

LEARNING TO LIVE TOGETHER

BY JAMES E. RYAN

ORIGINALLY PUBLISHED IN *THE HUFFINGTON POST* SEPTEMBER 5, 2014 | UPDATED NOVEMBER 05, 2014

“Unless our children begin to learn together, there is little hope that our people will ever begin to live together.” Justice Thurgood Marshall penned these words 40 years ago, as part of his stirring and prophetic dissent in *Milliken v. Bradley*. In *Milliken*, a 5-4 majority of the United States Supreme Court virtually prohibited bussing across school district lines to desegregate metropolitan areas, which in many ways marked the Court’s — and the country’s — turn away from efforts to integrate schools.

As we head into another school year, and especially in light of recent events, it is worth pausing to consider Marshall’s warning. The tragedy in Ferguson, Missouri, seems sad proof of Marshall’s point about the connection between learning and living together. The police officer, Darren Wilson, like most white students in this country, attended a high school that was almost entirely white. Michael Brown attended a school that was almost entirely black. Much more, of course, was involved in the shooting than the racial composition of the schools attended by Wilson and Brown, but it is hard to shake the feeling that a lack of contact and understanding — outside of confrontations — between white police officers and black citizens lies at the heart of this and too many other tragic encounters. One important place where productive encounters could occur is within schools, but for the last 40 years, white and black students learning alongside one another has been the exception rather than the rule.

Recent headlines have also pointed out that, for the first time in our country’s history, white students no longer constitute a majority of the public school population. Our school children, collectively, are a remarkably diverse group and becoming more so by the year. Yet most of them still attend schools that are either predominantly white or predominantly minority.

It seems an unwise strategy to have mostly separate schools in an increasingly diverse country. Diversity is not likely to be a neutral fact anytime soon, which can simply be ignored. Instead, diversity can remain an increasing source of division or become a source of strength. Where residential and social separation along lines of race and class is tolerated, if not encouraged, our differences tend to spawn division and hostility, based on ignorance, prejudice, and stereotype. If cultivated and nurtured, on the other hand, diversity can be a source of inspiration, understanding, and friendship, as superficial differences like skin color or ethnic background fade in light of stronger bonds forged around similar interests and common hopes for the future.

There is some cause for optimism. For the past two decades, efforts to promote diverse K-12 schools have taken a back seat to a singular focus on raising academic achievement, primarily as measured by test scores. But a shift is occurring. It’s still early, but it appears that parents and those of us in the education world are beginning to awaken from the fog of test-based accountability and the often implicit assumption that test scores alone capture the total value and worth of public education.

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There is increasing recognition that public schools should provide a complete education, one that is academically strong, obviously, but one that also prepares children to be socially and emotionally competent, to be ethical and moral, to work well with others, and to be engaged and tolerant citizens. Parents, teachers, and principals are rightly concerned that an obsession with test scores has blinded us to our obligation to teach children not only to be smart, but also to be good. This is a healthy development, which actually marks a return to the roots of public education: public schools from the very beginning were meant to socialize students as well as prepare them academically.

As we begin to recognize and embrace again the larger purposes of public education, there is some hope that encouraging and nurturing diversity within schools will no longer seem like a frill or a distraction from the push to increase test scores. Test scores are clearly important, but we should expect more from public schools. We should expect that they will help prepare students to become citizens who can live peacefully and productively with one another.

Diverse schools can help fulfill that goal. Students should have more opportunities to learn alongside those whose lives and backgrounds are different from their own, not just to understand their differences but to notice how much they have in common. Diverse schools don't guarantee understanding, empathy, and compassion among students from different racial, ethnic, and socioeconomic backgrounds. Real work is needed within schools to fulfill the promise of diversity. Yet diverse schools at least offer opportunities for genuine learning and understanding across boundaries that too often seem impermeable. Diverse schools offer the hope that, by learning together, our remarkably diverse children and grandchildren will not simply be able to live together, but will look forward to doing so.

