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Unequal Public Schools Makes Affirmative Action Essential for Equal Opportunity

A Policy Brief from the UCLA Civil Rights Project

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The vast public education and higher education systems of the state of California are responsible for serving a very diverse but highly stratified population. California K-12 public schools enroll 6.1 million students, almost an eighth of the national total. The majority (55%) of the students are Latino, followed by 22% whites, 12% Asian and Pacific Islanders, 5% Blacks, 1% American Indians, and 4% multiracials. (Less than 8% of California students go to private schools.) The state's colleges have a very different composition, especially the very selective University of California campuses where the affirmative action battle is concentrated. Latino, Black and American Indian students are seriously underrepresented in the University of California enrollment. We have nearly a quarter century of experience and research on the negative impact of the state's affirmative action ban. Opponents of affirmative action, on the other hand, argue that it would be unfair to consider race in any way in admissions because of their fear that some white or Asian students with higher test scores would not be admitted.

The attack on affirmative action is built around an argument that it gives opportunities to students who have less "merit" than some white or Asian students who might have higher scores. Since there is a wide gap by race in average test scores, the assumption of the critics is that the different scores represent personal achievement and that the groups with the lower scores simply do not try as hard. (In fact, research shows that that higher test scores are strongly related to home, community and early school advantages and other advantages available to families and communities with far more resources. There is also evidence that students with funds for special test prep programs, counseling and multiple taking of the tests enjoy advantages.)[1] In California, Blacks, Latinos and Native groups not only have significantly lower average test scores but are, of course, the groups that have experienced the most long-term discrimination over history. Even critics admit that this was clearly true over history, but argue that it was solved by civil rights laws decades ago. This policy brief, however, shows that students from the underrepresented groups are in fact not now given an equal chance to prepare for a highly competitive higher education system because they are highly segregated in far less successful schools. This brief does not address all of the relevant issues but provides significant new information on two basic realities of California education.

The brief first presents new facts on the extraordinary segregation of Black and Latino students in the state's public schools. Second, it shows that those groups are doubly segregated by race and poverty at the most educationally unsuccessful schools. These children are, on average, from families with far lower income and wealth and with parents with significantly less education. School is their chance to break the cycle of inequality but they are highly isolated in the state's weakest schools, with very few having the opportunity to attend the competitive schools which are the most equipped to prepare students for access to a very competitive higher education system. The playing field is highly unequal — so many of the

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[1] Daniel Koretz, *The Testing Charade*, Chicago: University of Chicago Press, 2017.

advantages that come to students from more privileged families do not reflect individual skill or merit in winning the race, but a much better starting point within the unequal public schools.

Affirmative action policies, now legal in all but nine states and practiced by the great majority of the nation's selective universities, allow admissions officials to consider a student's racial background as one of a number of factors in making admissions decisions. Most colleges that practice affirmative action by race also practice by income, recognizing that both are important but significantly different. The University of California system admits large numbers of low income students eligible for federal Pell Grants but that does not solve the underrepresentation of Black, Latino and American Indian students. It is not a quota; in fact, quotas are illegal and schools cannot reserve spaces for students by race even with affirmative action.[2] A central reason why affirmative action is so necessary is that the preparation for California's public universities and colleges is about considering race as one of many factors in choosing among students qualified to succeed at a given campus. Yet, California secondary public schools are very unequal and only the top third of the state's students are allowed to be admitted to four-year public colleges under the state's Master Plan. Extreme segregation in unequal schools means that Black and Latino students and Native American students have very different opportunities to prepare for college. This issue brief contains two new results: the latest calculations of the degree of segregation in California's schools and an examination of the educational quality of the schools attended by the state's different major racial/ethnic groups, providing evidence that the paths to college are highly unequal. Without consideration of these deep set racial inequalities, the higher education system tends to perpetuate rather than remedy these inequalities. Affirmative action is a modest response to this crisis. Even with affirmative action students from more privileged families tend to have disproportionate access to the strongest colleges.

We analyzed the state's enrollment statistics and the data show that, by some measures, Latino students in California are more segregated than in any other state and that Black students also have among the nation's very highest levels of racial segregation. This segregation relegates students of color to weaker schools of concentrated poverty and fails to prepare all students for multiracial settings such as college and many workplaces.

Schools, like colleges, have the largest impacts when they have peer groups of well-prepared students, challenging classes comprised of students with good educational backgrounds and experienced teachers. Educational research over the last half century has documented the importance of well-prepared peer groups and strong, experienced teachers, both of which tend to be concentrated in middle-class white and Asian schools.[3] This issue brief shows that students of color, on average, attend schools with weak levels of educational attainment while white and Asian students are concentrated in middle-class schools with students performing at far higher levels. The relationship between the composition of race in schools and educational attainment measured by California state tests is high, a measure that documents the fact that the state provides very different levels of schools by race.

