Chapter 23

POLICIES TO ADDRESS SEPARATE AND UNEQUAL EDUCATION

This section details policy proposals to address harms set forth in Chapter 6, Separate and Unequal Education.

- Increase Funding to Schools to Address Racial Disparities
- Fund Grants to Local Educational Agencies to Address the COVID-19 Pandemic's Impacts on Exacerbating Racial Disparities in Education
- Implement Systematic Review of School Discipline Data
- Improve Access to Educational Opportunities for All Incarcerated People
- Adopt Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers
- Employ Proven Strategies to Recruit African American Teachers
- Require that Curriculum at All Levels Be Inclusive and Free of Bias
- Advance the Timeline for Ethnic Studies Classes
- Adopt a K-12 Black Studies Curriculum
- Adopt the Freedom School Summer Program
- Reduce Racial Disparities in the STEM Fields for African American Students
- Expand Access to Career Technical Education for Descendants
- Improve Access to Public Schools
- Fund Free Tuition to California Public Colleges and Universities
- Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University Systems
- Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

A. Increase Funding to Schools to Address Racial Disparities

As Chapter 6, Separate and Unequal Education, establishes, "[a]s of the early 2000s and through today, the vast majority of African American children remain locked into schools separate from their white peers, and possibly more unequal than the schools that their grandparents had attended under legal segregation."[1] As the U.S. Government Accountability Office noted, even 60 years after *Brown v. Board of Education*, African American students are increasingly attending segregated, high-poverty schools where they face multiple educational disparities.[2] Data from the U.S. Department of Education's Office of Civil Rights collected from 2014 to 2018 confirm the same disparities—fewer resources and large and persistent opportunity gaps for African American students.[3]

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[1] Chapter Six, Separate and Unequal Education, *supra*, at p. 218.

[2] *Ibid.*

[3] *Ibid.*

To reiterate what is noted in Chapter 6, Separate and Unequal Education, African American students are less likely to attend schools that offer advanced coursework and math and science courses, and they are less likely to be placed in gifted and talented programs.[4] Further exacerbating these disparities is the severe and persistent funding disparity between schools serving white students and those serving African American students.[5] A 2021 report found that "[n]eighborhood poverty rates are highest in segregated communities of color (21%), three times more than in segregated white neighborhoods (7%)."[6] At the same time, wealthy and often more predominantly white neighborhoods continue to fund their schools at greater levels, both because a percentage of funding for California schools comes from local property taxes and because wealthier communities can easily raise additional funds through donations and local bonds.[7]

The Task Force recommends the Legislature provide and direct additional funding to African American students, with a special consideration for those who are descendants of persons enslaved in the United States, at the level needed to ensure that they have every resource needed to excel academically and close the opportunity gap. This last point bears emphasis. No student should have fewer opportunities because of race or due to a lack of resources that other students are afforded. California must end racial disparities once and for all.

One way to provide this funding is through the Local Control Funding Formula (LCFF). The LCFF was first implemented in 2013-14 to provide schools with greater flexibility and authority over resources.[8] The LCFF sets forth specific funding allocations to all school districts and charter schools in California. Supplemental grants are provided to schools with targeted disadvantaged pupils—specifically, English learners, students meeting income requirements to receive a free or reduced-price meal, foster youth, or any combination of those factors.[9] However, critics have noted the LCFF does not focus specifically on African American students or require schools to ensure that funds are spent on high-needs students.[10] Assembly Bill (AB) 2774 serves as an example of a proposal that could have done more to address disparities, especially for African American students.[11] The bill would have created new supplemental funding for California's lowest performing subgroups of students who are not currently receiving funding.[12]

Whether through an approach like AB 2774 or some other manner, the Task Force recommends that the Legislature commit the level of funding needed to ensure that African American students across California, especially those who are descendants of persons enslaved in the United States,

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[4] *Ibid.*

[5] *Ibid.*

[6] Menendian, Gambhir & Gailes, *The Roots of Structural Racism Project: Twenty-First Century Racial Residential Segregation in the United States* (June 21, 2021) Othering & Belonging Institute (as of Dec. 1, 2022).

[7] *Ibid.*

[8] See Cal. Dept. of Ed., LCFF FAQs (as of Dec. 1, 2022).

[9] See Cal. Dept of Ed., Local Control Funding Formula Overview (as of Dec. 1, 2022); Auditor of the State of California, K-12 Local Control Funding (Nov. 2019) p. 6 (as of Dec. 1, 2022) (hereinafter K-12 Local Control Funding).

[10] Chapter Six, Separate and Unequal Education, *supra*, at p. 224.

[11] About AB 2774, Black in School Coalition (as of Mar. 17, 2023).

[12] Assem. Bill No. 2774 (2021-2022 Reg. Sess.).

have every educational resource, support, and intervention needed to end persistent racial disparities, permanently close the opportunity gap, and allow every student to thrive. The funding must be used for the direct benefit of students and should not be used on security, police, or law enforcement.

B. Fund Grants to Local Educational Agencies to Address the COVID-19 Pandemic's Exacerbating Impacts on Racial Disparities in Education

The COVID-19 pandemic exacerbated preexisting disparities in academic growth and access and opportunities for African American students in public schools. In particular, students appear to be falling even further behind in math and reading.[13] The evidence also shows that the academic growth gap has continued to widen for many African American students.[14] African American students did not experience the recovery in growth in math and reading that their white peers experienced.[15]

Research from the U.S. Department of Education and other sources has shown further impacts on education resulting from the pandemic. During the pandemic, African American adults, among others, disproportionately faced increased health risks and economic disruptions that impacted their families and students in particular.[16] Technology barriers further worsened the existing inequality in the educational system. As of summer 2020, nearly a third of teachers in majority-African American schools reported that their students lacked the technology necessary for virtual instruction while only one in five teachers reported the same in schools where African American students comprised less than 10 percent of total student population.[17]

The pandemic also precipitated a mental health crisis for young children and teenagers and compounded the need for mental health services for African American students, among others, who disproportionately rely on their schools for these services.[18] Finally, the pandemic has had a significant impact on school systems, with workplace attrition and teacher shortages becoming critical concerns.[19] Almost half of the public school teachers who stopped teaching after March

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[13] *Id.* at p. 15; Impact of the COVID-19 Pandemic, *supra*, at p. 8.

[14] Education in a Pandemic, *supra*, at pp. 15–17; see also Impact of the COVID-19 Pandemic, *supra*, at p. 8; Dorn, et al., *COVID-19 and Learning Loss—Disparities Grow and Students Need Help* (Dec. 8, 2020) McKinsey & Co. (as of Nov. 27, 2022) [releasing a study that found by fall 2020, students "learned 67 percent of the math and 87 percent of the reading that grade-level peers would typically have learned," which means a three-month learning loss in reading and a one and a half month loss in reading].

[15] *Ibid.*

[16] *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students* (June 9, 2021) U.S. Dept. of Ed., Office for Civil Rights, p. 11 (as of Nov. 27, 2022) (hereinafter "Education in a Pandemic").

[17] *Id.* at p. 13.

[18] Education in a Pandemic, *supra*, at p. 12; Calderon, *U.S. Parents Say COVID-19 Harming Child's Mental Health* (June 16, 2020) Gallup (accessed Nov. 27, 2022) [noting that nearly three in ten parents (29%) surveyed said their child was "experiencing harm to [their] emotional health," with 45% stating that the separation from teachers and classmates is a "major challenge of remote learning"].

[19] Impact of the COVID-19 Pandemic, *supra*, at pp. 10-11 [noting that a survey in early 2021 found nearly 70% of school principals said they could not meet their students' mental health needs with the staff they had"]; Carver-Thomas, Leung-Gagne & Burns, *California Teachers and COVID-19: How the Pandemic is Impacting the Teacher Workforce* (Mar. 4, 2021) Learning Policy Institute (accessed Nov. 28, 2022).

2020 left because of the pandemic, citing stress as the most common reason for their departure.[20] School district administrators and principals also cited concerns about burnout and turnover.[21]

Based on the foregoing, the Task Force recommends that the Legislature provide funding to the California Department of Education (CDE) to administer grants to local educational agencies (LEAs) for the purposes set forth in this subsection.[22] As part of receiving funding, LEAs would have to plan for how the following activities would be supported by the budget and identified in the Local Control and Accountability Plan (LCAP)[23] and any grant materials, with a requirement to focus on reducing existing racial disparities. This funding should continue for as long as is needed, not just to return to the pre-pandemic norm, but to address and eliminate the pre-existing disparities as well.

