

School Exclusion and Why Seattle is Not So Progressive

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Abstract

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As of 2013 Seattle Public Schools District has been under investigation by the Department of Education for the disproportionate and disparate impact of school exclusion policies upon students of color—specifically black students. The City of Seattle, locally, nationally, and even internationally, is currently hailed as being one of the most progressive and liberal cities. However, scratch just beneath the surface and one will find a history of racism that still deeply harms black and brown residents and greatly benefits white residents. This history and the resulting policies create a climate and context where it is difficult to challenge the many ways in which white supremacist policies further marginalize already disenfranchised populations. For this reason, Seattle is really a faux progressive city that will continue to struggle to end the issue of racial disproportionality and disparate impact in Seattle Public Schools' school discipline practice and, specifically, use of school exclusion practices unless the City, Seattle Public Schools, and the residents make some major paradigm shifts. This paper will investigate these issues by investigating Seattle's history and the issue of school exclusion from multiple vantage points utilizing a Critical Race Theory lens.

I. Introduction

Nationally, and in some ways internationally, Seattle is viewed as being the bastion of all things progressive and liberal. In the past few years the City has voted into office City Council member Kshama Sawant who is a blatant socialist, passed the “15 Now” initiative to raise the minimum wage for all workers in the City to \$15 per an hour, and recently the City Council voted unanimously to pass a “Zero Detention” resolution with the goal to end the use of youth incarceration in Seattle. Together all of these things, and many more, paint a picture of a progressive Seattle. Yet scratch just below the surface and one will find a city with a police force under Federal consent decree for the use of excessive force against its own residents, gentrification, the Duwamish (an indigenous tribe who remain federally unrecognized), racial disproportionality and disparate impact in the juvenile and adult criminal justice systems, and a school district under investigation for racial disproportionality and disparate impact in school exclusion. This paper will focus specifically on Seattle’s history of faux-progressivity and its resulting impact upon housing segregation, school segregation and ultimately racial disproportionality and disparate impact in school exclusion.

II. Race in “Liberal” Seattle

Seattle’s first black residents arrived in 1858. A time many believed the city to be the frontier of racial toleration and egalitarianism. In many ways, it was. In Seattle black people testified in court as early as 1867, and post 1883 black people sat on juries and occasionally served as jury forepersons. Washington never enacted a segregated school system, black men voted without restriction, and after the

Suffrage Act of 1883 black women were also allowed to vote. While much of the west remained an incredibly overtly racist frontier, Washington offered the promise of racial tolerance and covert discrimination. Between 1939 and 1945, almost half a million black people migrated to the West. Many southern blacks moving specifically to the Northwest—in particular to Seattle—arriving in search of greater educational and job opportunity. (Taylor, *Forging of a Black Community* 3).

While the South and Midwest reacted in similar ways during the Civil Rights Era, protest and legislation often meant something different in the Northwest due to the perceived tolerance and faux equality (*In Search* 278). Beneath the surface Seattle harbored a deep sense of racial fear, prejudice and discrimination. Despite Seattle's endorsement of equality, black residents and other communities of color remained the targets of private discrimination—discrimination often enforced by white residents in their daily affairs, personal property or businesses.

Prior to the 1940s, all students in Seattle, regardless of race or ethnicity, attended the same schools. As a result, Seattle's school system appeared thoroughly integrated though integration was often a very isolating and limiting experience for many black children. Seattle schools gave very little support and encouragement to black students to achieve academically (*Forging Black Community* 145). Despite the challenges, many black parents strongly encouraged school attendance because they believed it would lead to opportunities in higher education. (*Forging Black Community* 145). However, school attendance did not translate into high school completion or college admittance. In the 1940's the city average for the number of school years completed was 10.8. Yet most black Seattle residents completed 8.4

years of school. Even more, only 2.7 percent of black residents completed college, while the city average was 8.3 percent. (*Forging Black Community* 143).

Housing was also a major problem for black residents in Seattle. It was one of the only cities in the Northwest, and one of a few major cities in the United States, not to segregate its public housing. However, racist-housing covenants prevented blacks from accessing housing in certain parts of Seattle. Because of this, black residents were the most in need of public housing—spaces that became severely overcrowded. For instance, housing that held 3,700 black residents in 1940, held 10,000 in 1945. (*Forging Black Community* 169). Even when the covenants were ruled unconstitutional in *Shelley v. Kraemer*, white Seattleites made “voluntary agreements” with realtors and homeowners to refuse to sell or rent to black residents. By the 1960s, nearly 78 percent of Seattle’s 11,000 black residents lived within the City’s Central District, one of the only neighborhoods where black residents could buy property. (*Forging Black Community* 179).

