Hispanic Representation and Equal Education

The Hispanic[1] quest for equal educational opportunities has paralleled that of black Americans, but the Hispanic movement was and remains clearly separate from the black movement. Hispanics were not part of the classic *Brown v. Board of Education* (1954) case that struck down the doctrine of separate but equal. The absence of Hispanics from this case should not be taken to imply that Hispanics were not segregated; separate Mexican schools were maintained by both Texas and California (Fernández and Guskin 1981, 112; San Miguel 1987; Cooke 1971). To gain access to local public schools, Hispanics fought a series of political and legal battles (see chapter 3). In states that maintained de jure segregated school systems, Hispanics filed suits to be declared "white" so that they could attend white schools (see San Miguel 1987). After desegregation became a reality, Hispanics sought the legal designation "minority" to avail themselves of remedies under the federal Civil Rights Acts. Not until 1975 did the U.S. Supreme Court recognize that educational discrimination against Hispanics must be considered in suits to desegregate public education (*Keyes v. Denver*).

The emphasis on desegregation and a more recent concern with bilingual education has shifted the focus somewhat from the original goal of obtaining equal access to educational opportunities. This study examines a series of actions that school districts can take to limit minority student access to education; these actions have been labeled "second-generation educational discrimination." Second-generation discrimination is the use of academic grouping and discipline in a discriminatory manner so that Hispanic students are separated from Anglos.[2] With this separation, Hispanic students are denied educational opportunities that are offered to Anglo students.

This chapter presents our theory of educational policy-making that we use to examine school district policies of academic group-

ing, discipline, and access to equal educational opportunity. After briefly stressing the fundamental importance of education as a method of combating discrimination, education is presented as a distinctly political process. By using a political focus for educational policy, we imply that Hispanics must gain access to political and administrative policy-making positions to affect educational policies directed at Hispanic students. A theory of minority representation that has been used to account for black representation on school boards, in administrative positions, and on faculties (see Meier, Stewart, and England 1989) is adapted to Hispanics. Finally, Hispanic representation is integrated into a theory of public policy-making that includes Hispanic political resources, social class pressures, racial competition, and school district size.

The Crucial Nature of Education

Discrimination on the basis of race or ethnicity can affect an individual's employment, level of income, quality of housing, access to health care, etc. Of all the forums for discrimination, discrimination in education is the most invidious. In a nation that prides itself on the ideal of upward social mobility, the ability to rise above one's social origins is heavily dependent on attaining a quality education. If Hispanics are denied equal access to education and, as a result, receive less formal education or receive education of inferior quality, then discrimination in other areas is much easier. Without education, a person may not be hired because he or she is not qualified. Without a job, inadequacies in income, housing, health care, and countless other amenities of life are exacerbated.

The linkage between education and income is not new; it forms the backbone of the human capital approach to economics. Human capital proponents argue that the primary determinant of a person's income is that person's investment in education, either in formal education or on-the-job training (Schultz 1961; Becker 1975). In the University of Michigan's longitudinal study of poverty, Greg Duncan reports that "differences in the level of education can account for a substantial share of the long-run earnings differences between individuals" (1984, p. 109). Although Duncan can explain only 15 percent of the variation in earnings with education, this is five times the variation that can be explained by other factors such as work experience, test scores, achievement motivation, father's education, and personal efficacy.

Human capital studies often produce what is called a rate of return on education: the percentage gain in income that results from an additional year of education. Cotton found that the rate of return on education for Mexican Americans in 1980 was 6.25 percent (1985, p. 875). This figure is significantly above his estimate of the rate of return for blacks (3.89 percent) and approximately equal to the rate of return for Anglos (6.72 percent). Using a different methodology, Bean and Tienda estimate that the returns on investment in education are 4.5 percent for Mexican Americans, 5.6 percent for Puerto Ricans, and 4.3 percent for Cuban Americans (1987, p. 380). Unfortunately, Bean and Tienda do not provide a return on investment estimate for Anglos.

Although other studies of Mexican American workers do not indicate that they receive the same returns on education as Anglos (e.g., Verdugo and Verdugo 1983, 421), many of these studies are limited because they do not distinguish the quality of education that individuals receive (see Penley, Gould, and de la Vina 1983, 445). As we argue in this research, the quality of education received by Hispanics in the United States is not equal to that received by Anglos (see chapter 5). Penley, Gould, and de la Vina (1983, p. 449) circumvented this problem by studying only graduates of accredited business schools; they found no difference in the earnings of Mexican Americans and Anglos when one controlled for sex, age, experience, college grades, and industry of occupation.

An additional way to examine the relationship between education and income for Hispanics is to examine these variables for the school districts in this study. Using the percentage of Hispanics with high school diplomas in 1980 to predict average Hispanic income, Table 1–1 shows a strong positive relationship. Education by itself explains 45 percent of the variation in Hispanic incomes across the school districts.

