

# Protecting the Civil Rights of Latino Students in Washington

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## PROYECTO ACCESO

### Q & A

**Why are the current proposed rules insufficient for ensuring that Latino students are not discriminated against in schools?**

**RESPONSE:**  
**Several aspects of the new rules lack concrete timelines, clear oversight, and strong enforcement mechanisms**

The Proposed new rules also do not fully take into account the input that was gathered among community stakeholders in 2010, including Latino parents and organizations with specific concerns around racial profiling and language interpretation services for LEP individuals raising complaints.

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## HB 3026: Ensuring Strong Oversight of Anti-Discrimination Policies in Schools

The intent of HB 3026, passed during the 2010 legislative session was to mandate a comprehensive policy that prohibits discriminatory practices against students attending school in Washington State.

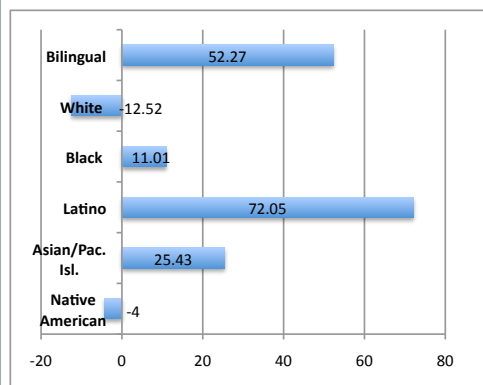
Input from the Latino community was sought to develop expansive rules that addressed the specific needs of this community. Given the rapid demographic shifts in the state's K-12 population, with the Latino student population increasing over 72 percent in the past decade (Figure 1), the need for strong oversight and comprehensive rules has never been greater in this state.

limited access to Latino and diverse teachers and staff, racial profiling in schools, and disparate disciplinary practices. These data provide a foundation for OSPI to understand the critical importance of a more comprehensive implementation approach that includes strong oversight, clarity, and specificity of the Washington Administrative Codes (WAC) adopted, specifically as they relate to:

- The Achievement Gap
- ELL issues (students & parents)
- Parent engagement
- Anti-bias training
- Harassment & Bullying
- Disproportionate disciplinary rates

Figure 1

Growth in Latino Students in K-12 System from 2000 to 2010



Source: CISL, 2010.

This policy brief outlines distinct issues that Latino students face in public schools today, including: closing the opportunity gap, low graduation rates,

### *The Latino Achievement Gap*

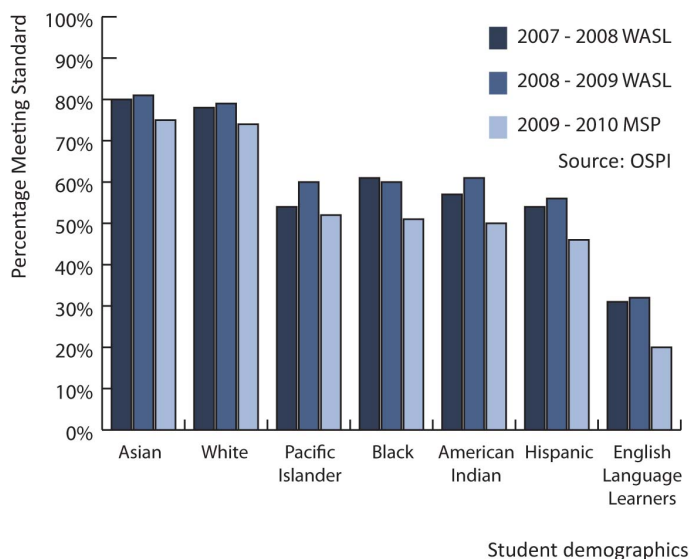
The differences between Latino student achievement compared to their peers are considerable, and are growing wider in Washington State across grade levels.

Such gaps in achievement are a reflection of limited access to quality pre-school and inequities throughout the K-12 education continuum. While the proposed WACs attempt to address access to course offerings, and inequitable resources for students, there are additional steps that may be taken by OSPI to ensure that the civil rights of Latino and all students are protected.

In addition, it is important for parents to be made aware of these new rules. The proposed WACs do not include procedures nor a distribution plan to make the rules

**Figure 2**

**4th Grade Reading State Test Scores in Washington**



available to English Language Learners (also called LEP) students and their parents. There are no provisions that explain whether these new rules and procedures will be made available in multiple languages. Based on a survey of 247 parents from throughout Washington State, Contreras et. al., (2008) and her research team found that parents experienced a great degree of isolation with the schools that their children attend, largely due to a language barrier. In fact, 49 percent of parents claimed that they needed bilingual services when dealing with school staff. Yet, 35 percent reported that translation services had not been offered or made available to them (Contreras et. al., 2008, p. 55). In order for parents to be treated as a real partner in raising achievement, OSPI must work with districts to ensure that materials be made available in multiple languages (See also AGOAC synthesis report, 2010).