Segregation in housing eventually led to segregation in schools. Though the State had established a commitment to providing open and equal schools for all during the territorial years, racist housing and private business practices in the late 19th and early 20th centuries meant the growing black population remained confined to the Central District. This in turn created a climate where school segregation did exist in Seattle—though it was not by law it did exist in fact (Singler 143; *Forging Black Community* 181). In the 1950s the predominantly black schools in Seattle faced many challenges such as: overcrowding, limited parental involvement, majority white teachers who were culturally insensitive and incompetent, and

inadequate and improper pedagogy (*Forging Black Community* 181). Predominantly white schools did not face the same challenges and as a result, in comparison, the quality of education provided in most predominantly black schools was subpar to that of white schools.

Seattle Public Schools were never *de jure* (by law) segregated. However, they were *de facto* (by fact) segregated; which is arguably one of the most disturbing outgrowths of Seattle's black residents being confined to the Central District of Seattle. In 1957 Seattle Public Schools took the first enrollment census by race. The data revealed that only 5 percent of its 91,782 students were black. In 1957, there were nine elementary schools in the District; eight of which were located in the Central District. Eighty-one percent of Seattle's elementary age black students attended the eight elementary schools contained in the Central District. (*Forging Black Community* 209).

To the onlooker it appeared that Seattle had solved the race problem, but the continued indifference of Seattle's white residents would eventually lead to greater more deeply entrenched racism and racial segregation. Post *Brown v. Board of Education* (1954) many of Seattle's white residents and public officials believed that segregation in Seattle was no one's fault, but more so a coincidence of the times. The struggle was further complicated by the fact that some of the Central District schools were considered to be some of the best in the District. (*Forging Black Community* 210).

Garfield High School, located in the Central District of Seattle, became the first majority black high school, in the state of Washington in 1962 at 51.4 percent

black. While Garfield High School was predominantly black, the number of black students compared to white and Asian students graduating and attending college remained grossly disproportionate—66 percent of the 160 white graduates, 57 percent of the 71 Asian graduates, and 27 percent of the 124 black graduates. (*Forging Black Community* 210). By the 1960s 75 percent of Seattle's black resident lived within the same four census tracts. While racially restrictive covenants were no longer legal, tradition, socio economics, geography, land use patterns, and racial discrimination effectively had cemented the Central District as Seattle's black neighborhood. (*Forging Black Community* 194).

The housing fight continued to be the most challenging and important in Seattle's fight against race discrimination and school segregation. Yet white fears persisted preventing equitable housing access and therein access to Seattle Public Schools. Well into the 1970s many white homeowners continued to fear property loss and property devaluing if black residents were allowed to move into their neighborhoods (*Forging Black Community* 202). However, by the 1980s communities in Seattle would begin to shift. The Central District would no longer be the neighborhood in which the majority of Seattle's black residents would reside. (*Forging Black Community* 209).

III. Black Activism and Desegregation Efforts in Seattle

Beginning in 1961 the NAACP filed suits on behalf of Seattle's black children against the Seattle School Board. It was not until 1963 the Seattle School Board responded to this and many other suits. (Singler 143). On August 28, 1963, Seattle became the first major city in the United States to institute a district wide

desegregation plan (*Forging Black Community* 210). The District's plan was called the Voluntary Racial Transfer Program (VRT) (*Forging Black Community* 211).

VRT was only minutely effective. It allowed black students to transfer to schools with majority white students and white students to transfer to schools with majority black students (Singler 143). The District anticipated 1,400 black students to transfer to schools outside of the Central District, but only 238 did (*Forging Black Community* 211). VRT was highly disfavored by many in the black community because of the burden it placed on black students to not only transfer to predominantly white schools outside of their neighborhood but the program also did not provide any funding or support for transportation. Though white students could transfer into schools in the Central District few white families took advantage of VRT. As a result, only the black middle class could take advantage of the program. (Singler 145).

As the District struggled to solve the segregation problem, black residents also struggled to find a solution that the entire black community could support. There were those who believed that separate but equal schools provided the best opportunity for equitable education to black students. Others believed that any school that was not integrated would provide a subpar education. (*Forging Black Community* 212). Despite differing opinions, black residents came together on March 31 and April 1, 1966 for one of the most successful boycotts in Seattle's history (*Forging Black Community* 213; Singler 159). Nearly 4,000 students (black, Asian, and white)—an estimated 55 percent of the overall black enrollment in the District—participated in Freedom Schools instead of attending regular school day

instruction (*Forging Black Community* 213). The boycott was a powerful example of black residents political unity in challenging *de facto* segregation in Seattle (*Forging Black Community* 213).

Between the 1960s and 1970s the fight against school segregation would come full circle (*Forging Black Community* 216). The 1963 NAACP lawsuit was settled out of court when the School Board agreed to implement VRT. In particular, they agreed to provide charter buses for the Voluntary Racial Transfers Program with chaperones on each bus. As well as, all school administration at “receiving” schools would participate in programming to prepare principals and teachers to create a fair atmosphere and pedagogy for all students. (Singler 170). In 1968, VRT did not prove effective in integrating the District, the School Board tried to encourage white students to attend majority black and brown schools by implementing “magnet programs” beginning with Garfield High School (Tate). This too was only minutely effective (Tate).