As detailed in another recommendation presented later in this chapter, funding could be used for positive and restorative discipline practices such as analyzing disciplinary data, shifting from zero tolerance approaches, and reconsidering and/or eliminating the presence of police and security in schools. In particular, the Task Force recommends that school districts take six weeks over the summer or at the beginning of the year to focus on restorative practices that address whole child needs.[24] Funding could also be used to conduct regular wellness screenings and review data on attendance, engagement, and grades to identify and address the individual needs of students at the classroom, school, and district levels. Schools should administer diagnostic assessments and surveys to inform instructional planning (but not to hold students back or to track them) and measure school conditions and climate.[25] Schools could also use existing resources such as the "Whole Child Policy Toolkit," produced by the Learning Policy Institute.[26]

As detailed in Chapter 20's recommendation entitled "Implement Procedures to Address the Over-Diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in African American Children," funding could also be used to increase staffing and community-based partnerships to address students' individualized learning and mental health needs. This should include providing full wraparound services for African American students across all California public schools, including appropriate mentoring, tutoring, and mental and physical health services. On a school district level, this could include high-dosage tutoring and investment in expanded learning opportunities and partnerships with community organizations. School districts could use this funding to provide mental health supports by establishing multidisciplinary teams and processes for implementing a comprehensive continuum of supports to: further student

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[20] CITE

[21] Impact of the COVID-19 Pandemic, *supra*, at pp. 10-11.

[22] COVID-19 Relief and School Reopening Grants (as of Nov. 27, 2022) Cal. Dept. of Ed.

[23] As stated by the CDE: "The LCAP is a three-year plan that describes the goals, actions, services, and expenditures to support positive student outcomes that address state and local priorities. The LCAP provides an opportunity for LEAs (county office of education [COE], school districts and charter schools) to share their stories of how, what, and why programs and services are selected to meet their local needs." (Local Control and Accountability Plan, Cal. Dep't of Ed. (as of Apr. 5, 2023).)

[24] *Reimagine and Rebuild: Restarting School with Equity at the Center* (Apr. 2021) (as of Nov. 27, 2022) (hereinafter "Reimagine and Rebuild Brief").

[25] *Id.* at p. 5.

[26] See, e.g., Whole Child Policy Toolkit, Learning Policy Institute.

learning; promote student wellness and address barriers to learning; develop a centralized, school- or district-wide referral and tracking system for students, teachers, and families to connect to appropriate resources; and review the effectiveness of interventions and supports collaboratively and systematically. School districts should increase their staff and work with community partners, with an emphasis on hiring and partnering with individuals who demonstrate cultural congruence with the student community to be served.[27]

The Task Force also recommends providing additional funding to the CDE to administer grants to organizations and researchers in California to fund research and data collection efforts in order to assess the full impact of the pandemic on African American students in California. Further research would inform learning recovery in the short-term and improved performance and equity in the long-term.[28]

C.   Systematic Review of School Discipline Data

Chapter 6, Separate and Unequal Education, detailed the ways in which African American students are disproportionately subject to exclusionary discipline in school, which in turn leads to a higher risk of drop out and juvenile justice system involvement.[29] Moreover, African American students are more likely to attend schools with law enforcement on campus and greater security measures, and African American students are also more likely to be arrested than their white peers.[30] Commonly known as the "school-to-prison pipeline," this dynamic has devastated the African American community by victimizing its youth.[31]

African American students experience higher rates of suspension, expulsion, in-school arrests, and law enforcement referrals than white students.[32] The U.S. Commission on Civil Rights majority has found that "[s]tudents of color as a whole, as well as by individual racial group, do not commit more disciplinable offenses than their white peers—but African American students, Latino students, and Native American students in the aggregate receive substantially more school discipline than their white peers and receive harsher and longer punishments than their white peers receive for like offenses."[33] The Task Force accordingly recommends several measures to mitigate and ultimately end the school-to-prison pipeline.

The Legislature should address and remedy racially disparate discipline, particularly expulsions and suspensions, in California schools.[34] First, the Task Force recommends requiring the CDE to implement a systematic review of public and private school disciplinary records to determine

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[27] Reimagine and Rebuild Brief, *supra*, at p. 6.

[28] Hough, et al., *The impact of the COVID-19 pandemic on students and educational systems: Critical actions for recovery, and the role of research in the years ahead* (Sept. 2021) Policy Analysis for California Education, at pp. 18–20 (as of Nov. 27, 2022) (hereinafter "Impact of the COVID-19 Pandemic").

[29] Chapter Six, Separate and Unequal Education, *supra*, pp. 218–219.

[30] *Id.* at 219.

[31] *See id.*

[32] Kelly, *supra*.

[33] Briefing Report, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* (July 2019) U.S. Commission on Civil Rights (as of Jan. 20, 2023).

[34] See 2023 Annual Report, *supra*, at p. 136 ("studies show that students of color, students with disabilities, and LGBTQ+ students are the most likely to experience disciplinary exclusion, when compared to their peers, without evidence of higher rates of problematic behavior").

levels of racial bias. This would include, on an annual basis, requiring every school to collect and review data and to issue a public report analyzing the disparities in discipline. Every district or county board of education should hire a management-level employee to coordinate the public reporting of disparities in each school and be responsible for failures to report the required data. The Task Force recommends reporting on the status of implementation of these requirements to CDE as a part of the LCAP or on a more frequent basis. The Legislature should also provide funding to districts to implement these requirements and to the CDE and DOJ for investigations of any schools that have high levels of racial disparities.

Second, the Task Force recommends requiring the CDE by 2030 to set statewide, school district, and/or LEA-level interim and long-term numeric targets and interim timetables to end the disproportionate suspension, expulsion, and discipline-related transfer of African American K-12 students, including African American students with disabilities, starting with the school districts or LEAs with the highest rates of disproportionality. The CDE should also be required to use a data collection and monitoring system to allow for prompt identification of districts with highly disproportionate discipline of African American students, and a concrete plan for corrective intervention by the CDE. The CDE should be required to use all necessary mechanisms to achieve the 2032 goal,[35] including an annual report of disproportionality statistics at the statewide, district, and LEA-level to the Legislature, Governor, and the public. The CDE should also be empowered to impose monetary sanctions at the district or LEA level.

Third, the Task Force recommends the CDE collect and publish, in addition to suspension and expulsion data, data on students who are transferred to alternative schools, both voluntarily and involuntarily. African American students are overrepresented in alternative schools,[36] which provide a substandard education. Attending an alternative school is associated with negative outcomes; students who attend alternative schools are less likely to graduate and less likely to attend college.[37] Because transfers to alternative schools are often used as an alternative to discipline in order to avoid the original school having a record of said discipline, but have the same effect as pushing out African American students through suspension and/or expulsion, transfer data should also be systematically reviewed by the CDE. The CDE shall include reducing the use of alternative school transfers in any goals related to ending the disproportionate discipline of African American students.

Finally, the Task Force recommends requiring schools to implement racially equitable disciplinary practices using culturally responsive positive behavioral interventions and supports ("CR-PBIS"). As a related requirement, the Legislature should mandate and fund training on implicit bias, cultural competency, CR-PBIS, and related subject matter to school staff on an annual basis.

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[35] To the extent feasible, the target should be advanced, and all efforts should be made to achieve the goals on an accelerated basis.

[36] Wood et al., Suspending our Future (Feb. 17, 2021) Black Minds Project at p. 21 (as of March 17, 2023)

[37] Warren, Accountability for California's Alternative Schools (May 2016) Public Policy Institute of California at p. 3 (as of March 17, 2023).

D. Improved Access to Educational Opportunities for All Incarcerated People

There are stark racial and ethnic disparities across the incarcerated population in the United States, as "Black Americans are incarcerated at nearly 5 times the rate of white Americans."[38] A report published by The Sentencing Project, a research and advocacy center, cites to a number of causes for this disparity, including "the nation's history of white supremacy over Black people [that] created a legacy of racial subordination that impacts their criminal justice outcomes today."[39] At the time of this report, African Americans comprised six percent of the total population in California, but comprised 28 percent of the total incarcerated population in the state.[40]

Formerly incarcerated people "rarely get the chance to make up for the educational opportunities from which they [have] been excluded—opportunities that impact their chances of reentry success."[41] The barriers to higher education for formerly incarcerated people "include the limited number of prison-based college programs, ineligibility for Pell Grants and federal student loans, occupational license restrictions based on criminal history, and college admissions officers' inquiry into applicants' criminal history."[42]

A report by the Vera Institute on the Second Chance Pell Experimental Sites Initiative[43] documents the positive impacts seen by postsecondary education in prison, such as positive self-worth and development, preparing for post-release jobs and successful reentry, public safety, safety inside prisons, and economic savings.[44] These positive impacts also include racial equity, as the Vera report states that "[p]ostsecondary education is a primary avenue for upward mobility—especially among people of color, who disproportionately make up the prison population."[45] Vera also reports that "[p]eople who participate in education programs in prison

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[38] Rezal, *The Racial Makeup of America's Prisons*, U.S. News (Oct. 31, 2021) (as of Apr. 5, 2021).