Table 1–1   **The Relationship Between Hispanic Education and Income**

Hispanic Median Income = $9,184 + $193.55 x Percent High School Grads
$r^2 = .45$ $F = 110.74$
$N = 137$

Education not only improves a person's ability to earn an income, it also improves access to specific types of jobs. Access to professional jobs—doctors, lawyers, accountants, etc.—is limited

to individuals with the requisite education. Education is also important in gaining access to government jobs, particularly those with higher pay and greater responsibility (Meier and Nigro 1976). In this case, Taylor and Shields' (1984, p. 386) study of federal civil service jobs found that education produced a higher return for Mexican Americans than it did for Anglos.[3]

Educational achievement is perceived as the key to upward mobility. Cohen and Tyree credit education as the single most important variable in allowing intergenerational escapes from poverty; they conclude, "Education . . . matters more for the poor" (1986, p. 811). In the educational process, students learn about the social and political institutions that operate in society. Education provides students with the potential tools to influence such institutions and provide a better life for themselves (Sleeter and Grant 1985, 54; Friere 1970; Everhart 1983; Barbagli and Dei 1977).

The Hispanic community clearly recognizes the crucial nature of education. A 1989 survey of Milwaukee area Hispanics ranked educational limitations as the main problem facing their community (Bauer 1989, 4B). In a 1980 survey of Houston, Hispanics ranked public education as the most important problem that they faced (MacManus and Cassel 1988, 209). A study of Hispanic legislators in Texas revealed that these representatives introduced more legislation related to education than for any other policy area (Mindiola and Gutierrez 1988, 352).

Our stress on education should not be interpreted as downplaying discrimination against Hispanics. Even if access to education were equalized in the United States, we would still expect to find some discrimination against Hispanics in employment and other areas. We would expect the disparities between Anglos and Hispanics, however, to be less in such a situation. If educational opportunities are equalized, then discriminatory actions are more difficult to hide since a person discriminating must find reasons other than a lack of education to deny Hispanics jobs or other opportunities. Equalizing educational opportunities, therefore, implies that discrimination must become more overt to be effective. Overt methods of discrimination are more readily noticed and easier to combat.[4]

Education and Politics

The overwhelming bulk of educational literature goes to great lengths to avoid discussing politics. In most cities, formal mecha-

nisms were established to isolate the school system from the influence of partisan politics. As part of the progressive tradition of political reform, school systems were operated by independent school districts (Tyack 1974; Davidson and Korbel 1981).[5] Independent school districts were given budget autonomy and taxing authority separate from that of other local governments. To further isolate the school district from politics, a multimember, nonpartisan school board was created to govern the system. Since board members were normally part-time, public-oriented citizens, day-to-day authority was delegated to a professional administrator who was responsible for the school district's actual operation.

The structural separation of school districts from local politics succeeded in isolating schools from the impact of local *partisan* politics, but it clearly did not eliminate politics from the school system. Politics, according to Harold Lasswell (1936), is the determination of "who gets what?" A school system separated from the pressures of local partisan politics still must make the same decisions that a system not so separated would make. Taxes must be raised, school buildings must be built, teachers must be hired, and curricula must be designed. The determination of who benefits from education policies is an exercise in politics, whether the decision is made by a politically motivated mayor or by an independent school board and a professional administrator. Contending that the public education system is above politics at the same time it consumes $185 billion a year in tax dollars (1988) is a fiction that simply cannot be maintained (Tucker and Zeigler 1980).

The view of nonpolitical education contrasts dramatically with the perceptions of Michael Olivas. Olivas argues that the educational disadvantages of Hispanics are so intertwined with their political powerlessness that "it may be impossible to disentangle the educational problems stemming from Hispanic political disenfranchisement, inasmuch as educational policy is political both at local and higher levels" (1983, p. 112). To Olivas, the lack of political power and unequal access to education are the same problem.

To influence educational policy decisions affecting equal access to education, Hispanics must be able to influence three key decisions—the determination of overall school district policy, the translation of overall policy into administrative rules and procedures, and the application of rules and procedures to individual students. Each of these decisions is dominated by a separate group of decision-makers. Overall school district policy, including policies on equal education, are set in theory by the school board.

While school administrators, especially the superintendent, play a role in forming overall policies, they dominate the translation of these policies into specific administrative rules and procedures. Teachers then take the administrative rules and procedures and apply them to individual students.