Mandatory busing and other desegregation policy issues represented a major point of contention for the Seattle community—especially Seattle’s black community. The advent of the Black Power Movement further exposed major philosophical divides (*Forging Black Community* 217). The black middle class and the black working were the most deeply divided in the City. The black middle class saw residential integration, access to prestigious universities and employment opportunities as full receipt into American society (*Forging Black Community* 217). The black working-class, less concerned with busing, integration and access to suburban housing, wanted more jobs skills training and access to blue-collar jobs

(*Forging Black Community* 216). As the City of Seattle tried to repress black organizing and activism, the City exploited divides in the black community by meeting only the needs of those black residents willing to accept minimal and incremental changes. This created a façade of racial progress while further marginalizing the most disenfranchised members of Seattle's black community.

In the late 1960s the division in the black community grew. Some black community members strongly advocated for integration. While other black community members entirely opposed it. On November 11, 1970, in response to the looming threat of additional legal action from proponents of integration, the Seattle School Board began to institute mandatory busing. The Middle School Desegregation Plan required the busing of 2,000 middle school students. Before implementation the plan "was delayed for two years by a lawsuit filed by Citizens Against Mandatory Busing, the first of several anti-busing groups that would be organized during the coming years." (Tate).

In 1966, due in part to the litigation brought about by the NAACP, the community-led boycott and the continued organizing efforts of the black community, some gains towards desegregation had been won. During this time most Seattleites, regardless of race or ethnicity, were at least partly aware of the problems in Seattle Public Schools. Many organizations, including the Seattle Congress of Racial Equity (CORE), developed in response to school segregation advocating for everything from mandatory busing to separate but equal schooling to housing reform and neighborhood schools.

In April of 1977 the mounting tensions once again resurfaced. Civil rights groups were not happy with the progress of integration in Seattle and threatened to file another suit. The School Board therein instituted the Seattle Plan by a six to one vote on December 14, 1977 (Tate). This “expand[ed] the busing program to include all schools in the district” (Tate). In 1977 Seattle became the largest city in the U.S. to voluntarily implement district-wide mandatory busing for the purpose of school integration. (Tate).

However, just six weeks after the implementation of the Seattle Plan, the Citizens for Voluntary Integration Committee (CiVIC) sponsored and passed an anti-busing initiative with the approval of 61 percent of Seattle’s voters (Tate). In 1982 the United States Supreme Court declared the initiative to be unconstitutional, but the damage had already been done. The vote made it clear that there was limited support for busing in Seattle. (Tate). Furthermore, one of the most problematic outcomes of mandatory busing was “white flight” (Tate). The Seattle Plan defined segregation “in terms of the ratio of white to non-white students in the school district” (Tate). According to the Seattle Plan a “racially imbalanced” school was “one where more than 55 percent of the students” were black and brown children (Tate). “In 1977, 65 percent of the District’s students were white” (Tate). However, by 1995 the number of white students had dropped by 40 percent. This allowed for “a school [to] be up to 85 percent nonwhite and still be considered integrated” (Tate).

IV. “Progressive” Seattle

Busing, schools and neighborhoods continue to be major points of contention in Seattle. Well into the 2000s the rallying cry for “neighborhood Schools” remained one of the greatest obstacles to a fully integrated school district. Despite reality and knowledge of *de facto* school segregation and *de jure* housing segregation, many white Seattle residents ignored the ramifications of such policies. (Singler 146).

Seattle first began moving away from the neighborhood schooling model and utilizing a tie-breaker system in the 1970s to “promote integration while preserving school choice” (Bhatt). But on June 28, 2007 the Supreme Court overturned a lower court decision, ignoring years of legal precedence, in the *Parents Involved in Communities Schools v. Seattle School District No. 1 et al. (PICS)* decision. The Court declared “the modest school desegregation programs in Seattle...deprived white children and their parents of their Fourteenth Amendment rights to equal protection of the law” (Jung 110). The Court’s decision ensured that Seattle would permanently return to a “neighborhood school” model; which, in many ways, re-segregated the Seattle Public Schools District. (Jung 110).

The PICS decision brought to the surface the covert racism that has permeated Seattle since its inception. “The white plaintiffs in [PICS]...were not relegated to schools widely known to be inferior. On the contrary, they sought to avoid sending their children to schools they believe were plenty good for Blacks” (Jung 111). In a jarring shift, Seattle Public Schools was forced to return to the neighborhood model utilized by the District prior to the 1960s and the implementation of VRT. The PICS decision served as a catalyst to re-segregating Seattle Public Schools by legally preventing the District from utilizing a lottery

system and busing program. School board member Harium Martin-Morris told the Seattle Times after the PICS decision, “We like to think of ourselves as these enlightened, liberal folks...but the fact is our schools aren’t the way people really think they are” (Shaw, *Resegregation*).