California has an extremely stratified higher education system in which, by the state's Master Plan, only the top one-eighth of high school students are admitted to the University of California and the top one third to the California State University system.[4] The state provides only community colleges with far lower levels of eventual higher education completion to the other two-thirds of students. The transfer

[2] *Board of Regents of the University of California v. Bakke*, **4**38 U.S. 265 (1978)
[3] Clotfelter, Charles T., Helen F. Ladd, Jacob L. Vigdor, and Justin Wheeler. 2007. "High-Poverty Schools and the Distribution of Teachers and Principals." CALDER Working Paper 1. Washington, DC: The Urban Institute; David L.Sjoquist and Todd R. Stinebrickner, " Race, poverty, and teacher mobility," *Economics of Education Review*, Volume 26, Issue 2, April 2007, Pages 145-159.
[4] *A Master Plan for Higher Education in California*, 1960-1975 Prepared for the Liaison Committee of the State Board of Education and The Regents of the University of California, Sacramento, California State Dept. of Education, 1960.

rates of students entering community colleges desiring to finish bachelor's degrees are low, especially in community colleges serving lower income communities.[5] Unequal schools that do not prepare students at high levels perpetuate inequality from generation to generation. Affirmative action is a modest corrective for the state's long-term systematic pattern of unequal preparation.

School Segregation in California

California, by a big margin, is the largest state with the largest public-school system. The three disadvantaged racial ethnic groups in California are Latinos, Blacks and Native Americans, far behind Asians and whites in terms of education, income, and wealth and all the opportunities that are linked to more resources. On average, students from these three groups are segregated in schools with 75% of students of color from underrepresented groups, with little contact with white and Asian or middle-class students. White and Asian students, on average, come from families with substantially higher education and income levels producing many out of school advantages. (There are, of course, variations and diversity within each of these groups.) California Black students in the state, on average, attend schools with increasing concentrations of students in poverty in recent years and they are usually a relatively small minority in largely Latino schools, creating another level of challenge for them as members of schools dominated by another group with serious but sometimes different needs. Latino students, in great concentrations in metropolitan Los Angeles, are more segregated than in any other large U. S. metro. The majority of California Black students are in schools that are 90-100% nonwhite. A recent report shows that Latino students in California are more isolated from white students than in any other state.[6] Black students, although less than 5% of California's students, are the fourth most segregated Black group in the U.S.[7]

Segregated high poverty schools typically have less expert and experienced teachers and offer more limited pre-collegiate curricula, in part because fewer students have mastered the prerequisite preparation for success in advanced placement (AP) and honors courses. Schools with high poverty concentrations have less stable enrollment because of housing and other problems: more students with untreated chronic medical problems, less educational materials and equipment at home (extremely visible during the pandemic's on-line learning experiences), more students whose home language is not English, much higher levels of homelessness and foster child status, and many other forms of inequality. It is not surprising that differences show up in terms of scores on the state's standardized tests. Table 4 shows that when we looked at rankings in the California Dashboard Math Indicator[8], 44% of white students and 78% of Asian students attended schools where the average score was in the top fifth of California schools in average math scores, vastly better settings to prepare for colleges that admit only the top twelfth of students to the Univ. of California and the top third to the California State University system. Only 1% of Black students, 2% of Latinos, and 1% of American Indians attend those high achieving schools. At the other extreme, 67% of American Indians, 58% of Blacks and 33% of Latinos were in in the bottom fifth of California schools in terms of math scores. Only 6% of whites and 2% of Asians attended those schools. These are schools where students who decide to go to college will go to a community college or a for-profit college and have little chance of completion of a four-year degree.

Examination of the correlation coefficients shows a clearly significant relationship between the percent of Asian and white students with higher Math and English Language Arts/Literacy (ELA) test scores, a correlation of about .5 and a negative correlation of the same dimension with the percent of Black, Latino

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[5] Patricia Gándara, Elizabeth Alvarado, Anne Driscoll & Gary Orfield, *Building Pathways to Transfer: Community Colleges that Break the Chain of Failure for Students of Color*, Los Angeles: Civil Rights Project. February 2012.
[6] Erica Frankenberg, Jongyeon Ee, Jennifer B. Ayscue and Gary Orfield**,** *Harming Our Common Future*: America's Segregated Schools 65 Years After *Brown*. Los Angeles: Civil Rights Project; Proyecto Derechos Civiles, 2019.
[7] Ibid.
[8] California has responded to the serious difficulties of rating schools on the basis of only subject matter test scores by using a number of measures in a "dashboard" which permits evaluating schools on multiple dimensions.

plus American Indian students in a school. The schools that Latinos, Blacks and Indians attend have very high levels of concentrated poverty. White and Asian students attend schools with an average of 39% low income students while Black, Latino and Indian students go to schools where an average of about three-fourths of the students are poor.[9]

When examining the correlation between race and poverty levels, the strongest relationship is between the total population of Black, Latinos and Indians and poverty levels, with a coefficient of .67, a strong relationship.

Table 3. Correlation Between Racial/Ethnic Composition of California Schools and Poverty

Race	Correlation with Poverty
% White	-0.47
% Asian	-0.32
% Black	0.22
% Latino	0.63
% American Indian	0.12
% White & Asian	-0.66
% Black & Latino & American Indian combined	0.67

Note: Sample includes schools that do not participate in Community Eligibility Provision; poverty is defined as school attendance of greater than 40% free-reduced price lunch.