WHY ‘FISHER’ MEANS MORE WORK FOR COLLEGES

BY THOMAS J. KANE AND JAMES E. RYAN

ORIGINALLY PUBLISHED IN *THE CHRONICAL OF HIGHER EDUCATION* JULY 29, 2013

In *Fisher v. University of Texas*, the U.S. Supreme Court affirmed a decades-old principle that colleges and universities may use race-conscious affirmative-action plans in order to enroll a diverse student body. To consider race in admissions, however, institutions must prove to courts that race-neutral alternatives—such as relying on socioeconomic status or where students live—will not work. In the court’s words, colleges must prove that “no workable race-neutral alternatives would produce the educational benefits of diversity.”

Most commentators greeted *Fisher* with a yawn, or a sigh of relief or disappointment, concluding that the court had changed very little.

Lower courts and colleges may ultimately beg to differ, as the court’s emphasis on the exploration of race-neutral alternatives represents a subtle but potentially significant shift. No longer may lower courts simply defer to the good-faith decisions of colleges regarding the necessity of explicitly considering race in admissions decisions rather than some proxy for race. Colleges must instead attempt to prove, and lower courts must determine, what counts as a “workable” race-neutral alternative. This is much harder than it might seem. It also raises questions that go to the heart of a college’s mission and stretch the institutional competence of courts.

To determine whether a race-neutral alternative is “workable,” one obviously has to know the ultimate goal of the affirmative-action plan—and know how much racial diversity is “enough.” The larger the group of minority students sought, for example, the less workable race-neutral alternatives are likely to be. Yet the court gave no hint in *Fisher* as to how to decide if an alternative that produced, for example, 60 percent as many minority students would be sufficient. In the past, the court has suggested that colleges can strive to enroll a “critical mass” of minority students, but that is hardly a precise concept. And the court has further muddied the waters by warning repeatedly that colleges cannot attempt to enroll a specific number of minority students, as that would constitute a quota, which the court has forbidden.

Assuming that first question is answered and a diversity goal is established, the next task is to determine whether a race-neutral alternative is workable. But workable in what sense? Colleges that adopt race-conscious affirmative-action plans are trying to balance racial diversity and academic selectivity. It is easy to imagine all sorts of race-neutral plans that increase diversity but do so only at the expense of academic selectivity. A lottery for admission to a state university, for example, would be great for diversity but would destroy academic selectivity. In the past, the court has held that colleges need not choose between racial diversity and competitive admissions policies, but that, too, offers only vague guidance.

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The unavoidable reality is that, if racial diversity is a goal, no race-neutral proxy will work as well as race in producing it, and all proxies will impose costs. For instance, racial minorities are by definition a minority of all young people and, regrettably, a very small minority of the most academically prepared applicants. Even though African-American and Latino students are more likely to be poor than others, they are a small share of the poor and an even smaller share of the poor and high-scoring youth. If family income is used as a proxy for race, therefore, colleges will have to accept and enroll many more low-income students in order to yield the same number of minority students. If class size is held constant, a college could not avoid reducing the proportion of students selected based on academic preparedness and other reasons.

The same is true with respect to other proxies for race, such as place of residence, parental-education level, or being the first in the family to go to college. The court sometimes seems to labor under the belief that there is some magical combination of race-neutral proxies that will produce exactly the same group of students as in a class admitted under a race-conscious plan. Admissions officers know differently, and they understand that any alternative requires trade-offs among different student characteristics and therefore will produce a different student body.

So which trade-offs are worth the price? That is a difficult question to answer, and one that is particularly difficult for courts because it is fundamentally an education question, not a legal one.

It is nonetheless possible to see a silver lining in the *Fisher* decision. Colleges must now educate courts regarding the choices they have made in their admissions policies. To do so, they will have to be clear-eyed in assessing those choices and must be prepared to articulate the rationale for making them. What is the overall goal of their admissions policy? How much diversity, roughly speaking, are colleges seeking to achieve and along what dimensions? Why? Perhaps all colleges have already answered these questions, but we suspect some have not, and to the extent the *Fisher* decision prompts this sort of internal review, that is all to the good.

Beyond clarifying goals, colleges should also be prepared to defend their consideration of race, which means explaining why race-neutral alternatives are not sufficient. This will entail justifying, in educational terms, the diversity goals that have been established. Defending affirmative action will also entail explaining to courts the costs of race-neutral alternatives. To quantify such costs, colleges could review their admissions folders (or at least a representative sample of them) and have admissions officers flag the family-background factors that are potential race-neutral alternatives. Analysts could then estimate how much those factors would have to be weighted (and other factors diminished) in order to produce the outcomes now produced with race-conscious admissions. They could then compare the results of race-conscious and race-neutral policies on individual dimensions—like test scores or high-school grades—or on combinations of traits such as academic indices. This would at least make clear that race-neutral alternatives come at a price.