Due to Seattle’s history of racially segregated neighborhoods, school segregation is ultimately a byproduct of who lives where. South of the Seattle Central District are predominantly black and brown neighborhoods; while north of the Central District are predominantly white neighborhoods. As of October 2010, 47,008 students were enrolled in Seattle public schools (SPS Adjusted Enrollment Count). Of those 47,008 students 21.5% were Asian, 20.9% Black, 11.2% Latino, 1.7% Native, and 44.7% white (SPS Adjusted Enrollment Count). As of October 2010, Ballard High School, Roosevelt High School, and Nathan Hale High School (all north end schools) had over 55% white students enrolled. Cleveland High School, Rainier Beach High School, and Franklin High School (all south end schools) had less than 8% white students enrolled and more than 92% students of color (SPS Adjusted Enrollment).

Over half a million people live in the City of Seattle—nearly 70% of whom are white, 13% Asian or Pacific Islander, 9% Black, 5% Latino, and 1% Native (Judge 1). Despite seemingly progressive politics, both historically and presently, Seattle remains a city divided by race that is anything but equal and equitable for all residents—especially black and brown residents. The impact of structural and institutional racism can be clearly seen in housing and gentrification, the continued struggle of the Duwamish to become a federally recognized tribe, unemployment,

the lack of representation in government, the over-representation of black and brown peoples in the criminal justice system, police terrorism and accountability issues, and an inequitable education system. Despite being less than 30% of the City's population black and brown residents are disproportionately the victims of racial inequality and inequity in Seattle.

V. Critical Race Theory (of Education)

Without the appropriate lens it is a challenge to understand how Seattle can appear facially progressive and yet structurally and institutionally remain incredibly racist. Critical Race Theory (CRT), developed primarily amongst progressive intellectuals and legal scholars of color, directs society to “confront critically the most explosive issue in American civilization: the historical centrality and complicity of law in upholding white supremacy (and concomitant hierarchies of gender, class, and sexual orientation)” (Crenshaw xi). Critical Race Theory scholars seek to critique and investigate the relationships between law, race, racism, power, and privilege (Simson 256). The most central claim of CRT is that “race is not a natural, fixed, or biological concept, but instead a social and a legal construction” (Simson 526). CRT scholars view race as:

“a social construction and a performative identity; that racism is endemic and institutionalized in society; that social and historical context is very important in any particular analysis of racial issues; and that there is a need to ‘look to the bottom’ to gain a better understanding of the reality of racial discrimination and to develop potential solutions to the societal problems it creates” (Simson 526).

CRT can be used to investigate systems such as the education system. CRT of Education utilizes the original construct of CRT to interrogate the racial issues that permeate the educational context. CRT of Education focuses on the intersection of race and property through utilizing three key propositions: 1) race remains relevant and significant in the United States; 2) “the United States is based on property rights rather than human rights;” and 3) “the intersection of race and property creates an analytical tool for understanding inequity” (Ladson-Billings & Tate 1). CRT of Education, according to Gloria Ladson-Billings and William F. Tate, suggest that inequality in education is the “logical and predictable result of a racialized society in which discussion of race and racism continue to be muted and marginalized” (Ladson-Billings & Tate 1). This is exactly why CRT of Education is necessary for understanding racism in Seattle and the issue of school exclusion in the Seattle Public Schools District.

There are three key CRT concepts that can be utilized to explain and understand the racialized nature of education in the United States and the current problems in school discipline. These concepts are 1) interest convergence; 2) color-blindness; and 3) stigmatization and implicit bias.

The interest convergence principle was developed by Professor Derrick Bell, the first tenured black professor at Harvard Law (Brown 17). Interest convergence “[points] out the limitation of [law and policy] decisions to dismantle the effects of America’s history of racial discrimination” (Brown 17). The principle infers that “the interests of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites” (Brown 17).

Many court decisions and laws overtly offered to benefit black and brown communities are covertly intended to advance white interests. Those decisions that do not advance white interests are often vehemently opposed by White communities and frequently do not survive. According to Bell, most remedies to address racial inequality “when measured by their actual potential, will prove [to be] of more symbolic value to blacks” than they are in practically changing the lived experience of Blacks (Ladson-Billings 37). Ultimately, Bell infers that white people will support racial justice so far as it benefits them (Ladson-Billings 38).