**Test Score Differences throughout K-12 System**

As a result of persistent inequities that begin at the starting gate, differences in achievement are prevalent at every grade level, with Latino and underrepresented student groups scoring lower than White and Asian American students. Such gaps in achievement are representative of several prevailing conditions in Washington’s schools, including: limited access to academic supports and curriculum; limited to no resources devoted to ELL students in the classroom; low expectations from teachers; a climate where Latino students experience profiling; and failure to fully utilize parents as partners in educational achievement by attempting to engage and welcome their support.

As a result of these conditions that inhibit opportunities to learn, the test score outcomes, the standard measure of student learning and progress, remain consistently lower for Latino students (Figures 2-4). On the NAEP for example, Latino students had the

**Figure 3**

**4th Grade National Assessment of Educational Progress (NAEP)**

**Reading Test Scores 2008-2009 in Washington**

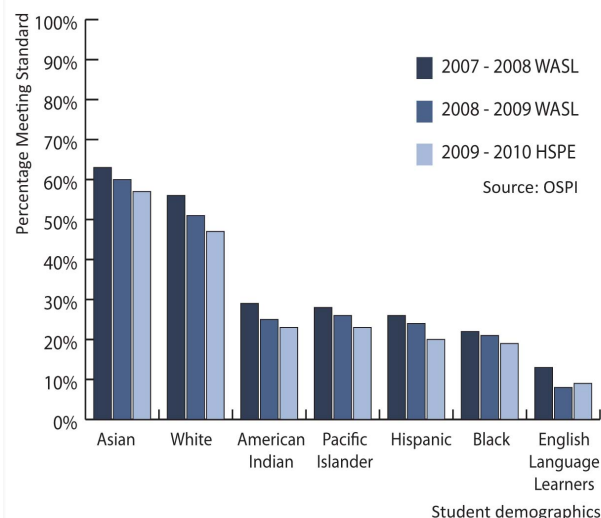
	American Indian	Asian/Pacific Islander	Black	Hispanic	White	Limited English
<b>Advanced</b>	7%	10%	2%	2%	10%	0%
<b>Proficient</b>	20%	26%	19%	12%	30%	3%
<b>At Basic</b>	33%	32%	32%	31%	36%	16%
<b>Below Basic</b>	40%	33%	46%	55%	24%	80%

Source: OSPI

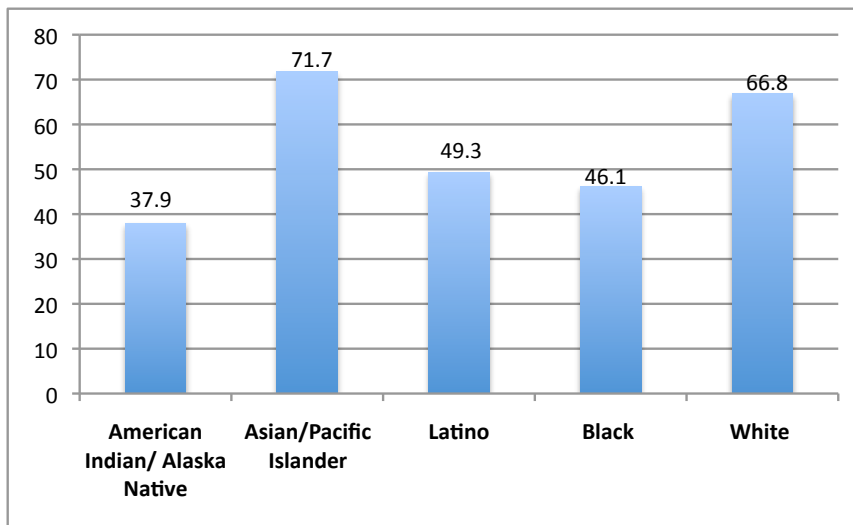
largest percentage of students in the “below basic” category (Figure 3). These data are troubling given the fact that Latino students are also the fastest growing population in the K-12 system (Figure 1). In addition, 80 percent of LEP students scored in the “below basic” category, a group largely comprised of Latinos. Thus, the group that remains grossly underserved in the K-12 system are ELL students. Since over 67 percent of ELL students in Washington speak Spanish, the plight of Latino and ELL students are largely intertwined. It is even more problematic that they are the lowest performing across all subgroups (Figure 4) and are more likely to drop out of high school than the state average (Office of Migrant & Bilingual Education, 2010).

**Figure 4**

**10th Grade Math State Test Scores in Washington**



**Figure 5**  
**Washington Graduation Rates by Race/Ethnicity,**  
**Class of 2006**



Source: EPE (Editorial Projects in Education) Research Center, 2010.