In addition, it may be useful for colleges to demonstrate their seriousness of purpose in minimizing the need to consider race. Many disadvantaged students, even those who have the academic preparation to succeed at selective colleges and universities, still do not apply to the institutions where they might be admitted. Institutions should join the College Board and other organizations trying to change this.

In the wake of the *Fisher* decision, few universities and colleges are prepared to answer the questions that courts will soon be asking. If they fail to prepare convincing answers, they will lose. And, having been put on notice, responsibility for that loss will be with our college and university leaders, not our courts.

JAMES RYAN'S LETTER TO THE HARVARD COMMUNITY

BY JAMES E. RYAN

ORIGINALLY PUBLISHED ON MAY 19, 2014

James Ryan sent the following letter to the Harvard Graduate School of Education community regarding the selection of Colorado State Senator Mike Johnston, Ed.M.'00, as the school's 2014 convocation speaker.

Dear Friends,

I am excited about the upcoming graduation ceremonies, as I know all of you are. In particular, I look forward to celebrating the achievements of our graduates, to honoring our outstanding faculty, to recognizing some of our amazing alumni, and to thanking our incredibly dedicated staff. I am excited to hear from our student speaker, Krista Sergi, Ed.M.'14, and from our faculty speaker, Professor Karen Mapp, Ed.M.'93, Ed.D.'99, who was selected by the graduating students.

I am also looking forward to hearing from our convocation speaker, Mike Johnston, Ed.M.'00, who is an alumnus of our school, a former teacher and principal, and currently a state senator in Colorado. I know that many of you are equally eager to hear him speak, as students have routinely suggested that we invite him to campus, and he has generously accepted many invitations in the past. In fact, he was on campus just last fall, both to guest lecture in Professor Kay Merseeth's class and to participate in an open conversation in Askwith Hall, entitled: "Can We Have Both Excellence and Equity for All Children?"

I also know that a few of you are disappointed by the selection of Senator Johnston as a speaker. Some have suggested that we rescind his invitation to speak because of some of the positions he has taken as a legislator, though this group notes that they applaud other policies Senator Johnston has championed. Suggestions have also been made to create a more transparent and inclusive process for "vetting" speakers and to create more opportunities for discussion and debate of various visions of education reform. I would like to address each point in turn.

First, I respect those who disagree with some of Senator Johnston's positions, and I appreciate and admire their willingness to voice their opinions. But I do not believe that disagreement with some positions taken by a speaker is reason to rescind an invitation. To the contrary, it is precisely because there is debate about his positions that we should welcome the opportunity to hear from him. I remain honored that Senator Johnston has accepted our invitation to speak. He is an alumnus of the school who has seen and participated in education from numerous vantage points, including as a teacher, a principal, as part of President Obama's transition team, and as a state legislator. A national figure, he has received praise from President Obama and rave reviews from students when he has guest-lectured here. He has dedicated his career to improving education and has demonstrated a strong commitment

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to increasing opportunities and improving outcomes for all students. And he embodies the basic values that I trust we all share at HGSE and that permeate the very large and diverse alumni community of which Senator Johnston is a member: a dedication to improving education so that all students, no matter their circumstances, have an opportunity to maximize their potential and live fulfilling lives.

This is not to say, of course, that we all agree on how to achieve those goals. Quite the contrary, and that is as it should be at an academic institution. To insist on agreement about the means would be to insist on orthodoxy, and that sort of insistence runs counter to the very notion of academic freedom.

By the same token, selecting Senator Johnston as a speaker does not mean that my colleagues and I agree with every position he has espoused, either personally or as a legislator. Nor does it mean that HGSE, as an institution, is endorsing the positions or opinions taken or espoused by Senator Johnston or any other invited speaker. Universal assent cannot be the expectation or the standard used to assess potential speakers, as no speaker would pass a test that requires our entire community to agree with every stance that speaker has taken over his or her career. The test itself, moreover, would run counter to another value that I believe is deeply held at HGSE: tolerance and respect of difference, including tolerance and respect of those with whom we might disagree. We are and always will be a place for ideas and debate, not a place that insists on conformity — intellectual, political, ideological, or otherwise.