Interest convergence therein explains why black and brown communities work to align their interest with those of white communities even when it does not fully serve the needs of their communities. Bell’s theory proffers that because marginalized communities cannot force those in power to change, aligning with the interests of those in control can move justice forward incrementally. Therein, movement towards racial equality on the part of White people is not about altruism and benevolence as much as it is about alignment (Ladson-Billings 38). “The problem of interest convergence is that many [white people] worry about how change can threaten their position, status, property, and economic resources” (Milner IV 344). In this, movements for racial equality becomes more about what white people will gain or lose instead about creating an equal and equitable society for all people—especially those who have been systemically marginalized and disenfranchised (Milner IV 345).

In the United States “color-blindness” has been treated as a “race-neutral” concept. Though “color-blindness” in a historically racialized society can never be

“race neutral.” Lynn and Parker (2006) suggest “color-blind interpretations of the law or meritocracy are ‘unmasked’ by critical race theorists to be precursors for White, European American hegemonic control of the social and structural arrangements in U.S. society” (265). What this means is that “race neutral” concepts and policies in the U.S. are tied to a white cultural baseline that all non-white groups are expected to conform to regardless of their racial identity. The neutrality is inferred in the homogeneity created by non-white groups assimilating to the white cultural baseline and expectations and conversely to achieve a white cultural standard of success. Therein, a color-blind society requires the “white washing” of all non-white individuals and groups. Within this construct it is only when non-white groups begin to “act white” is color-blindness able to be achieved.

The implication of the color-blind concept is a belief in a process of policy development that is “race-neutral.” “That is to say, policymaking and policy research are viewed as nice, race-neutral process where rational thought shapes argumentation and action” as opposed to societal stratifiers and organizers such as race (Buras 218). As a result, rather than attempting to achieve color-blindness many critical race theorist advocate for a “race-conscious” approach to law and policy (Buras 219). A “race conscious” approach acknowledges that laws and policies are neither created nor applied in a vacuum separate from society, but rather are created and applied through the lens of society including race, class, gender, religion, etc. A “race conscious approach” acknowledges the many ways in which the racial history of the United States has shaped and continues to shape law and policy (Buras 220).

A stigma in the context of human society “refers to a trait so thoroughly discredited that it challenges the humanity of those who bear it” (Jeffries 1). In the United States “race” is one of the most highly stigmatized traits (Jeffries 2). Since its inception in the U.S. “race” has been used to dehumanize non-white people groups; the most stigmatized of which being black peoples (Simson 535). Stigmatization in the U.S. context “goes into the realm of dehumanization, implying social inferiority and rendering the racially stigmatized person [or group] ‘socially spoiled, dishonored, and reduced in our minds from a whole and usual person to a tainted, discounted one” (Simson 535). Stigmatization therein creates a “virtual identity” that supersedes the actual identity of the stigmatized individual (Simson 535).

Furthermore, such stigmas can, and are often, applied to whole groups of individuals (Simson 535). In these instances an “in group” and an “out group” is created. The “in group” assumes social and societal control by buying into the stigma against the “out group.” The stigma, or “virtual identity,” without strong counteracting information, “assumes a type of master status and becomes a ‘mask, a barrier that both makes it impossible for the stigmatized person’s [or group’s] true self to be seen and fixes the range of responses that others, [in particular the “in-group,] will have to that person [or group]” (Simson 545; Lerhardt 818-819).

Once a stigma has become socially accepted the stigma becomes rooted in societal biases that then become a part of individual psyches and biases. All humans naturally think in schemas or “cognitive social shortcuts and rules” (Simson 543). These schemas allow humans to digest mass amounts of information without becoming overwhelmed. In a racialized society, people tend to develop race-based

schemas or cognitive shortcuts and rules that are attached to societally constructed and accepted racial meanings (Simson 543). Racial meanings are “a set of assumed attributes of an individual associated with a particular category” (Simson 543). These schema for the most part are subconsciously rooted in one’s responses, behavior towards, and treatment of people associated with particular racial groups.

In the context of law and policy it is essential to understand how “racial schemas and implicit bias have significant behavioral consequences, especially as they pertain to punitive discipline in American schools” (Simson 544). Stigmatization and implicit bias impact the manner in which one interprets the behavior of another. When these interpretations are racialized they can, and do, lead to disproportionality and disparate impact.

VI. Education through a Critical Race Theory Lens

Education in the United States is not a Constitutional Right (Jung 97). While some states have provided protections for K-12 education within their state constitutions, the right to an equitable and equal education is not one that has ever been recognized by the United States Federal Government. As a result, the United States school system provides the best education for some (Jung 93). Since the birth of common schools the U.S. has utilized education to reproduce and maintain racial, gender, religious, and socio-economic hierarchies (Jung 97).