**LATINO & ELL STUDENTS REMAIN GROSSLY UNDERSERVED IN SCHOOLS**

*“We have no bilingual staff at our school nor an ELL specialist. We often rely on our Spanish Speaking Students to do translation.”*

--A Chicana/Mexican American high school teacher from an Urban Ring District

*“The attitudes of teachers and staff needs to improve. I’ve heard people say, ‘We have too many damn Mexicans in our school.’ Other non-Spanish Speaking students are not similarly dismissed. They are welcomed and embraced.”*

--A Mexican American elementary school teacher from an urban ring district in Western Washington

**Limited Access to Latino Teachers & Staff**

Data published by OSPI indicate that in relation to their white counterparts, Latinos have less access to counselors and teachers with the cultural expertise and competency to support them through the education system. The ratio of Latino students to Latino teachers is 1:109 compared to ratio of white teachers to white students at 1:13 (Table 1). A study conducted on the opportunities to learn in Washington State (Contreras, et. al., 2008) found that teachers were the primary source of college information for students and play a critical role in motivating students to consider college. However, in this same study, the majority of teachers (of middle and high school students) did not believe that their Latino students would enroll in college following high school (Contreras, et. al., 2008). The qualitative data further revealed comments from teachers such as “Latino students have no motivation” (Contreras, et. al., 2008, p. 66). Such low expectations suggest biases that some teachers possess toward Latino students in schools--a finding that conveys how teachers and staff could benefit from anti-bias training.

The likelihood of Latino students ever accessing a Latino counselor is also minimal in school. There is one Latino/a counselor for every 1,855 students in Washington’s schools. White students however, have access to 1 counselor for every 365 students. Such limited access to counselors with a cultural understanding and perhaps linguistic background inhibits Latino student access to vital information and knowledge about courses,

or the college process altogether. (Sanchez, R., Personal Communication, January 14, 2010).

With these qualitative differences in the school context, it is no wonder then, why over half of Latino students leave school before graduation (Figure 5). These data illustrate local and state systemic failure to serve and educate youth in this state.

**Table 1**  
**Ratios of Students to Teachers and Counselor in Washington, by Race/Ethnicity, 2010**

	Latino	White
Teachers	1,453	49,889
% of Teachers	2.7%	92.5%
Teacher/Student Ratio	<b>1:109</b>	<b>1:13</b>
Counselors	84	1,845
% of Counselors	4.1%	89.3%
Counselor/Student Ratio	<b>1:1885</b>	<b>1:365</b>
Students	158,614	672,682
% of Students in 2010	15.3%	64.8%

Source: OSPI. Sanchez, R. 2010.

## PROFILING LATINO STUDENTS IN HIGH SCHOOLS IS REAL

*“I was coming to our club meeting today and I was walking up the street and there was a cop chasing me...driving really slowly next to me and following me to school.”*

--Male Latino Student from Urban Ring High School in Western WA

*“We were walking to the office and one of the security guards just stopped him and was asking him questions like what is your [class] schedule? Like if he didn’t even go to this school. And they asked him if he was in a gang.”*

--Latina Student from Urban Ring High School in Western WA

### **Latino Students, Profiling and Disciplinary Action**

Latino youth experience higher expulsion and disciplinary rates in Washington schools than their White peers. For example, according to a recent report, Latinos accounted for .21% of all students who were expelled and did not return to complete school. Whites accounted for only .06% of students who did not return to school after suspension (Education Research and Data Center, 2010, p. 3). These expulsion and drop out data reveal that Latino students were **three times** more likely than their White peers to leave school following an incidence of expulsion.

Between 1973 and 2006 the rate of Latinos student suspension in urban middle schools in the United States increased 4.1% compared to that of whites during the same period which increased only 1.7% (Losen & Skiba, 2010). Latino youth along with other minority students are being deliberately removed from learning environments at very high rates and are being denied the opportunity to learn. Such practices violate their civil rights. Thus, greater oversight of discriminatory practices in school districts by OSPI, as mandated by HB 3026, is necessary to ensure that students are kept in the classroom rather than on the streets where their likelihood of not returning to school increases. Dr. Daniel Losen, a leading researcher with the Civil Rights Project at UCLA, writes:

“The magnitude of the differences in risk for suspension by race with gender revealed in this study suggests the possibility of unlawful discrimination and the need for intensified monitoring by the U.S. Department of Education Office for Civil Rights” (Losen & Skiba, 2010, p. 12). OSPI has the opportunity to ensure that Latino students, particularly males, are not disproportionately targeted or profiled in schools.

### **Conclusion**

OSPI, through clear and direct oversight of school districts, possesses the opportunity to end the discrimination in public schools that currently exists in Washington. By taking into account input by various stakeholders, OSPI would best serve the needs of all children in this state.

Progress toward reducing the achievement gap, ensuring all students have resources to learn and a healthy climate to engage in the learning process, are shared goals that parents, educators, policy makers and state leaders possess for children in Washington. It is therefore critical for The Washington Administrative Codes that are adopted to remain consistent with the spirit of HB 3026, and establish transparent procedures against bias and discrimination in our schools.

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