[39] *Ibid.*

[40] *Incarceration Trends: California* (Feb. 14, 2023) Vera Institute of Justicew (as of May 1, 2023).

[41] *Incarceration Can Put Education Out of Reach for Life, Report Says*, Georgetown University's Prison and Justice Initiative (as of Apr. 5, 2023).

[42] *Ibid.*

[43] The Second Chance Pell Experimental Sites Initiative is a program launched by the U.S. Department of Education in 2015 to provide Pell Grants to individuals in federal and state prisons. Second Chance Pell was expanded in April 2022 with the expansion of 73 additional sites, which "will mean that up to 200 programs will be able to participate in the program as the lead-up to the broader implementation of reinstatement of access to Pell Grants for incarcerated students starting on July 1, 2023." (Press Release, *U.S. Department of Education Announces Expansion of Second Chance Pell Experiment and Actions to Help Incarcerated Individuals Resume Educational Journeys and Reduce Recidivism* (Apr. 26, 2022) U.S. Dep't of Ed. (as of Apr. 5, 2023) (hereinafter "2022 Second Chance Pell Expansion").)

[44] Chesnut, et al., *Second Chance Pell: Five Years of Expanding Higher Education Programs in Prisons, 2016-2021* (May 2022) Vera Institute of Justice (as of Jan. 20, 2023) (hereinafter "Second Chance Pell"); see also Davis, et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (2013) RAND Corporation (as of Jan. 20, 2023) (finding that correctional education improves inmates' outcomes after release and recommending, among other things, funding grants to enable correctional educators to partner with researchers and evaluator to evaluate their programs).

[45] Second Chance Pell, *supra*.

are more likely to be employed after their release and to earn higher wages[.]"[46] The Brookings Institute also has found that "postsecondary prison education programs are inextricably linked to advancing racial equity, especially given inequality in K-12 education that feeds low-income African American . . . students into the school-to-prison pipeline."[47] Additionally, "[i]ndividuals who enroll in postsecondary education programs are 48% less likely to be reincarcerated than those who do not, and the odds of being employed post-release are 12% higher for individuals who participate in any type of correctional education."[48]

The Task Force recommends that the Legislature provide robust funding for and improved access to educational opportunities for all incarcerated people in both juvenile detention and adult correctional facilities at the state and local level. This recommendation includes funding to allow all schools in the University of California and California State University system to join the Second Chance Pell Experimental Sites Initiative if it is expanded beyond the 2022-2023 award year.[49] If it is not expanded beyond the 2022-2023 award year, the Legislature should establish a California state counterpart to this system. This would also include requiring California community colleges and California State University schools to partner with juvenile detention and adult correctional facilities to offer a specified number of classes per year for a formal educational program such as a GED, associate degree, or bachelor's degree. Finally, the Task Force recommends that the Legislature require the CDE to identify, assess, and monitor implementation of further measures needed to ensure the provision of high-quality education in detention settings, which includes education-based incarceration programs.[50]

A proposal in Chapter 20 recommends California Department of Corrections and Rehabilitation be required conduct audits of its policies and practices, including practices related to access to educational programming. Any disparities and gaps found in this audit, as well as any audits of jails and juvenile facilities, should be used to support the institution of education-based incarceration.

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[46] Delaney and Montagnet, *Second Chance Pell: A Snapshot of the First Three Years* (April 2020) Vera Institute of Justice.

[47] Gibbons and Ray, *The societal benefits of postsecondary prison education* (Aug. 20, 2021) The Brookings Institute.

[48] *Ibid.*

[49] As of the date of this report, the U.S. Department of Education has only asked for applications for institutions to be accepted for the 2022-23 award year, anticipating that it would "implement the legislative changes to allow eligible students in-college-in-prison programs to access federal Pell Grants beginning on July 1, 2023." (Press Release, *U.S. Department of Education Announces It Will Expand the Second Chance Pell Experiment for the 2022-2023 Award Year* (Jul. 30, 2021) U.S. Dep't of Ed. (as of Apr. 6, 2023).)

[50] As implemented in Los Angeles County, education-based incarceration "focuses on promoting intellectual growth" in individuals who are incarcerated and using that time "to study for success once their sentence is up." (NPR Staff, *Sheriff's Program Teachers Prisoners To Get Out of Jail*, NPR (May 1, 2011) (as of Mar. 8, 2023); see also *Education Based Incarceration: Creating a Life Worth Living* (2012) Los Angeles County Sheriff's Department (as of Mar. 8, 2023)).

E. Adoption of Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers

African American students have long been underserved by the education system, which includes teachers who are not culturally responsive.[51] Culturally responsive teachers affirm African American students' experiences through their lesson plans, which "incorporate books, visuals, and other materials that reflect Black histories, lives, and points of view."[52] When teachers use the "history and me" concept, "which celebrates the richness of African American history and the roles Black [people] have played in bringing about social change through taking a stand for social justice and equity," they emphasize African American people as valuable community members.[53] This lesson is critical to African American students' sense of self and agency.[54]

A review of the statewide requirements on the Commission on Teacher Credentialing website shows that there are no requirements to complete trainings or courses on culturally responsive pedagogy, anti-bias training, or restorative practices prior to receiving a teaching credential.[55] As noted in Chapter 6, Separate and Unequal Education, "teacher preparation is inadequate in training teachers to be culturally-responsive and to carry those practices into the classroom in both the way they teach and the materials they use when they teach."[56] Culturally responsive instruction helps students feel valued and empowered and builds students' sense of belonging and self-confidence.[57] A number of studies on brain science demonstrate that positive relationships in the classroom build motivation, create safe spaces for learning, build new pathways for learning, and improve student behavior.[58]

The Task Force recommends the adoption of mandatory curriculum for teacher credentialing and trainings for school personnel that include culturally-responsive pedagogy, anti-bias training, and restorative practices that specifically address the unique needs of African American students, especially those who are descendants of an individual enslaved in the United States.[59] The Task Force also recommends iidentifying and supporting teachers who provide culturally responsive instruction and adopting new models for teacher development to improve teacher habits in the classroom. This can be accomplished by having the CDE issue a request for proposals for grants established by the Legislature to fund teachers and schools to develop models based on best

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[51] *The Importance of Culturally Responsive Teaching for Black Students* (Sept. 26, 2022) Go Greenva (as of Apr. 5, 2023).

[52] Wright, *Black Boys Matter: Strategies for a Culturally Responsive Classroom* (April/May 2019) NAEYC (as of Apr. 5, 2023).

[53] *Ibid.*

[54] *Ibid.*

[55] Teaching Credentials Requirements (as of Jan. 20, 2023) Cal. Com. on Teacher Credentialing; Culturally responsive pedagogy describes a method of teaching that calls for engaging students whose experiences and cultures have been excluded from mainstream settings. (*Understanding Culturally Responsive Teaching* (as of Nov. 23, 2022) New America (hereinafter "Understanding Culturally Responsive Teaching").).

[56] California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 2022) p. 232.

[57] Understanding Culturally Responsive Teaching, *supra*.

[58] Kaufman, *Building positive relationships with students: What brain science says* (as of Nov. 23, 2022) Understood.

[59] This could be modeled on California Government Code § 12950.1, which requires employers to provide sexual harassment training and education to employees.

practices and to share examples of successes in their proposals. Teachers and schools would then report back to the Legislature on any models and outcomes, so that they might be scaled up.

F.   Strategies to Recruit African American Teachers

As set forth in Chapter 6, Separate and Unequal Education, recent studies have established the importance of students having at least one teacher who looks like them.[60] While African American students comprise 5.07 percent of California's student population, the percentage of African American teachers in California declined from 5.1 percent in 1997-98 to 3.9 percent in 2021-2022.[61] African American men comprise only one percent of teachers in California.[62]

One major barrier to African Americans' pursuit of a career in teaching has been the cost of teacher preparation programs, but experts have noted that a recent increase in funding for these residency programs demonstrates a concrete and successful tactic for removing this barrier.[63] Studies have also found that "Grow Your Own" teacher programs lead to positive outcomes for diverse student populations.[64]

The Task Force recommends the Legislature remedy the ongoing harm by enacting laws that foster and fund proactive strategies to recruit African Americans, especially descendants of enslaved persons, as teachers in K-12 schools all across California. This should include establishing programs in the University of California and California State University systems for teacher credentialing, modeled on the UC PRIME program for medical students, to be focused on teaching in schools that predominantly serve African American students.[65] Such an initiative should also include providing funding for and creating partnerships with the University of California and California State University teacher credential programs for teacher residency and Grow-Your-Own programs[66] at the district level to recruit African American teacher candidates

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[60] Assem. Com. on Ed., Analysis of Assem. Bill 520 (2021-2022 Reg. Sess.) as amended March 25, 2021, p. 6–7 (research shows that "[t]eachers of color boost the academic performance of students of color"); Freedburg, *Despite Progress, California's Teaching Force Far From Reflecting Diversity of Students*, EdSource (Apr. 25, 2018) (as of Jan. 20, 2023); see also Chapter Six, Separate and Unequal Education, *supra*, at p. 224.