At each stage of the process, decision-makers exercise discretion. Although a school board faces numerous constraints on its actions, such as the district's tax base, federal laws, state regulations, etc., it still has substantial discretion to affect district policies. State and local laws may limit the type of school buildings the board can build, for example, but the exact placement of the buildings and how the building is structured is up to the board. School board members, in our view, are autonomous decision-makers who are somewhat but not totally constrained by economic, political, and social forces (Nordlinger 1981). We assume that school board members, when exercising discretion, will act just like other decision-makers, that they will attempt to maximize their own policy preferences.

School boards, as legislative units, cannot make policies so specific that no discretion is left to administrators. The policy implementation literature illustrates countless situations where legislative policies were altered by the bureaucracy that implemented them (Pressman and Wildavsky 1973; Bullock and Lamb 1984; Mazmanian and Sabatier 1983). The school superintendent and school administrators also have policy preferences; and when possible, they will exercise discretion so that policies will reflect those preferences.

Finally, most policies as they descend the administrative hierarchy are changed and adapted to individual situations (Downs 1967). Teachers are akin to what Lipsky (1980) calls street-level bureaucrats.[6] They exercise discretion in using discipline, encouraging or discouraging students, recommending placement in various academic groups, and countless other ways. Although "objective" rules have been established for many of these actions, the teacher still retains discretion. Most situations calling for action can be interpreted differently or even ignored. By exercising discretion in this way, the teacher can alter the policies established by school administrators.

All three decision-makers, we argue, exercise discretion and use that discretion to influence policies to be consistent with their own policy preferences. This book does not directly measure policy preferences, but rather it uses ethnicity as a surrogate measure

of policy preferences. We assume that Hispanic school board members, administrators, and teachers favor polices that provide greater educational equity for Hispanic students and oppose polices that reduce access to quality education for these students. Our concern is whether or not Hispanic access to positions of decision-making authority results in educational policies that benefit Hispanic students (see Lineberry 1978, 175).

The Politics of Representation

A political theory of representation is used to explain Hispanic access to school board seats, administrative positions, and teaching positions. The selection method varies for each group; most school boards are elected (those for dependent school districts are appointed); administrators are hired by the school board or by other administrators; and teachers are hired by administrators using merit criteria. Despite differences in selection, the same political theory of representation can be used with some modifications to explain Hispanic access to these positions. The theory contains four political forces—Hispanic political resources, district political structure, social class, and Hispanic access to other decision-making positions. Since our representation measures change somewhat for each set of decision-makers, three variations of the model will be discussed.

Access to School Board Seats

1. Hispanic Political Resources. To win school board elections, Hispanics must have political resources that can be converted into electoral victories. In a democracy, the most obvious political resource is Hispanic votes measured as the percentage of Hispanic residents in the school districts.[7] Hispanics have seen many of the same efforts to prevent them from voting as blacks have. English literacy tests were used in most southwestern states, white primaries often excluded Hispanics, poll taxes disenfranchised poor Hispanics, and intimidation and violence to discourage voting were common (Crow 1971; Shockley 1974; de la Garza 1979). Votes, in fact, are probably the most important political resource the Hispanic community has.

Although registered voters are a necessary condition for electing Hispanic representatives, they are not a sufficient condition. Election victories require credible Hispanic candidates. Studies of

urban politics generally suggest that ethnic groups, including Hispanics, produce viable candidates for political office once the ethnic group contains members who are middle-class (Garcia and Arce 1988, 127; Wolfinger 1965; Banfield and Wilson 1963). Middle-class status for Hispanics could be operationalized by income, occupation, education, or business ownership. We use the percentage of Hispanics with high school diplomas as the measure of middle-class status.[8]

2. Electoral Structure. Translating Hispanic resources into Hispanic membership on the school board has been hampered by electoral structures that grew out of the urban reform movement. Education systems, if anything, were more affected by the reform movement than were city governments. Education was viewed as a technical process that should be left to experts to determine the best way to educate children (Tyack 1974). Control of policy by experts meant that political influences had to be minimized. The result was a school system run by a professional administrator with public input restricted to a school board of civic-minded people. To make sure only citizens with the right views served on the school board, elections were usually nonpartisan, held in the springtime when no other elections were contested; individuals were elected at-large for staggered terms. All these reforms were designed to isolate school boards from the wrong type of partisan activity (Wakefield 1971; Cistone 1975).[9]

Of the political reforms, the most detrimental to minorities, including Hispanics, is at-large elections (Davidson and Korbel 1981; Fraga, Meier, and England 1986; Mindiola and Gutierrez 1988, 350). At-large elections allow all voters in a school district to vote for all candidates for the school board; ward elections, on the other hand, divide the school district into smaller election wards and elect individual board members from each ward with voting restricted to ward residents. At-large elections require greater political resources to win than ward elections because candidates must run school district-wide rather than in a smaller ward (Heilig and Mundt 1984). At-large elections are particularly harmful to minority candidates when voting is polarized by ethnicity (a frequent condition: see Stowers 1987a; de la Garza 1974; Garcia 1979, 174).