The standard that ought to guide the selection of speakers is whether the person has something of genuine interest and significance to express to our community, based on past experience or study, and whether the person's most basic values are consonant with our own. Senator Johnston easily passes that test. He is a well-regarded and provocative speaker who has a wealth of varied experiences in education and who shares our deep commitment to improving education. There are those who disagree with some (though certainly not all) of the means by which he would accomplish that goal. But that fact does not and cannot disqualify Senator Johnston as a speaker.

The challenge of course, and it is a real one, is in the nature of the event. Those who disagree with the speaker will not have an opportunity, at the moment, to engage in a debate, nor is convocation an easy setting in which to stage a formal debate. This is just as true for our student speaker and Professor Mapp, both of whom will speak without opportunity for an immediate response from members of the audience. This does not mean, however, that those who speak at convocation — or anywhere else, for that matter — will have the last word, especially in today's world of online comments and social media. The hope — my hope — is that we will have speakers who challenge us and provoke a discussion and debate that will continue long after the event is over. This is often the case, even when discussions on campus are structured as debates or forums, since rare is the discussion or forum when *all* perspectives are voiced and given equal time. The hope and belief is that speakers start, continue, or add to conversations, not end them, and that those in the audience, whether they have an opportunity to respond immediately or not, will have the opportunity to test their own views and either relax or sharpen their opposition.

Therefore, while I deeply respect the views of those who disagree with some of the positions that Senator Johnston has taken in the past, I most strongly disagree with those who suggest we should rescind the invitation for him to speak. The idea that rescinding the invitation to Senator Johnston would underscore our values as an institution and community seems to me precisely backwards, as I cannot think of a more damaging blow to an academic institution than to withdraw an invitation to an alumnus to speak because some disagree with the speaker's views.

As for the suggestion that the process for “vetting” speakers be more transparent and inclusive, I am grateful for it, though I would hope by “vetting” there is no intention to apply any kind of litmus test based on ideology or perspective, as I would strongly oppose that kind of pre-screening. The process for selecting speakers, including for convocation, has in the past been somewhat informal. Members of the administrative staff have kept a running list of potential speakers, mostly based on suggestions from faculty and students, and based on additions they have made of individuals

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who are leading thinkers and actors in the field of education and who would be provocative and interesting speakers. That list is diverse along numerous dimensions, including ideology and vision. For convocation, I was presented a small number of names from that list and chose Senator Johnston, for the reasons described above.

I would be delighted to make the process more formal and to include students in that process. In fact, several weeks ago I had already begun the planning to create a speakers committee for next year, which will consist of faculty, staff, and students, who will identify speakers for a number of fora, including the Askwith Forum and convocation. This committee will begin convening in late summer or early fall of the upcoming academic year.

As for the suggestion about offering more opportunities for discussion and debate about different visions of education reform, I should first point out that we hosted close to 90 speakers just this year. Those speakers represent enormous diversity in experience and viewpoint and include, as mentioned earlier, Senator Johnston, who participated in an open conversation on campus to which the entire community was invited. I personally introduced, just to give a few examples, Anant Agarwal, Beverly Daniel Tatum, David Kirp, Christopher Jencks, Marian Wright Edelman, Patrick Sharkey, William Julius Wilson, and Richard Rothstein. It is my hope that the speakers committee will help identify even more individuals whose perspectives can illuminate, inspire, and challenge all of us.

If I can make one final, general point: Education debates are often intense, and unfortunately sometimes involve more heat than light. Part of this is a result of the passion that advocates bring to the discussion and the importance of the issue. Too often, however, polarization is fueled and real conversation stymied because differences of opinion are assumed to rest on differences in character and motivation. I believe real progress will be made only when these assumptions are resisted and when those involved in the numerous and passionate debates about education instead start from the assumption that those with whom they disagree are operating in good faith and share their most basic values. I have encountered many people of good faith, including here at HGSE, who share my basic goals but disagree with my own views when it comes to the question of how best to improve education. In my view, those differences should be explored, debated, challenged, and questioned. But they should also be respected and, indeed, celebrated.

Thanks, and I very much look forward to congratulating the Class of 2014 with all of you.

Dean James E. Ryan