[61] *Fingertip Facts on Education in California* (2021-2022) Cal. Dept. of Ed. (as of Jan. 20, 2023); Assem. Com. on Ed., Analysis of Assem. Bill 520 (2021-2022 Reg. Sess.) as amended March 25, 2021, p. 6; *State Superintendent Tony Thurmond, Assemblymember Mike Gipson, Educators and Scholars Urge Support for First-of-its-Kind Legislation to Diversify the Teaching Workforce* (Apr. 13, 2021) Cal. Dept. of Ed (as of Jan. 20, 2023).

[62] Sentinel News Service, *Gipson Bill Supports Male Educators of Color: AB 520 Diversifies Teaching Workforce,* Los Angeles Sentinel (Apr. 15, 2021) (as of Jan. 20, 2023).

[63] Tadayon, *How California districts seek to recruit, retain Black teachers amid shortage* (Jan. 25, 2022) Lake County Record-Bee (as of Jan. 20, 2023) [profiling Michael Obah, who was supported by Oakland Unified's Grown Our Own teacher residency program that pays student teachers a $15,000 stipend while they earn their credentials and apprentice under a mentor and received emotional support, job-site support, test preparation, interview assistance, and connections to Oakland schools for jobs].

[64] Grow Your Own, *supra*.

[65] As explained below, UC PRIME (University of California's Programs in Medical Education) is an innovative training program at University of California medical schools that focuses on training medical professionals to meet the needs of California's underserved populations.

[66] Grow Your Own teacher programs are partnerships among school districts, institutions of higher education, and community-based organizations to recruit and prepare community members to become teachers in local schools. (Xu, et al., *Teacher Workforce Development: 'Grow Your Own' Teacher Programs* (Oct. 2021) Penn State Social Science Research Institute (as of Jan. 20, 2023) (hereinafter "Grow Your Own").)

among high school students, paraprofessionals, and after-school program staff. Finally, the programs should include funding to establish an intensive teacher preparation support program with ongoing mentorship, tutoring, exam stipends, and job placement services and funding for districts to retain staff in Grow Your Own programs. The Legislature should also establish a fund or scholarship program to pay for the education of African Americans, especially descendants, pursuing education degrees (consistent with recommendations elsewhere in this report for those pursuing medical, science, and legal degrees).[67]

G.   Requiring Curriculum at All Levels Be Inclusive and Free of Bias

As set forth in Chapter 6, Separate and Unequal Education, redefining curriculum on Black and African American experiences is particularly important in California,[68] which according to 2021 Census Bureau data is home to the sixth largest African American population in the United States.[69] According to an Education Week Research Center survey of mostly-white educators, only one in five think their textbooks accurately reflect the experiences of people of color.[70] The United States has seen opposition from elected officials to discussing the truth about slavery and a heightened focus on critical race theory in public K-12 schools, even though this theory is actually an academic one taught in law schools.[71] Opponents contend that teaching about race and painful history such as enslavement and legal segregation divide Americans and place the blame on white Americans for current and historical harm to African Americans.[72] Others take the position that this opposition misapprehends or misrepresents the educational content at issue and comes from a place of seeking to maintain a white supremacist status quo by denying facts.[73] Research shows that curriculum that includes African American history and experiences is important. Erasure of African American history, denial of African American contributions, and dehumanization of African Americans in school textbooks contribute to cultural and social alienation.[74] Additionally, African American students can be left feeling unimportant, invisible, and voiceless in classrooms where they do not see their experiences and history reflected in school curricula, leading to poorer educational outcomes.[75]

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[67] See [add cross references].

[68] California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 2022) p. 231.

[69] Profile: Black/African Americans (Feb. 24, 2023) U.S. Department of Health and Human Services Office of Minority Health (as of Mar. 16, 2023).

[70] Gewertz, *Survey of Mostly-White Educators Finds 1 in 5 Think Textbooks Accurately Reflect People of Color* (Jul. 2, 2020) Education Week (as of Feb. 15, 2023) [finding that "[e]ducators of color were more likely than their white peers to answer 'none' or 'a little' when asked whether their schools' or districts' textbooks accurately and fully reflect the experiences of people of color"].

[71] See Kaur, *Bills in Several States Would Cut Funding to Schools that Teach the 1619 Project. But They Mostly Aren't Going Anywhere,* The Philadelphia Tribune (Feb. 11, 2021) (as of Jan. 20, 2023); Bernstein, *Republican Lawmakers Introduce Bill to Defund '1619 Project' Curricula in Schools*, Nat. Rev. (July 14, 2021) (as of Jan. 20, 2023); Sawchuk, *What is Critical Race Theory, and Why is It Under Attack?,* EdSource (May 18, 2021) (as of Jan. 25, 2023) (hereinafter "What is Critical Race Theory").

[72] What is Critical Race Theory, *supra*.

[73] [Cites]

[74] Verne A. Shepherd, Member of the UN Committee on the Elimination of Racial Discrimination (CERD), presentation to the United Nations, *Justice for People of African Descent through History Education: Addressing Psychological Rehabilitation* (Mar. 31- Apr. 4, 2014) p. 1.

[75] [cite]; Richardson, *Tomorrow's Super Teacher* (2021) p. 13.

The Task Force recommends the Legislature remedy the ongoing harm by ensuring curriculum at all levels and in all subjects be inclusive, free of bias, and honor the contributions and experiences of all peoples, regardless of ethnicity, race, gender, or sexual orientation, by funding a department or center with appropriate specialty within the University of California or California State University system to review all curriculum and issue a public report or series of reports to the Governor and the California State Legislature on its findings and recommendations for curriculum changes.[76]

H.   Advance the Timeline for Ethnic Studies Classes

As stated in the preceding subsection, curriculum that includes African American history and experiences is important, as erasure of this history contributes to cultural and social alienation and African American students feeling unimportant, invisible, and voiceless.[77] A peer-reviewed study published in the *Proceedings of the National Academy of Sciences* that was conducted with San Francisco Unified School District students found quantitative evidence of a long-term academic impact of ethnic studies.[78] The benefits for students who took an ethnic studies course in ninth grade lasted throughout high school and resulted in higher attendance, higher graduation rates, and increased enrollment in college.[79] Thomas Dee, a professor at the Stanford Graduate School of Education and co-author of the research, noted that "not only did the strikingly large benefits from the course not fade after ninth grade, but the course produced 'compelling and causally credible evidence' of the power to 'change learning trajectories' of the students targeted for the study—those with below-average grades in eighth grade."[80] Further studies have found that there is "a positive link between ethnic studies programs that feature a curriculum designed and taught from the perspective of a historically marginalized group," including African Americans, "and students' ethnic identity development and sense of empowerment."[81]

Governor Newsom signed a bill in October 2021 to require California high school students to take ethnic studies as a graduation requirement commencing in 2030.[82] The Task Force recommends advancing the timeline for ethnic studies classes. Given the demonstrated long-term value of these classes to students' academic success and progression to college, implementation of this course requirement should proceed as expeditiously as possible.

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[76] See Chapter 33, page X for another recommendation to develop such a curriculum.

[77] See Chapter 23, Policies on Separate and Unequal Education, *supra*, at p. [insert].

[78] Fensterwald, *Research finds ethnic studies in San Francisco had enduring impact*, EdSource (Sept. 7, 2021) (as of Jan. 20, 2023).

[79] *Ibid.*

[80] *Ibid.*

[81] Sleeter & Zavala, What the Research Says About Ethnic Studies (2020) National Education Association Center for Enterprise Strategy (as of Apr. 6, 2023).

[82] Assem. Bill. No. 101 (2021-2022 Reg. Sess.).