Three types of general selection plans are used to fill school board seats. In addition to at-large and ward elections,[10] dependent school district board members are appointed by other elect-

ed officials (the mayor, the county commission, etc.). The politics of an appointed board differs greatly from the politics of elected boards (Robinson, England, and Meier 1985, 981). Representation on an appointed board depends on participation in the winning electoral coalition of the individual(s) who appoint the board members. Usually minorities are given a "fair share" of the school board seats allocated to supporters of the winning candidates. Our measure of district structure, therefore, includes a measure that distinguishes between ward, at-large, and appointed school districts.

3. Social Class and Social Status. The group competition or power thesis view of groups in society is that groups compete with each other for tangible benefits, including those in the political process (Coser 1956; Schermerhorn 1956; Wilson 1973). The potential for conflict or cooperation between groups is a function of the differences and similarities between the groups (Giles and Evans 1985, 1986; Feagin 1981). If a minority group is similar to the majority group, the majority group will feel less threatened by minority demands and will be less likely to oppose minority access to governing institutions. Giles and Evans (1986) use the power thesis to argue that discrimination is less likely against middle-class blacks than against lower-class blacks because middle-class blacks share many of the values of middle-class whites. They imply that discrimination has as much to do with social class as with race.

The power thesis is directly applicable to Hispanic efforts to achieve political representation. In 1985 the Hispanic median family income was only 70 percent of the Anglo median family income; Hispanic high school graduation rates were only 63 percent of Anglo rates. If social class differences are a reason why Anglos might react negatively to Hispanics, then Hispanics who have made it in Anglo society would be perceived as less of a threat.[11] By analogy, middle-class Anglos would prefer to be represented by middle-class Anglos rather than by lower-class Anglos. If social class differences are the prime concern, then, Anglos might prefer representation by middle-class Hispanics who share their political views to representation by lower-class Anglos who do not.

The Giles/Evans power thesis receives some support from events in Crystal City, Texas. Crystal City was the site of working-class Mexican-American electoral victories in 1963 and again in

1970. Mexican Americans were able to elect all members of the city council, and eventually members of the school board (Shockley 1974). The tactics of the Anglo population, when confronted with a working-class Mexican-American political revolt, are revealing. Rather than continue to run Anglo candidates, they ran Mexican-American candidates with business ties and higher levels of education. Anglo support went overwhelmingly for middle-class Hispanic candidates rather than those perceived as lower-class.

Stowers' (1987a) analysis of Miami also reveals the class nature of urban politics in regard to minorities. She found that voting for Hispanic candidates was inversely related to socioeconomic status in Hispanic precincts. The class nature of politics changed, however, as the community's class composition changed. Middle-class Cubans were more likely to vote for candidates who did not make direct ethnic appeals (see also Garcia 1979, 176). The ability of moderate Mexican-American candidates, such as Federico Peña in Denver (Hero 1987) and Henry Cisneros in San Antonio, to attract Anglo votes is also consistent with the power thesis.

By using the class-based power thesis, we are arguing that middle-class Anglos are concerned more about lower-class candidates than they are about middle-class Hispanic candidates. As a result, in a school district with a large lower-class Anglo population, middle-class Anglos will be more supportive of Hispanic candidates (particularly those who make middle-class appeals). To tap this social class dimension of politics, we will use the percentage of the Anglo population who resides in poverty; this measure should be positively related to Hispanic school board representation.

If school board politics were only a contest between Hispanics and Anglos, the above presentation of the power thesis would be adequate. In many urban school districts, however, this is not the case. The school districts in this study have an average of 10 percent black population. Applying the power thesis to three groups is revealing. From the perspectives of the dominant Anglo coalition, Hispanics are more similar to Anglos than are blacks. Middle-class Hispanics, because they can "pass" as Anglo, are less likely to be perceived as a threat than blacks, regardless of the social class of blacks. This logic suggests that the Anglo community is likely to prefer Hispanic candidates to black candidates if given the choice. We hypothesize, therefore, that as the percentage of black population increases (a black resource that influences their ability to elect black candidates), Hispanic representation will increase as Anglos vote for Hispanic candidates.

Our hypothesis of Anglo support for Hispanic candidates in preference to black candidates directly challenges the Browning, Marshall, and Tabb (1984) incorporation thesis. Using ten northern California cities, they argue that Hispanics need to form coalitions with blacks and liberal whites to gain political representation (the equivalent of a rainbow coalition). The Browning, Marshall, and Tabb view stresses the cooperation of minority groups rather than competition. In chapter 4, we will present a critical test between the power thesis and the Browning, Marshall, and Tabb incorporation thesis.