Table 4. Relationship between Race and School Math Achievement Level

	1st Quintile	2nd Quintile	3rd Quintile	4th Quintile	5th Quintile
% White	6%	7%	14%	29%	44%
% Asian	2%	3%	5%	12%	78%
% White & Asian combined	4%	6%	11%	24%	55%
% Black	58%	21%	13%	6%	1%
% Latino	33%	29%	23%	12%	2%
% American Indian	67%	17%	12%	3%	1%
% Black & Latino & American Indian combined	35%	28%	23%	12%	2%
% English Learners	41%	25%	18%	10%	6%

Note: Data uses the CA Dashboard Math Indicator. Quintiles are constructed based on average school test result and number tested resulting in 20% of overall CA enrollment in each quintile. Percent race/ethnicity in quintiles found using average group test result and number tested.

The pattern for the state's English Language Arts/Literacy Indicator is very similar. In the top 20% of schools on this measure, there are 47% of the state's white students, 73% of the Asian students and only 2 to 3% of Black, Latino, and American Indian students.

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[9] The federal data on students and school poverty was, for many years, simply the share of students getting free or reduced-price school lunches whose families had documented their need. But the data changed after the federal government decided to simplify the process for schools with 40% or more students whose families needed aid, allowing the schools to simply put all students on free lunch, greatly simplifying the administration of the program, but seriously disrupting student poverty data and the schools that adopted that policy. We could only examine the student poverty levels in the large majority of schools that do not implement this policy. But that means that the data exclude many of the most impoverished schools where many students of color are enrolled, and the poverty concentrations are likely to be much higher. So the numbers reported here should be seen as underestimates of poverty concentration for students of color.

Table 5. Relationship between Race and School English Language Arts/Literacy Level

	1st Quintile	2nd Quintile	3rd Quintile	4th Quintile	5th Quintile
% White	4%	7%	14%	28%	47%
% Asian	2%	3%	6%	16%	73%
% White/Asian	3%	6%	11%	24%	56%
% Black	57%	19%	14%	7%	2%
% Latino	33%	31%	23%	11%	3%
% American Indian	75%	16%	5%	2%	2%
% Black/Latino/American Indian	35%	30%	22%	10%	3%
% English Learners	58%	23%	11%	6%	3%

Note: Data uses the CA Dashboard English Language Arts/Literacy Indicator. Quintiles are constructed based on average school test result and number tested resulting in 20% of overall CA enrollment in each quintile. Percent race/ethnicity in quintiles found using average group test result and number tested.

We see an equally strong relationship between the percent of White and Asian students and middle-class students. The relationship between the stratified social composition of schools and the families who enroll their children there is dismally strong.

Table 8. Correlation between Percent Race/Ethnicity in Schools and CA Dashboard English/Language Arts Status Level Indicator

	2019 CA Dashboard Math Score
% White	0.33
% Asian	0.37
% White/Asian	0.50
% Black	-0.31
% Latino	-0.39
% American Indian	-0.10
2019 CA Dashboard ELA Score	-0.49

Note: Math Distance from Standard value from CA Dashboard Math Indicator, composition of race/ethnicity in school given by 2019 CDE School level file.

Table 9. Correlation between Percent Race/Ethnicity in Schools and CA Dashboard English/Language Arts Status Level Indicator

	2019 CA Dashboard ELA Score
% White	0.40
% Asian	0.36
% White/Asian	0.55
% Black	-0.34
% Latino	-0.42
% American Indian	-0.10
% Black/Latino/American Indian	-0.54

Note: ELA Distance from Standard value from CA Dashboard ELA indicator data, composition of race/ethnicity in school given by 2019 CDE School level file

<u>Implications.</u> The groups of California students that affirmative action is designed to give a chance to compete come from schools that are highly segregated by race and poverty. These schools are unequal not because of students' race or the aspirations of their parents, which research shows are very high for all groups, but because of the inequalities associated with race in California society that impact students concentrated in these highly segregated, poorly performing schools. Unfortunately, almost all of the significant efforts that California once undertook to try to overcome these patterns of segregation and inequality have been abandoned for a quarter century or more as court ordered desegregation plans were terminated and the state enforcement in small districts through the state's Intergroup Relations office ended. We believe that it is very important to address those underlying issues when possible and to offer stronger magnet and choice alternatives to students of color. The extremely unequal conditions at the primary and secondary levels, combined with the state's current highly stratified higher education system and the clear record of failure of higher educational opportunity in California in a quarter century of the affirmative action ban, fully justify the resumption of affirmative action policies. Affirmative action policies are already practiced by California's leading private universities, and the leadership of the University of California believes them to be a modest but very important tool in improving access to the great opportunities of the state's public campuses to all of California's communities. Given the highly unequal preparation in the state's intensely segregated schools, affirmative action is a modest corrective for a continuing pattern of unequal opportunity in public education.