I. Adopt a K-12 Black Studies Curriculum

As set forth in Chapter 6, Separate and Unequal Education, "[a]s important as how schools shape their curriculum concerning the history of how Black people in America is how schools teach the humanity of Black people before, during, and after enslavement."[83] This kind of curriculum requires teaching "about humanity's origins in Africa thousands of years before either Arabs or Europeans encountered people of West and Central African ancestry" and that "African Americans' stories did not begin with enslavement."[84] As noted earlier, this curriculum is especially important given that, as of 2021, California has the sixth largest African American population in the country.[85]

The Task Force recommends adoption of a K-12 Black Studies curriculum that introduces students to concepts of race and racial identity, teaches the more expansive history noted above, accurately depicts historic racial inequities and systemic racism, honors Black lives, fully represents contributions of Black people in society, advances the ideology of Black liberation, and highlights the particular contributions of those who are descendants of individuals who were enslaved in the United States. The curriculum could be modeled on the approach taken by the San Francisco Unified School District, among other examples.[86] It should include:

> University of California a-g approved courses for . . . high schools and required unit plans for PK-8 that introduce students to the concept of race, racial identity, African and African American history, equity, and systemic racism. There would be at least three "a" courses: one on African history, culture, and geographies; one on African diasporic studies; and another on African American history and phases of African American resistance. At least one "b" course would be focused on classic and modern African, African American, and diasporic literature, while at least one "g" course would be youth-driven in curriculum development and implementation.[87]

The Task Force also recommends the establishment of a Black Studies Fund within the Instructional Quality Commission to fully fund this ongoing effort, which includes curriculum development, staff to administer the program, and educators to teach the curriculum. The Black Studies Fund staff would also review the original curriculum of the Freedom Schools of

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[83] Chapter Six, Separate and Unequal Education, at p. 231.

[84] *Ibid.*

[85] *Profile: Black/African Americans*, U.S. Dep't of Health and Human Servs. Office of Minority Health (as of Apr. 6, 2023).

[86] Press Release, *Board of Education Approves K-12 Black Studies Curriculum* (Oct. 20, 2020) SFUSD (as of Jan. 20, 2023).

[87] *Ibid.*; In order to attend a California State University or University of California campus, students must complete California's minimum high school graduation requirements, in addition to a sequence of courses termed "A – G" while in high school. (*"A–G" Courses Required by California Public University Systems*, California Career Center (as of May 1, 2023).)

Mississippi Summer Project and incorporate this curriculum where appropriate.[88]

J.   Adopt a Freedom School Summer Program

Studies have found African American students gain less academically over the school year and lose more over the summer, a phenomenon referred to as summer learning loss.[89] Researchers have established that summer learning programs reduce summer learning loss, and there are certain practices that can help students succeed in summer programs, such as using an evidence-based curriculum, incorporating hands-on and recreational activities, and hiring effective teachers.[90] Additionally, a recent household survey found that Black families are participating in summer learning programs at record high levels, with half of Black families with children reporting that their child participated in a summer learning program in 2019.[91] The survey found that while 1.9 million Black children participated in a summer learning program in 2019, parents reported that 2.3 million more Black children would have enrolled had a program been available to them.[92]

The Task Force recommends the adoption and funding of a Freedom School summer program. This could begin with a pilot program, as initially introduced by Assembly Bill (AB) 2498 in the 2021-2022 Regular Session of the California State Legislature. AB 2498 proposed a pilot program of the Freedom School summer program that could be used as a model. As would have been the case under AB 2498, the Task Force recommends that its proposed summer programs develop summer literacy and learning loss mitigation programs for public school students. These programs would: celebrate students and the cultural richness of the diversity of the United States; increase the reading, writing, and comprehension abilities of students; and prevent learning loss during summer recesses. A number of studies from PACE and the RAND Corporation were cited in support of AB 2498 for the proposition that effective summer programs can improve academic, behavioral, and social and emotional learning outcomes and are noted here as support for the Task Force's recommendation.[93] Finally, the Task Force recommends the Freedom School summer programs incorporate, where appropriate, the curriculum of the Freedom Schools of Mississippi Summer Project, as referenced previously in this chapter.

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[88] As background, the Freedom Schools of Mississippi Summer Project, a network of alternative schools sponsored by various civil rights groups led by the Student Nonviolent Coordinating Committee ("SNCC"), flourished briefly in the summer of 1964. (Perlstein, *Teaching Freedom: SNCC and the Creation of the Mississippi Freedom Schools* (1990) 30(3) History of Education Quarterly 297, 297 (as of Jan. 20, 2023).) Freedom Schools provided African American students with an education that public schools would not give them — "one that both provided intellectual stimulation and linked learning to participation in the movement to transform the South's segregated society." (*Ibid.*) The curriculum is still available online. (*See Mississippi Freedom School Curriculum* (as of Jan. 20, 2023) Education and Democracy.)

[89] Quinn and Polikoff, *Summer Learning Loss: What is It, and What Can We Do About It?* (Sept. 14, 2017) The Brookings Institution (as of Mar. 16, 2023).

[90] Research in the Field, U.S. Department of Education You for Youth (as of Mar. 16, 2023) [citing studies].

[91] *Study: 2.3 Million Black Students Lack Access to Summer Learning Programs*, The Seattle Medium (Jun. 10, 2021) (as of Mar. 16, 2023) [citing survey].

[92] *Ibid.*

[93] *Ibid.*

K. Reduce Racial Disparities in the STEM Fields for African American Students

Racial disparities exist in science, technology, engineering, and math (STEM) education in California and nationwide.[94] Black students lack access to critical STEM opportunities in middle school. For example, taking Algebra I in Grade 8 creates a pathway to the math classes in high school that are required for admission to many four-year colleges.[95] According to 2018 data from the U.S. Department of Education Office for Civil Rights, for the 2015-16 school year, Black students constituted 17 percent of students in schools that offered Algebra I in Grade 8, but only 11 percent of the students actually enrolled.[96] 85 percent of white students and 74 percent of Asian students who enrolled in Algebra I in Grade 8 passed the course, while 65 percent of Black students enrolled in Algebra I passed the course.[97] Additionally, approximately 5,000 high schools with more than 75 percent Black and Latino student enrollment offered math and science courses at a lower rate than was the case for all high schools, with the difference being the greatest for advanced math, Calculus, and Physics.[98]

A study conducted by The Education Trust noted that roughly two in five Black and Latino students aspire to go to college and enjoy STEM subjects, but less than three percent enroll in STEM courses due to systemic barriers.[99] These include funding inequities, education leaders' reliance on a student's persistence or assumptions about their intelligence, racialized tracking (not receiving the same opportunities as affluent and white students to enroll in advanced STEM courses), and reliance on single denominators of readiness (e.g., GPA or test scores).[100] The Education Trust also issued a set of recommendations for state leaders on how to increase access to and success in advanced coursework for Black students.[101]

This proposal adopts and directly incorporates the recommendations offered in reports published by The Education Trust and Kapor Center, but with the Task Force's intent that there be specific focus on African American students, with special consideration for those who are descendants.[102] Limited revisions have been made to ensure this proposal is consistent with other recommendations of the Task Force and its decision, with some exceptions, to use "African American" instead of "Black"; substantive revisions are identified in corresponding footnotes,

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[94] The addition of the study of arts to "STEM" or "STEAM" is becoming increasingly popular. There is substantially more data on racial disparities in STEM education specifically, which is what provides the justification for this proposal. However, any policy recommendations from the Task Force will also include arts education.

[95] *Inequities in Advanced Coursework: What's Driving Them and What Leaders Can Do* (Sept. 2014), The Education Trust, p. 8 (hereinafter "Inequities in Advanced Coursework").

[96] *2015-16 Civil Rights Data Collection, STEM Course Taking* (Apr. 2018) U.S. Dep't of Ed., p. 3 (hereinafter "STEM Course Taking").

[97] *Ibid.*

[98] *Ibid.*

[99] Patrick, et al., *Shut Out: Why Black and Latino Students Are Under-Enrolled in AP STEM Courses* (Apr. 21, 2022) The Education Trust, pp. 5, 11 (as of Jan. 20, 2023) (hereinafter "Shut Out of AP STEM Courses").

[100] *Id.* at pp. 7, 14–15.