In sum, Hispanic political representation of school boards should be affected by Hispanic political resources, district structure, and social class. In terms of specific indicators, we would expect that the level of Hispanic representation would be positively correlated with Hispanic population, Hispanic high school education, ward rather than at-large elections, the proportion of Anglos living in poverty, and the percentage of black population.

Access to Administrative Positions

The crucial role of minority administrators in the educational system has been demonstrated for blacks (Meier, Stewart, and England 1989). In contrast, the role of Hispanic school administrators has not been assessed. Most studies of Hispanic representation in administrative positions stress either a patronage argument or a representative bureaucracy argument. The patronage argument is simple: Hispanics should have the same share of positions that they have of the population. Such a distribution would be consistent with notions of fairness and equity (e.g., Dye and Renick 1981; Mladenka 1989a). A representative bureaucracy view of equity stresses the discretion of administrative officials. An Hispanic administrator is assumed to be more likely to make decisions that benefit other Hispanics (see chapter 4 for a more elaborate discussion of representative bureaucracy). Hispanic administrators should be more sensitive to the cultural norms and mores in the Hispanic community. In addition, an Hispanic school administrator is likely to become a leader in the Hispanic community (for an illustration see Shockley 1974).

Hispanic access to school administrative positions uses the same model of political representation as the school board seats model with a few modifications. Because our concern is with administrators rather than elected officials, the various forces rep-

resented by the indicators might change. The direction of impact, however, remains the same.

1. School Board Members. The one variable that must be added to the political model of representation when applied to Hispanic administrators is school board members. Districts with a higher percentage of black school board members employ a larger percentage of black school administrators (Meier, Stewart, and England 1989, 73). A similar relationship should hold for Hispanics for two reasons. First, the school board hires the superintendent. The school board could either hire a Hispanic superintendent or an Anglo superintendent who strongly supports minority hiring (see Thompson 1978 on the importance of personnel hiring values). Second, the school board could enact affirmative action policies for lower-level administrative positions or could put informal pressure on higher-level administrators to hire more Hispanics at lower levels.

2. Hispanic Resources. Hispanic resources were measured as the Hispanic population percentage and the proportion of Hispanics with high school diplomas. These resources could affect school administrative hiring in two ways. First, they could operate as political resources; as surrogates for the Hispanic community's political clout, they measure the ability of Hispanics to pressure the school district for favorable policies. Second, they also represent favorable labor-pool characteristics. School districts where the Hispanic population is numerous and well educated should have more Hispanic individuals who are qualified to be teachers (Sigelman and Karnig 1977, 1976, make a similar argument for public-sector employment in general).[12]

3. District Structure. The selection structure for the school district will not be used in the administrators' model. While district structure is directly related to school board access, it should not affect the ability to attract Hispanic school administrators. Any impact of district structure on the level of Hispanic administrators should operate indirectly through Hispanic school board members.

4. Social Class. The group competition view of racial groups again predicts that the Anglo community would prefer Hispanic administrators from middle-class backgrounds to Anglo administrators from lower-class backgrounds. The percentage of Anglos living in poverty also represents a labor-pool constraint; districts

with more Anglo poverty will have fewer qualified Anglos for administrative positions, thus generating more opportunities for Hispanics.

Access to Teaching Positions

1. Hispanic Administrators. By modifying the Hispanic administrators' model slightly, it can be used for Hispanic teachers also. Teachers are normally hired by administrators. Because the literature shows that public managers frequently hire individuals with characteristics similar to their own (Saltzstein 1983; Thompson 1978; Dye and Renick 1981), we hypothesize that school districts with a large percentage of Hispanic administrators also will hire a large percentage of Hispanic teachers. Since the school districts under consideration are large, school board members should play only an indirect role in hiring teachers. Accordingly, the proportion of Hispanic school board members is deleted from the model.[13]

2. Hispanic Resources. A large Hispanic population and an educated Hispanic population can have two separate impacts on the percentage of Hispanic teachers. They can operate as political resources that allow the Hispanic community to place pressure on the school district to hire more Hispanic teachers. They can also represent favorable labor-pool characteristics that increase the pool of Hispanic teaching candidates.

3. Social Class. Anglo poverty also can perform two functions in the attraction of Hispanic teachers. A large lower-class Anglo population is an unfavorable pool for recruiting Anglo teachers. The power thesis also holds that the Anglo community would prefer Hispanic teachers from middle-class backgrounds to Anglo teachers from lower-class backgrounds.

Public Policy Impact

Measuring the impact of minority representation on public policy has been hindered by the lack of good policy measures. Three qualities are necessary for a measure of public policy to be useful in linking minority representation to policy. First, measures must represent policies that policy-makers can influence. Second, the policies must be tied closely to minority interests so that policy-makers can see the benefit of certain policies for their con-

stituents. Third, the policies need to be measured over a wide variety of school districts so that the findings can be generalized.