While schools today are no longer *de jure* segregated by race, the U.S. education system has always been and remains shaped by racial or color lines and discriminatory practices in housing (Jung 93; Palino *online*). Prior to Reconstruction black community was forced into compulsory ignorance in order to maintain a

system of white supremacy and capitalism that benefited white, predominantly wealthy, interests (Jung 93; Pualino *online*). These interests and the abhorrent system that upheld them lead to a “systemic denial of access to education” and property for all non-white peoples residing in the United States (Jung 93). Furthermore, not only have black and brown communities been systemically disenfranchised, they have been forced to internalize lower expectations of opportunity, access and education. U.S. News reports, “Educational expectations are lower for black children... Lower expectations become self-fulfilling prophecies, contributing to lower expectations from the student, less positive attitudes toward school, fewer-out-of school learning opportunities and less parent-child communication about school” (Cook *online*).

While black and brown communities are pushed to the outskirts of society, white communities in the United States are some of the most isolated and insulated (Jung 94). In particular, within the country’s educational institutions white people are isolated in a manner that affords them access to the highest levels of resources without accountability (Jung 94). Black and brown peoples, in particular black and Latino, are more likely to attend schools with high rates of poverty as well schools with fewer resources, fewer qualified teachers, lower quality technology and facilities, and less access to advanced curriculums, college preparation opportunities, and culturally responsive pedagogies (Jung 94). In essences this creates *de facto* segregation within educational institutions and unequal resource distribution.

It is common knowledge that segregation no longer exists by law. However, it is overlooked or ignored that segregation persists through inequalities such “as the segregation of communities, concentration of poverty, the dependence on local property taxes to fund schools, and white aversion to sending their children” to majority black and brown schools (Jung 95; Paulino *online*). Many view public policies that create these inequities as “colorblind” or “race-neutral” because they do not directly mention race (Jung 95). However, the cumulative effect of “race-neutral” public policies and covertly racist private practices deeply impact the current inequality and inequity experienced today by black and brown communities (Jung 95).

As the opportunity gap continues to grow black and brown students lag farther and farther behind their white counterparts (Paulino *Online*). Many attribute this growing gap to individual success, resilience and intelligence, but this is a logical fallacy in a system that has privileged whiteness and “white culture” since its inception. Schools, like many institutions in the U.S. governmental structure, function to support the access and “success” of some students and families more than others (Jung 95; Paulino *online*). These inequalities occur in: inequitable allocation of school resources (Jung 98); the manner in which teacher’s racialize academic expectations, implicit bias and stigmatization of students, limited access to opportunities and performance (Jung 99-102); rewards for systemically acceptable cultural resources; educational tracking (Jung 102-104); special education (Jung 104-106) and school discipline (Jung 106-108).

Furthermore, the practices of schools and institutional dynamics contribute to making schools safe educational spaces for white students and families and a hostile environment for black and brown students and families (Jung 96). Racialized and gendered thoughts and perceptions, such as stereotypes and biases regarding ability, criminality, and family function or dysfunction, shape and determine the everyday interactions between school administration, staff, students, families, and community (Jung 96; Simson 542). Research shows that cultural differences in communication, conflict resolution, resources, and expression significantly impact a student's school-level experiences (Jung 97; Pualino online). Ultimately, the limited understanding of equality and equity by the populous of the United States prevents further movements to create greater access for all to equitable educational opportunities (Jung 108).

Interest convergence, as discussed by Derrick Bell (Bell, *Critical Race Theory* 24), and educational reform, continue to be the chosen method for ending oppression, inequity, and white supremacy within the United States (Jung 109). Yet these strides continue to prove ineffective because they never truly dismantle the white supremacist, patriarchal and capitalistic notions that are entrenched within U.S. culture and society. In fact, dismantling white supremacy and capitalism would effectively disadvantage white people and therefore is not a favorable option for those, mostly white people, who are in power.

James Coleman (quoted in Jung 109) states, "The history of education since the industrial revolution shows a continual struggle between two forces: the desire by members of society to have educational opportunity for all children, and the

desire of each family to provide the best education it can afford for its own students.” As a result of these competing interests and the cumulative effect of white supremacy, patriarchy, and capitalism, racial inequality and inequity continues to become further entrenched in the U.S. system and perpetuated through institutions such as the education system.

VII. School Discipline: Race and Education can be Understood through a CRT Lens

Punitive and exclusionary discipline is becoming a common experience in U.S. public schools for all students, but especially for black and brown students. There are many who argue that zero-tolerance school discipline policies and school exclusion are necessary evils to make schools safer. In many ways, this is the result of interest convergence. Policymakers and school administrators want to “get rid of bad kids” and parents want safer schools. Those students defined as “Bad kids” are often those who are racial or ethnic minorities and/or poor. Furthermore, policymakers and parents believe that eliminating “bad kids” from already “bad schools” is better for black, brown and poor people who are suffering due to the opportunity gap. As a result, zero tolerance policies are enforced as if they create a better learning environment for all. In particular, these policies are framed as if they necessary protections for black, brown, and poor students who are more likely to be subject to violence and/or the opportunity gap. However, “there is no evidence that frequent reliance on removing misbehaving students improves school safety or student behavior” (Losen & Skiba 2). (Simson 517). Despite what is known about

punitive school discipline practices school districts across the nation continue to use them and do so to the detriment of students and learning.