[101] *See id.*

[102] Shut Out of AP STEM Courses, *supra*, pp. 11, 14; Scott, et al., *Computer Science in California Schools: An Analysis of Access, Enrollment, and Equity* (June 17, 2019) Kapor Center, p. 15 (as of Jan. 20, 2023) (hereinafter "Computer Science in California Schools").

and where language has been added, it is identified in italics. Accordingly, following the recommendations set forth in The Education Trust report, the Task Force recommends the Legislature:

(1) Enact[] more equitable enrollment policies and practices, such as: (i) requiring districts to use multiple measures to identify students for advanced coursework opportunities, including but not limited to expressed desire to enroll, exam scores, grades in relevant prerequisite courses, and recommendations from trusted school staff *who have taken implicit bias training*;[103] (ii) passing automatic enrollment policies for all advanced coursework opportunities (K-12) so that students identified for advanced coursework through any of the measures above are automatically enrolled in advanced coursework opportunities, with the option to opt out;[104] (iii) monitoring progress of automatic enrollment to ensure schools are implementing the policy in ways that increase enrollment in advanced courses for historically underserved students; (iv) and providing technical support for schools and districts struggling to enroll [African American] students in advanced coursework opportunities, especially those opportunities that are the foundation for future success (e.g., Algebra I and II, Biology, Physics, Chemistry);[105]

(2) Eliminat[e] longstanding barriers to accessing advanced coursework opportunities by: (i) covering the cost of exams, transportation, books, and other required materials for advanced coursework; (ii) requiring districts and/or schools to notify families about advanced coursework opportunities available in the school and district, the benefits of enrolling in those courses, and the process around how to enroll, in the family's home language; (iii) providing funding to recruit or train teachers to teach advanced courses, especially in schools serving large concentrations of [African American] students . . . .;

(3) Annually monitor[] disaggregated data on enrollment in advanced courses, by course type, and provide technical assistance to districts that are under-enrolling [African American] students . . . in advanced courses (this data should be publicly reported on report cards, so that communities have a better understanding of course availability, enrollment, and success in advanced courses);

(4) Requir[e] districts to set and hold themselves accountable for public goals that, within an ambitious number of years, [African American] students will be fairly

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[103] This original clause contained PSAT/SAT scores. This language has been removed to ensure the proposal is consistent with the Task Force's other recommendations. See Chapter X, page Y for a similar proposal.

[104] For example, Illinois, Washington, and North Carolina have laws that require students meeting or exceeding expectations on the state exam to be automatically enrolled in the next most rigorous course offered in the school. (Shut Out of AP STEM Courses, *supra*.)

[105] Shut Out of AP STEM Courses, *supra*.

represented in access to and success in advanced coursework from elementary through high school;

(5) [Ensure] accountab[ility] for public goals that, within an ambitious number of years, [African American] . . . students . . . will be fairly represented in access to and success in advanced coursework from elementary through high school; and

(6) Implement[] policies to support district and school leaders in creating safe, equitable, and positive learning environments in advanced courses by: (i) providing professional development and coaching for educators to create culturally affirming environments, build relationships with and understand their students, support students' academic success, and develop anti-racist mindsets; (ii) investing in preparing, recruiting, and supporting [African American] teachers and counselors . . ., given the research that shows educators of color are more likely to refer students of color for advanced courses; (iii) requiring districts and schools to use culturally relevant, anti-racist pedagogy, practices, and curricula and provide technical assistance and funding for professional development; (iv) supporting engagement with families and members of underserved communities by requiring districts to survey students and families to understand their interests, aspirations, and experiences with school, especially related to STEM; (v) creating guidance for schools about identifying and partnering with community-based organizations that provide rigorous after-school and/or summer enrichment opportunities that expose underserved students to STEM and STEM careers.[106]

Following the recommendations set forth in the Kapor Center report, the Task Force also recommends the Legislature:

(7) Utilize the Computer Science Strategic Implementation Plan ("CSSIP")[107] as a guidance document for expanding access to computer science in California;

(8) Increase participation of students from underrepresented backgrounds in computer science education, especially [African American] . . . students *by prioritizing funding and developing initiatives for the most underserved schools and populations*;

(9) Establish rigorous computer science teacher preparation, certification, and professional development for K-12 teachers;

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[106] Shut Out of AP STEM Courses, *supra*.

[107] The CSSIP is a report put together at the direction of the Superintendent of Public Education to transform K-12 CS education "so all of California's students will be better prepared to contribute to our digital world." (*California Computer Science Strategic Implementation Plan* (Jul. 15, 2019) California Department of Education (as of Apr. 6, 2023).)

(10) Ensure access to technology infrastructure to support computer science education*, prioritizing districts and local education agencies ("LEAs") with the highest needs*;

(11) Implement K-12 computer science standards within all computer science courses*, and integrated across subjects, by providing support for LEAs, administrators, and teachers*;

(12) Develop assessment, data collection, and accountability mechanisms to track the implementation and efficacy of computer science education *and track equity gaps*;

(13) Ensure computer science is prioritized as a high school graduation and college entry requirement; and

(14) Implement large-scale policies and initiatives that address systemic education inequity affecting student outcomes across subject areas.[108]

Finally, the Task Force additionally recommends the Legislature:

(15) Provide state funding for districts to obtain the resources necessary to achieve equity of resources across the board for African American students, including but not limited to, hiring teachers, implementing advanced course offerings, purchasing technology, supplies, and equipment, and waiving the fees to take advanced placement ("AP") exams.

L. Expand Access to Career Technical Education for Descendants

Discriminatory policies have created persisting inequalities in educational attainment and employment for African Americans.[109] The Center for American Progress, for instance, notes that schools have historically tracked Black students into low-quality vocational programs "as an extension of Jim Crow-era segregation."[110] High quality Career Technical Education (CTE) programs—which combine academic education with occupational training to prepare students

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[108] Computer Science in California Schools, *supra*.

[109] See generally AB 3121 Reparations Task Force, *Interim Report* (June 2022) Ch. 6 Separate and Unequal Education; *id.* at ch. 10, Stolen Labor and Hindered Opportunity.

[110] Smith, *Advancing Racial Equity in Career and Technical Education Enrollment* (Aug. 28, 2019) Center for Am. Progress (as of Mar. 15, 2023); see generally McCardle, *A Critical Historical Examination of Tracking as a Method for Maintaining Racial Segregation* (2020) 45 Intersectionality & The History of Ed. 1, 1-12.

for careers in current or emerging professions[111]—offer an essential tool to remedy this persisting discrimination.[112]

To address the ongoing effects of racial discrimination and inequality in employment, education, and wealth, the Task Force recommends: (1) collecting and disaggregating data about CTE enrollment in California by race;[113] (2) funding and requiring all California public high schools and colleges to offer students access to at least one CTE program; and (3) creating a competitive grant program to increase enrollment of descendants in STEM-related CTE programs (such as green technology) at the high school and college levels.[114]

For the requirement that all public high schools and colleges offer students access to at least one CTE program, schools could comply by partnering with another entity that has such a program available. For example, high schools could partner with nearby community colleges to enable their students to attend the community college's CTE courses.

For the competitive grants to increase enrollment of descendants, these funds could support programs implementing strategies that the Urban Institute has recommended for increasing Black enrollment in CTE programs, including outreach, mentorship, equity-focused training for instructors, and providing potential students with access to adequate technology and software to access online CTE courses.[115] As with other educational grants,[116] the CDE would administer and award grants on a competitive basis to school districts, county superintendents of schools, direct-funded charter schools, and community colleges to increase descendant participation in STEM-related CTE programs, including electrical engineering, information technology, renewable energy, green technology, advanced manufacturing, health care, or cybersecurity.[117]

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[111] See *Bridging the Skills Gap: Career and Technical Education in High School* (Sept. 2019) U.S. Dept. of Ed. (as of Jan. 9, 2023). CTE programs differ from traditional vocational programs in two main ways: (1) CTE programs span nearly every industry, see Flynn, *What is Career and Technical Education, and Why Does it Matter?*, Ed. Northwest (Feb. 2021) (as of Jan. 9, 2023); and (2) while vocational programs aimed to funnel students into the targeted career after high school, CTE programs prepare students for a career at whatever point they decide to, including after the attainment of a college degree, see Weingarten, *Vocational Education is Out; Career and Technical Education is In*, EdSurge (Feb. 16, 2015) (as of Jan. 9, 2023).

[112] See Stevens et al., *Career-Technical Education and Labor Market Outcomes: Evidence from California Community Colleges* (May 2015) Center for Analysis of Postsecondary Ed. and Employment (as of Jan. 4, 2023) (finding "substantial" and "statistically significant" financial returns for students who specifically enrolled in CTE courses throughout California's community colleges).

[113] See Smith, *Advancing Racial Equity in Career and Technical Education Enrollment* (Aug. 28, 2019) Center for Am. Progress (as of Jan. 4, 2023) (recommending states increase equity in CTE by reporting data disaggregated by race).

[114] CTE programs are also available to those already in the workforce — those programs typically follow apprenticeship models. See Chapter 27, pp. ▮▮ for the Task Force's recommendation addressing those programs.

[115] Anderson et al., *Racial and Ethnic Equity Gaps in Postsecondary Career and Technical Education* (Mar. 2021) Urban Institute (as of Jan. 4, 2023).