Much of the work on the impact of minority representation has failed to meet one or more of these criteria. Early studies of black representation focused on the impact of black mayors on public policies of the 1960s and 1970s (e.g., Keech 1968; Campbell and Feagin 1975; Levine 1974; Nelson 1972; Nelson and Meranto 1976; Poinsett 1970; Stone 1971). A similar set of Hispanic case studies does not exist, probably because Hispanics have only recently won mayoral elections and insufficient time has passed to assess their impact (Hero 1987). One excellent case study that does exist is Shockley's examination of Crystal City, Texas. After the election of an Hispanic majority to the city council and the school board, a variety of policies were changed. In the school system, bilingual-bicultural education programs were implemented, and more Hispanic teachers and administrators were hired. At the national level, de la Garza (1984, p. 9) also attributes policy changes to President Carter's appointment of Hispanics to positions in the federal bureaucracy. In contrast, Hero and Beatty's (1989) case study of Mayor Peña's first term and reelection in Denver found that Peña was highly constrained by his need to form a governing coalition; his policies, particularly in economic development, resembled those of his predecessor.

Still, the case study methodology, despite its ability to provide rich detail in a politically informed study, has limitations. The case study method does not permit the use of control variables to ensure that findings are not spurious. Nor are the results of case studies necessarily generalizable to other jurisdictions. Browning, Marshall, and Tabb (1984) attempt to overcome this problem by doing ten case studies of northern California cities. They find that minority representation (both blacks and Hispanics) resulted in the creation of police review boards, appointment of minorities to commissions, and more minority business contracts with government (Browning, Marshall, and Tabb 1984, chapter 4). Despite the convincing nature of their analysis, the narrow base of their sample (northern California) limits generalizations (e.g., see Muñoz and Henry 1986; Travis 1986; Warren, Stack, and Corbett 1986).

A second set of studies examined the expenditures of cities with minority mayors and city council members. Although most of this research was on blacks (see Karnig and Welch 1980 for a review) and the findings have been modest, expenditure measures are not

particularly good measures of public policy.[14] Expenditures at the city and school district level are difficult for public officials to affect in the short run. School district budgets are restricted by taxation limits, state funding formulas, federal aid, and other constraints. More important, the linkage between expenditures and minority interests is tenuous at best. Normally scholars assume that minorities favor greater welfare expenditures and less community development expenditures, yet logical arguments could be made for the other linkages.[15] For school districts, the Hispanic community is probably more concerned with the distribution of funds among schools and programs than the total level of spending.

An alternative to expenditure data that has been enthusiastically adopted by some social scientists is employment data (Dye and Renick 1981; Eisinger 1982a, 1982b; Browning, Marshall, and Tabb 1984; Mladenka 1989a, 1989b). Dye and Renick find that "the most important single determinant of Hispanic employment in cities is Hispanic representation on city councils" (1981, p. 483). This relationship is especially important for top-level jobs but not for lower-level jobs. In a similar study, however, Welch, Karnig, and Eribes did not find Hispanic representation to have a positive impact on the level of Hispanic municipal employment (1983, p. 671). Their results challenge Dye and Renick, and they suggest that Dye and Renick's findings were the result of many cities with only a negligible Hispanic population (Welch, Karnig, and Eribes 1983, 661).[16]

Hispanic representation in the bureaucracy, while important, is not the same as Hispanic impact on public policy. Using employment as a surrogate for public policy translates representation into a patronage context where elected officials seek jobs for supporters rather than policy changes. Welch and Hibbing take a step in the right direction; they found that Hispanic members of Congress had more liberal voting patterns than other members of Congress (1984, p. 332). Further progress is needed. This study will not use either expenditure or employment measures as policy measures because better measures of public policy in education are available.

Equal Educational Opportunity

This research addresses local public policies of access to equal educational opportunities for Hispanic students. Our definition of

equal educational opportunity is similar to Weinberg's definition of integrated education (1983, p. 172). It is a situation where children are able to interact with each other and learn in a multiracial environment without barriers to academic achievement. It "embodies the concepts of parity and equity along with equal opportunities and access to the legitimate measures for exploiting the resources of a society" (Adair 1984, 2; see also Hughes, Gordon, and Hillman 1980; McConahay 1981).

