legal system and the educa-

88. P. MORT & E. LAWLER, FINANCING OUR PUBLIC SCHOOLS 17 (rev. ed. 1935).

tional arena should continue to work together to make progress in the effort to achieve equal educational opportunity for all people. These findings suggest that educational change initiatives from the legal community are best explained and predicted by examining the legal context of the time, and the ideologies and perspectives of those on the "cutting edge" of social research at the time of the social change initiations.