[116] See, e.g., *Allocations & Apportionments*, Cal. Dept. of Ed. (as of Mar. 8, 2023).

[117] For a full list of CTE industry sectors as categorized by the California Department of Education, see *General Information*, Cal. Dept. of Ed. (as of Mar. 15, 2023).

M. Improve Access to Public Schools

As set forth in the Task Force's first recommendation to address the harms identified in Chapter Six, Separate and Unequal Education, the State must increase funding to ensure that schools serving descendants provide the best possible public education available in the State. But in addition to quality schools, African Americans have long been denied access to schools of their choice. As detailed in Chapter Six, enslavement, segregation, redlining, and neighborhood gerrymandering have denied African American families meaningful and equitable access to a variety of high-quality schools.[118]

Thus, the Task Force recommends that the Legislature improve school access by: (1) requiring school districts to prioritize creating and supporting new public schools (including magnet schools and community college campuses) in African American communities, with substantial weight given to input from those communities and descendants in particular; and (2) requiring districts to permit students to transfer to public schools of their choice within their district or between neighboring districts if doing so would not maintain or exacerbate racial segregation (i.e., if the transfer would improve racial or socioeconomic diversity), while funding free public transportation for students who participate in this school transfer program and ensuring funding to offset the loss in per-pupil funding in districts from which those students transfer.[119]

The first element of this proposal addresses how, through historic and ongoing discrimination, the State has failed to fund, staff, or support public schools in African American communities to the same degree it has done so for white communities.[120] Requiring school districts to prioritize the creation and funding of new schools in African American communities would also address the ways in which redlining and neighborhood gerrymandering have at times created artificial political boundaries that excluded African American families from nearby schools that they otherwise would have attended.[121]

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[118] See California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 206-233; see also Richards, *The Gerrymandering of School Attendance Zones and the Segregation of Public Schools: A Geospatial Analysis* (2014) 51 Am. Ed. Research J. 1119, 1121-1123, 1149-1153; Carrillo and Salhotra, *The U.S. Student Population is More Diverse, But Schools are Still Highly Segregated*, NPR (July 14, 2022) (as of Feb. 8, 2023).

[119] See Mays, *California is Richer than Ever. Why is it Last in the Nation for School Bus Access?*, L.A. Times (Jun. 22, 2022) (as of Dec. 28, 2022).

[120] See, e.g., Ludwig, *'The System has Imploded': A Look at Redlining, Academic Achievement Gaps*, The Daily Californian (Apr. 7, 2022) (as of Feb. 8, 2023); cf. also Parrish and Ikoro, *Chicago Public Schools and Segregation*, South Side Weekly (Feb. 24, 2022) (as of Feb. 8, 2023) (discussing how redlining and other discriminatory policies led to school closures in African American neighborhoods in Chicago); Jackson, *School Closures Threaten Long-Term Prospects for Blacks in Baltimore, Beyond*, Atlanta Black Star (Dec. 26, 2017) (as of Feb. 8, 2023) (discussing same in Baltimore).

[121] Richards, *The Gerrymandering of School Attendance Zones and the Segregation of Public Schools: A Geospatial Analysis* (2014) 51 Am. Ed. Research J. 1119, 1121-1123, 1149-1153. The creation of new schools may raise concerns about the risks of neighborhood gentrification and the risk of excluding African American families from these investments. Recommendations addressing the housing segregation harms outlined in Chapter 22, Policies Addressing Housing Segregation, include provisions expressly designed to prevent such outcomes, including the Task Force's recommendation to impose rent caps in formerly redlined neighborhoods. See Chapter 22, *supra*.

The second element of this proposal similarly addresses how redlining and neighborhood gerrymandering have created artificial district lines that can exclude African American families from nearby schools—as well as the ways in which schools can apply the discretionary inter-district transfer process in an inequitable manner with respect to African American families and their children.[122]

The second element of this proposal would improve school access for African Americans, especially families including descendants of individuals enslaved in the United States, by building on the model of the Berkeley Unified School District's (BUSD) intra-district public elementary school admissions process to create an equitable model for intra- and inter-district transfers.[123] Under the BUSD system, parents complete a parent preference form in which parents rank the elementary schools they wish their child to attend.[124] BUSD assigns students based on their parents' preferences but assignments are made within the constraints of six priority categories.[125] Within a given priority category, BUSD uses diversity categories to assign students to each school to avoid segregation and ensure that the student body at each elementary school reflects the racial and socioeconomic diversity of the total school population in the attendance zone.[126]

Whereas the BUSD system is a system for *intra*-district transfers (i.e., within the same district), the Task Force's recommendation is for a model that permits *inter*-district transfers (between neighboring districts) as well in order to create an equitable system for transfers within and between neighboring school districts.[127]

If this recommendation is implemented, the Task Force also recommends that the Legislature implement budgetary provisions to provide funding to offset any loss in per-pupil funding that may occur if a student transfers to another school within their district or to one in a neighboring district, to ensure that improved school access does not come at the cost of school quality if students and their families choose to transfer to other schools within their district or neighboring ones.[128]

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[122] Ed. Code, § 48301, subd. (a)(1). The Education Code contains a few narrow exceptions to this rule—for instance, for children of active military duty parents. *Id.* § 46600, subd. (d)(1).

[123] Berkeley Public Schools, *Information on Berkeley Unified's Student Assignment Plan* (as of Dec. 1, 2022).

[124] *Ibid.*

[125] *Ibid.* The priority categories are: (1) students currently attending the school who live within that school's geographic "attendance zone"; (2) students currently attending the school who live outside the zone; (3) siblings of students currently attending the school; (4) school district residents not attending the school who live within the zone; (5) school district residents not attending the school who live outside the zone; and (6) nonresidents wanting an inter-district transfer.

[126] *Am. C.R. Found.*, *supra*, 172 Cal.App.4th at p. 213. BUSD uses three diversity factors: (1) the average household income of those living in the planning area; (2) the average education level attained by adults living in the planning area; and (3) the percentage of "students of color" living in the planning area. BUSD determines diversity by comparing the diversity of the attendance zone with the diversity of the neighborhood in which a student resides, not the diversity characteristics of individual students.

[127] Though students ordinarily must attend schools within the district in which they reside, the Education Code creates an exception for students who undergo an inter-district transfer process. Ed. Code § 48204(a)(3).

[128] If sufficient funding is ensured, some data suggest that inter-district transfers could contribute to improvements in the schools from which students transfer, as they enable schools to better identify areas for

While the focus of this recommendation is on addressing the historic and ongoing exclusion of descendants and other African American families from a range of school options, a 2009 study of the BUSD school transfer policy concluded that its model also resulted in racial "integration across the district" being "fairly high[,]" and that "BUSD has substantially integrated schools . . . within the confines of the Supreme Court's guidance on voluntary integration plans[.]"[129] A subsequent study, examining "Berkeley-style geographic integration plans in the nation's 10 largest metropolitan districts," found that "the majority of schools in the study sample would experience gains in diversity," and that such school district plans could have the effect of reducing segregation in elementary schools, small schools, and schools in relatively more segregated districts with less diverse neighborhoods.[130]

N.   Fund Free Tuition to California Public Colleges and Universities

Colleges play a critical role in the socioeconomic mobility of Californians.[131] But the costs of attending college have grown exponentially over the last several decades,[132] and that rising cost excludes many African Americans from the promise of higher education,[133] reinforcing the ongoing history of discrimination in education.[134] Thus, the Task Force recommends that the Legislature fund California public colleges and universities to ensure free tuition for all California residents who the Task Force has determined to be eligible for monetary reparations.[135]

As a 2020 report states, the "high proportion of low-income Black students means that this population is greatly affected by rising college costs and dependent on federal and state financial aid in order to attend college."[136] Within California, for instance, more than half of African American students at UC or CSU colleges receive Pell Grants, which are awarded to students with exceptional financial need.[137]

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improvement. See Taylor, *Evaluation of the School District of Choice Program*, Cal. Leg. Analyst's Office (Jan. 27, 2016) pp. 10-11 (as of Feb. 10, 2023) (noting ways in which funding follows students); *id.* at 5, 22-23 (discussing how home districts developed improvements to address reasons why students transferred away).

[129] Chavez and Frankenberg, *Integration Defended: Berkeley Unified's Strategy to Maintain School Diversity* (Sept. 2009) UC Berkeley Law School Civil Rights Project, pp. 15-16.

[130] Richards et al., *Achieving Diversity in the* Parents Involved *Era: Evidence for Geographic Integration Plans in Metropolitan School Districts* (2012) 14 Berkeley J. Afr.-Am. L. & Pol. 67, 89, 92.