Equal educational opportunities can be restricted by a variety of actions that segregate or resegregate classrooms. Although most overt methods of segregation such as separate schools, "Mexican rooms," and segregated buses have been eliminated, more subtle institutional methods of segregation are possible. Through the use of academic grouping and discipline, schools can limit interracial contact and deny minority students access to the best education available in a school district (see Rodgers and Bullock 1972; Children's Defense Fund 1974; Yudof 1975; Smith and Dziuban 1977; Ogbu 1978; Arnez 1978; Fernández and Guskin 1981; Hochschild 1984; Meier, Stewart, and England 1989). Practices that limit the integration of schools and deny minority students access to education have been collectively referred to as "second-generation educational discrimination" (Bullock and Stewart 1978, 1979).

Gaining equal access to education is a long-term goal of Hispanics. The G.I. Forum, the League of United Latin American Citizens, and other Hispanic organizations have been active for many years in stressing the need for access to good education (San Miguel 1982; Marquez 1987, 1989). As a result, the policies examined in this study are policies that should be apparent to Hispanic representatives; they are also policies that individual Hispanics can affect; and they are measured for a large number of school districts through out the United States by the Department of Education's Office for Civil Rights. Three types of policies are analyzed—academic grouping, discipline, and educational attainment.

Academic Grouping

Since the development of mass public education in the early twentieth century, schools have sorted students into homogeneous groups for instructional purposes.[17] At the elementary school level, ability grouping is common. Students are sorted by their perceived intellectual ability; ability grouping can take place within a classroom as "Bluebirds," "Robins," and "Magpies" are assigned

to reading, spelling, or math groups (Epstein 1985, 24). Other schools might sort elementary students into different classrooms ranked according to academic potential. In theory, each group is taught similar materials, but the flight of the Bluebirds is faster and covers more interesting terrain than that of the Magpies.

Curriculum tracking is generally a secondary school phenomenon; it involves assigning students by ability and/or interest to different sets of classes or "tracks" of study that have different curricula (e.g., college bound, general business, vocational). Curriculum tracking occurs both at the junior high and senior high levels. In junior high curriculum tracks are generally based on academic potential, while in senior high career or vocational aspirations also are considered (Epstein 1985, 23–24).

Students whom the schools cannot sort into various ability groups or curriculum tracks within the regular academic programs can be classified as "special" or "exceptional" and placed in special education classes. Special education class are designed for children who are unable to benefit from the regular academic program (Heller, Holtzman, and Messick 1982, 3; Dunn 1968; Mercer 1973; Hobbs 1975). Special education students are in turn sorted into classes for the educable mentally retarded (EMR), the trainable mentally retarded (TMR), the seriously emotionally disturbed (SEMD), and specific learning disabilities (SLD), among others.

Schools also sort students via placements in compensatory education. Compensatory education programs are designed to remedy problems that result from economic or cultural deprivation (Flaxman 1976; Ogbu 1978, 81–100). Students in these programs are given some type of additional or different educational experiences with the goal of eventual return to regular classes. Compensatory education programs became common as part of the 1960s War on Poverty and were incorporated into federal education funding programs.

Finally, schools sort students by their ability to speak English. Bilingual education programs, as currently constituted, are a form of compensatory education[18] intended to provide alternative instruction until non-English-speaking students can join a regular class and benefit from instruction in English. Although bilingual education differs from other forms of sorting in its orientation toward language, it shares the objective of homogeneous grouping that characterizes other forms of academic grouping.

Academic grouping practices, such as ability grouping, tracking, and special education, gained prominence in the U.S. educa-

tion system when compulsory school attendance laws imposed a heterogeneous student population on the public schools (Tropea 1987a, 32; 1987b).[19] Later in the 1920s, along with advances in the art and science of psychometrics (Morgenstern 1966, 11), the current versions of academic grouping took shape.[20] Bilingual education also predates the current federal law; instruction in languages other than English was common for immigrant groups in several parts of the country. Federal government involvement in bilingual education started with the early Cuban refugee programs.

Academic grouping techniques are prevalent in most U.S. school districts. The National Education Association (1968) estimated that 85 percent of secondary schools make extensive use of curriculum tracking. About one-fourth of elementary schools use ability grouping to separate classes by ability (Rowan and Miracle 1983, 123) while 74 to 84 percent of elementary schools use within-class ability grouping (Austin and Morrison 1963; Wilson and Schmits 1978; Epstein 1985, 26). Virtually all large school districts have special education and compensatory education classes, and all schools with twenty or more language-minority students must provide bilingual education classes. Despite the massive use, academic grouping is controversial.

Although academic grouping techniques are considered useful pedagogical tools for creating homogeneous instructional groups, minority students can be denied equal educational opportunities through the use of academic grouping. Through the arbitrary and capricious selection and subsequent placement of Hispanic children in certain types of classes, Hispanic children can be denied access to quality education (Fernández and Guskin 1981). Special education students often receive an inferior education as the result of "dumbing down" the curriculum (Gartner and Lipsky 1987, 387). Education in lower ability group classes and vocational tracks is similarly less challenging (Oakes 1985). In addition, each of the sorting practices can separate Anglo students from Hispanics, thus segregating the school system (see Eyler, Cook, and Ward 1983; Damico and Sparks 1986). Academic grouping as a result has become highly controversial, with the debate over its utility focused on four issues—testing, separation, racial distributions, and quality of instruction.