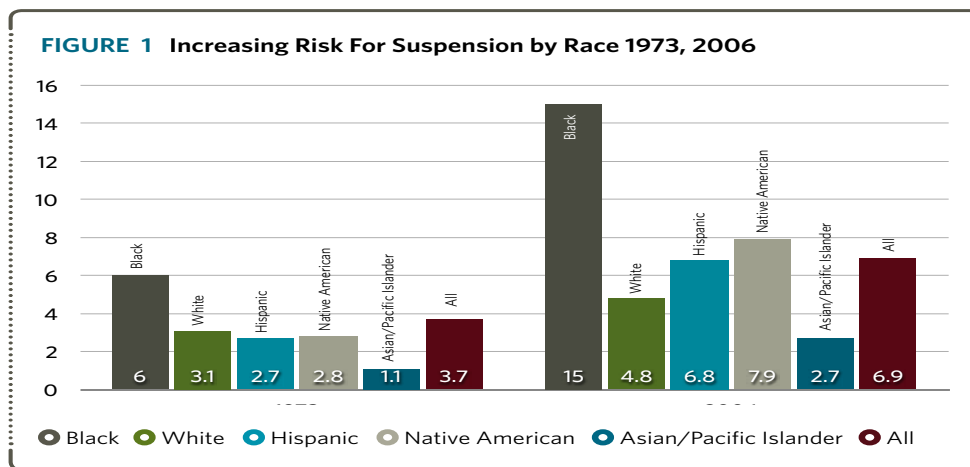
Studies show that punitive school discipline policies may actually be counterproductive. According to Losen and Skiba,

“Evidence suggests that schools with higher rates of suspensions have less satisfactory ratings of school discipline, [and] less satisfactory school governance structures...[S]chool suspension in general appears to predict higher future rates of misbehavior and suspension among those students who are suspended. In the long term, school suspension and expulsion are moderately associated with a higher likelihood of school dropout and failure to graduate on time (10).

There are dramatic differences in how discipline is applied when students violate school rules. Statistically these differences surface along racial lines. Black and brown students are increasingly becoming the targets of racially disproportionate and disparate practices in school discipline and school exclusion. These issues can be linked to the over criminalization of black and brown communities, the school-to-prison pipeline, and the persistent and systemic targeting and objectification of black bodies (Jung 106).

Each year the number of students excluded from school due to the use of punitive school discipline policies is growing. In 1974 1.7 million primary and secondary public school students were suspended from school (Simson 515; Kang-Brown 2; Teske 89). By 1998 this number rose to 3.1 million and 3.3 million in 2006 (Simson 515; Teske 89). More over, out-of-school suspensions are not being used

for the most dangerous offenses, but rather more broadly for any offense (Simson 515; Kang-Brown 1). (See the chart below from Daniel L. Losen and Russel J. Skiba’s report “Suspended Education: Urban Middle Schools in Crisis.”) Out-of-school suspensions are often used for relatively trivial behaviors such as disrespect, non-compliance or classroom disruption (Simson 515; Kang-Brown 3).



The numbers reveal a stark reality regarding racial disparities. Of the students enrolled in public school nationally 61 percent are white, 17 percent black, and 16 percent Latino (Jung 107; Teske 90). White students make up 15 percent of all suspensions, while black and Latino represent 35 and 20 percent of all suspensions (Jung 107; Teske 90). Inconsistencies in school discipline show up in the type and amount of discipline, as well as in the processes by which discipline determinations are made (Jung 106; Kang-Brown 1). Black and Latino students are not only disciplined more often than their white counterparts, but they are consistently given more severe forms of discipline for similar behavior (Jung 107; Kang-Brown 3).

The use of exclusionary practices has grown exponentially over the last 40 years. Prior to the 1960s schools relied on corporate punishment and embarrassment to punish misbehavior (Simson 508). Post the Vietnam War and the Baby Boom both the sheer number of students in the United States and student willingness to participate in civil disobedience increased (Simson 508). As a result, schools began to utilize school exclusion to control student behavior (Simson 508). Between the 1970s and 1980s, Supreme Court decisions such as *Goss v. Lopez* began to reshape national school discipline policies. Many of these Court decisions required the implementation of due process procedures providing protection for students against the improper use of school exclusion and the resulting educational deprivation (Simson 508). Between the 1980s and 1990s there was another shift in school exclusion policies due to the advent of zero-tolerance policies (Simson 508; Teske 88).