[131] See Johnson, *Higher Education as a Driver of Economic Mobility* (Dec. 2018) Pub. Policy Institute of Cal. (as of Nov. 15, 2022).

[132] See, e.g., Johnson et al., *Higher Education in California: Institutional Costs* (Nov. 2014) Pub. Policy Institute of Cal. (as of Nov. 15, 2022) (from 1994 to 2014, tuition at the UCs and CSUs tripled); Johnson et al., *Making College Affordable* (Sept. 2017) Pub. Policy Institute of Cal. (as of Nov. 15, 2022) ("Tuition and fees are at their highest point ever at California's public universities.").

[133] See Allen & Wolniak, *Exploring the Effects of Tuition Increases on Racial/Ethnic Diversity at Public Colleges and Universities* (2019) 60 Research in Higher Ed. 18, 37-39.

[134] See California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 206-233.

[135] Cite

[136] Bates and Siqueiros, *State of Higher Education for Black Californians* (Feb. 2019) The Campaign for College Opportunity, p. 27 (as of Dec. 1, 2022).

[137] Cook and Jackson, *Keeping College Affordable for California Students* (Dec. 2021) Pub. Policy Institute of Cal. (as of Nov. 28, 2022).

California's community colleges already waive or fund tuition, through its Promise program, for approximately 50 percent of its students—nearly one million students.[138] For the UC and CSU systems, through a mix of state, federal, and other financial aid programs, about 60 percent of CSU students and 60 percent of in-state UC students currently attend college tuition-free.[139] Building on these measures, this proposal would follow the precedent of an existing policy, begun in fall 2022, where the UC system will waive tuition and fees for Native American students who are state residents and members of federally recognized tribes.[140]

O. Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University System

Standardized testing traces its beginnings to racist origins.[141] And researchers have identified standardized testing as one key cause behind the decline in African Americans enrolling in higher education, as the scores from such tests reflect either biased design or administration,[142] or reflect the inequities that African Americans experience throughout their education.[143]

To remedy the discriminatory effect of standardized testing in education, the Task Force recommends eliminating standardized testing for admission to the graduate programs within the University of California and California State University systems until racial bias is eliminated in the administration of standardized testing for admission.[144]

Standardized tests reinforce structural inequalities in education, resulting in the exclusion of African American students from advanced degrees and careers. With respect to medical schools, for example, the Dean of Morehouse School of Medicine observes that, "[w]hile MCAT performance has had an adverse influence on the number of Black matriculants," the MCAT score "has not been shown to significantly predict whether students will successfully progress in their medical education." [145] Moreover, deemphasizing MCAT scores "could potentially lead to

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[138] Replogle, *What California's Free Tuition Programs Can Teach the Nation* (May 19, 2021) LAist (as of Nov. 15, 2022).

[139] Winograd and Lubin, *Tuition-Free College is Critical to Our Economy*, EdSource (Nov. 2, 2020) (as of Nov. 15, 2022).

[140] Torchinsky, *University of California will Waive Tuition and Fees for Many Native American Students*, NPR (Apr. 28, 2022) (as of Nov. 15, 2022); President Michael V. Drake, University of California, letter to University of California Chancellors (Apr. 22, 2022).

[141] See Leslie, *The Vexing Legacy of Lewis Terman* (Jul./Aug. 2000) Stanford Magazine (as of Nov. 15, 2022); Winston, *Scientific Racism and North American Psychology* (May 29, 2020) Oxford Research Encyclopedias, Psychology (as of Nov. 15, 2022).

[142] See Jimenez and Modaffari, *Future of Testing in Education: Effective and Equitable Assessment Systems* (Sept. 16, 2021) Center for Am. Progress (as of Nov. 18, 2022).

[143] Nichols, *Segregation Forever?: The Continued Underrepresentation of Black and Latino Undergraduates at the Nation's 101 Most Selective Public Colleges and Universities* (Jul. 21, 2020) The Ed. Trust, pp. 6-7 (as of Nov. 15, 2022).

[144] As of 2022, the UC and CSU systems have already eliminated standardized testing as a requirement for undergraduate admission; this proposal seeks to expand that policy to the UC and CSU graduate programs.;

[145] Rice, *Diversity in Medical Schools a Much-Needed New Beginning* (Jan. 2021) Morehouse School of Medicine (as of Jan. 10, 2023); see also Murphy, *How to Get Up to 3,000 More Black People in the Physician Pipeline* (Jan. 29, 2021) Am. Medical Assn. (as of Nov. 10, 2022).

3,000 more Black physicians either practicing or in the training pipeline in the U.S. today."[146] Similarly, for the GRE, which is required "for most graduate programs in the United States, including master's and doctoral programs in public health," one study found that eliminating the GRE as a requirement increased the number of African American students with "no loss of quality, as measured by undergraduate grade point averages . . ., performance in required core courses . . ., and graduate employment."[147] The Task Force's recommendation to eliminate standardized tests as a requirement for graduate school admission follows the lead of numerous schools, including those in the UC and CSU systems, that have removed these requirements after recognizing that standardized testing reinforces structural biases and barriers without predicting success.[148]

P. Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

While standardized tests should be eliminated as a prerequisite for admission into undergraduate and graduate programs, standardized testing plays a different role in K-12 education. As standardized assessments in K-12 are mainly used to assess proficiency and identify areas for improvement and need, if the State chooses to maintain such assessments, it must carefully evaluate them to identify and eliminate racial bias within these systems.[149]

Thus, the Task Force recommends that the CDE conduct an annual review of the California Assessment of Student Performance and Progress ("CAASPP") tests for racial bias, both in the way its tests are administered and in the types of questions that are included. The review should require that changes be made to the CAASPP test administration and contents in the event that racially biased procedures or materials are uncovered.

The legislative findings behind the CAASPP call for the State to ensure that the exam "do[es] not use procedures, items, instruments, or scoring practices that are racially, culturally, socioeconomically, or gender biased."[150] However, there appears to be no provision in the education code chapter governing the CAASPP that requires a review or assessment for such bias.[151]

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[146] Rice, *Diversity in Medical Schools a Much-Needed New Beginning* (Jan. 2021) Morehouse School of Medicine (as of Jan. 10, 2023); see also Murphy, *How to Get Up to 3,000 More Black People in the Physician Pipeline* (Jan. 29, 2021) Am. Medical Assn. (as of Nov. 10, 2022).

[147] Sullivan et al., *Removing the Graduate Record Examination as an Admissions Requirement Does Not Impact Student Success* (Sept. 26, 2022) Pub. Health Rev. (as of Dec. 1, 2022).

[148] See, e.g., Beyond the GRE, *GREXIT: Institutions and Stem Graduate Programs Choosing to No Longer Require the GRE* (as of Nov. 16, 2022); Nietzel, *supra*; cf. also Cal. State Univ. Office of the Chancellor, *CSU First-Time Freshman Standardized Exams and Admissions Recommendations* (Jan. 5, 2022) p. 14 (as of Nov. 16, 2022).

[149] See Knoester and Au, *Standardized Testing and School Segregation: Like Tinder for Fire?* (Dec. 28, 2015) 20 Race, Ethnicity, and Education 1, 5 (noting that the criticism of racial discrimination perpetuated through "high-stakes" testing does not necessarily apply to "assessment writ large").

[150] Ed. Code § 6062.5(a)(3); see also *id.* § 60604.5(b)(8) (legislative findings for reauthorization statute calling to ensure "that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation"). Likewise, California's education regulations do not appear to require a review of the CAASPP for bias. See generally Cal. Code Regs., tit. 5, §§ 805-876.

[151] See generally Ed. Code §§ 60600-60659.

The Task Force recommends reviewing, identifying, and eliminating racial bias in the CAASPP using bias review procedures that the State has already created for standardized tests in other contexts. For example, aspiring teachers in California must pass a "reading instruction competence assessment,"[152] and the Education Code requires the Commission on Teacher Credentialing to "analyze possible sources of bias on the assessment."[153] Consequently, the Commission has a Bias Review Committee, "which reviews all test content and questions for potential bias, making changes, suggestions, and even eliminating questions if necessary, and differential item functioning (DIF) analysis, which more deeply compares question-level responses of members of various subgroups to flag for potential bias after test administration."[154] The Task Force recommends that the Legislature create a similar process for the CAASPP.

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[152] Ed. Code § 44283(b).

[153] *Id.* § 44283(d).

[154] Taylor and Mendoza, *Annual Report on Passing Rates of Commission-Approved-Examinations from 2015-16 to 2019-20* (Jun. 2021) Cal. Commission on Teacher Credentialing, Ed. Preparation Committee, pp. 4J-3-4J-4 (as of Nov. 29, 2022).