1. Biases in Testing. Academic groups are determined through the use of tests, grades, and/or teacher reports. Classifi-

cation systems have relied heavily on IQ tests to assign student groups. Such classification systems label a disproportionately large number of minority students as intellectually subnormal and a disproportionately small number as gifted (Hobbs 1975, 29). IQ tests in particular institutionalize the culture of Anglos as the single frame of reference for normal (Mercer 1972; Hobbs 1975, 29).

Biased tests are rarely the only method of assigning students to academic groups (Findley and Bryan 1975, 15–18). Teachers, counselors, school psychologists, and administrators make judgments to supplement these "objective" measures (Oakes 1985; Simmons and Brady 1981, 129).[21] If teachers and others hold racial, ethnic, or social class stereotypes, disparities in low-group placements for minorities or lower-socioeconomic children may be even greater than if tests alone were used as the placement criterion (Persell 1977; Metz 1978; Rosenbaum 1976; Lanier and Wittmer 1977).[22]

For Hispanic students with limited English proficiency, another problem occurs. Student placement tests are often given in English, even if the student's primary language is not English (Office of Special Education 1983, 9). As a result, students with limited use of English can be classified as mentally retarded and assigned to special education classes (Rangel and Alcala 1972, 316–32).[23]

Decisions to group children are crucial because academic grouping creates permanent educational routes for children (Oakes 1985, 3). Although 85 percent of students in college prep tracks go on to college, only 15 percent of students in other tracks do so (Jencks et al. 1972). Upward academic mobility from one level group to another, either during the academic year or between years, is rare (Groff 1962; Hawkins 1966; Mackler 1969; Rist 1978). Special education placements are especially permanent because such classes are assumed to be permanent rather than compensatory (Heller, Holtzman, and Messick 1982, 108). An Office of Education study concluded that fewer than 10 percent of children placed in special education classes are ever returned to regular classrooms (Gallagher 1972, 529). The Council of Great City Schools (1986) estimated that 5 percent of its special education students return to regular classes, but Gartner and Lipsky (1987, p. 375) challenged these numbers as inflated. Edgar and Maddox (1984) found 4 percent of special education students returned to regular classes over an eight year period; Walker et al. (1988, p. 397) found 1.4 percent left EMR classes in two years.

Permanent classification creates additional problems. Despite the scientific veneer of testing, students are often misclassified (Ysseldyke et al. 1983; Gartner and Lipsky 1987). In the Washington, D.C., school district, a study of special education students revealed that two-thirds belonged in regular classes (Kirp 1973, 719). In Philadelphia, a study of 378 EMR students determined that 25 percent clearly did not belong in EMR classes and another 43 percent might not belong (Garrison and Hammill 1971, 18; see also Dunn 1968). Shepard contends that 90 percent of the children served by special education are "indistinguishable from other low achievers" (1987, p. 327). Because students grouped in homogeneous units progress at different rates (Franseth 1966, 17), many students will not fit their initial classification after short periods of time.

2. Conflict with Integration. The process of school integration requires that students learn and interact in groups with students from other races and cultures. It requires equal educational opportunities, equal group status, and cross-racial contact (Allport 1954; Adair 1984). Academic grouping practices are in direct conflict with the goals of integration. In some cases the conflicts are obvious; the tradeoff between bilingual education and desegregation has long been noted (Eyler, Cook, and Ward 1983, 138; Cafferty and Rivera-Martínez 1981; Orfield 1978). Ability grouping, curriculum tracking, and special education create similar problems. In each case students are grouped with those who are similar to themselves and separated from those who are different. The groups created have unequal status; the goal of college is considered superior to jobs; honors classes are perceived as better than regular classes; and Bluebirds get more attention than Magpies (Rosenbaum 1976, 6).

3. Links to Discrimination. Related to the conflict between grouping and integration is the linkage of academic grouping to discrimination based on race and social class. Numerous studies have found that poor and minority students are disproportionately assigned to lower level academic groups, be they special education classes, ability groups, or curriculum tracks (Jones 1976; Ogbu 1978; Eyler, Cook, and Ward 1983; Adair 1984; Heller, Holtzman, and Messick 1982; Chinn and Hughes 1987; Meier, Stewart, and England 1989). Special education classes in California schools in 1966 had 27 percent Mexican Americans, even though Mexican Americans made up only 13 percent of the school population (Gre-