Zero-tolerance, allegedly “race-neutral” or “color-blind”, represents policies that automatically exclude students for particular categories of behavior that are often defined by violence or defiance. These policies do not allow administrators to access behavioral issues on a case-by-case basis by taking into account the experiences of the student nor context of the issue. Zero-tolerance policies often require automatic suspensions and expulsions for misbehavior. While zero-tolerance policies are generally viewed by school officials as a viable approach to making schools safer, many studies reveal the exact opposite (Teske 89).

Though the federal mandate for zero-tolerance policies was originally limited to firearms, the Federal government allots great discretionary power to school

administrators to expand the list of offenses for which school exclusion can be used (Simson 509; Teske 89). Zero-tolerance plus the movement of police into schools has added significantly to the number of youth not only excluded from school but also thrown to the fire of the juvenile criminal justice system (Teske 89). Zero-tolerance policies differ from state to state and school to school (Simson 509). As a result, the number of applications is far-reaching and disproportionate (Simson 509; Jung 107; Kang-Brown 3). Zero-tolerance policies while clear about not tolerating certain behaviors often lack clarity and consistency in how they are to be applied. Therein resulting in discretionary and subjective application of rules that primarily disadvantage black, brown, and poor students (Jung 108).

Furthermore, these policies are applied and utilized by a school system run by mostly white teachers and administrators. According to the National Center for Education Statistics, 80 percent of all teachers nationally are white (*Table 2*). The subjective interpretations of black and brown student behavior by mostly white teachers is often interpreted as misbehavior and sometimes misconstrued as violence (Jung 108). This is the result of stigmatization and implicit bias combined with a “race-neutral” policies such as Zero-Tolerance. As a result, many black and brown youth, who already marginalized by the system, are further disenfranchised based on the interpretations and misunderstandings of mostly white teachers and administrators (Jung 107; Teske 89-90; Kang-Brown 3).

There are many major societal costs associated with punitive school discipline and zero-tolerance policies. Racial disproportionality is one of the most obvious and yet most overlooked because of the belief that school policies are color-blind. Since

the 1970s evidence has suggested not simply that the disparity exists, but that it is severe and growing worse each year (Simson 523). In the 1970s black students in public schools were only two times more likely than their white counterparts to be suspended, but by 2006, post the “tough on crime era” and “the war on drugs”, black students in public schools were three times more likely to be suspended than their white counterparts (Simson 523). Even more, black students are not simply more likely to be suspended, but are more likely than their white counterparts to be referred for all possible offenses (Simson 523). Once referred black students, in both elementary and middle school, are substantially more likely to receive out-of-school suspensions (Simson 523).

The impact of racially disproportionate use and disparate impact of school exclusion is growing the opportunity gap, racial inequality in education, and the school-to-prison pipeline (Kang-Brown 5; Teske 90). Ultimately, exclusionary discipline practices coupled with the impact of zero-tolerance policies prevents students from fully accessing educational opportunities (Jung 107; Teske 89). School exclusion eventually results in decreased academic achievement and higher drop-out rates amongst students of color as well as court involvement (Jung 107; Kang-Brown 5).

VIII. Seattle: Seattle Public Schools has a Major Problem

Disproportionality and disparate impact is not simply a national issue. While Seattle may be hailed as the bastion of all things progressive and liberal, since May of 2012 Seattle Public Schools (SPS) has been under investigation by the Office of Civil Rights (OCR) of the Department of Education (DOE) for “the high rate at which

black students are disciplined...a problem that has plagued the district for decades” (*Feds look*; Myers). In particular, the DOE is investigating to figure out why black students are suspended from the District “at three times the rate of whites, with a quarter of black students receiving some kind of suspension every year” (*DOE Looking*).

Black students “represent just over 20 percent of the 12,500 high school students in the Seattle district and 18 percent of 8,000 middle school students, and yet account for more than 40 percent of all suspensions and expulsions” (Myers). District data from the 2011-2012 school year shows “nearly 13 percent of black high school students received at least one short term suspension”; whereas for white students it was just under 4 percent (*Feds look*).

The rates in SPS’ middle schools for the 2011-2012 academic year revealed an even starker picture. While white students were excluded at a rate of 7 percent, black students were excluded at a rate of 27 percent (*Feds look*). Over a quarter of all black students in SPS middle schools “have received [a] short-term suspension in any given year since at least 2006-2007 academic year, compared with 7.4 percent or less annually for white students” (Myers). Furthermore, black student are not the only group experiencing disproportionate rates of punishment and exclusion. Native students are also disciplined more frequently and at higher rates than their white and Asian counterparts (*DOE Looks*).

In March of 2013, the then current Superintendent Jose Banda said racial disparity in school discipline “is a problem,” and “it concerns us” (Myers). Banda further acknowledged that he was aware of the problem when he took the position

as the SPS superintendent. Yet, he was unsure why the Department of Education chose to single out the District. However, the data speaks for itself. (See the below Table).

Sharp increase in discipline of black children

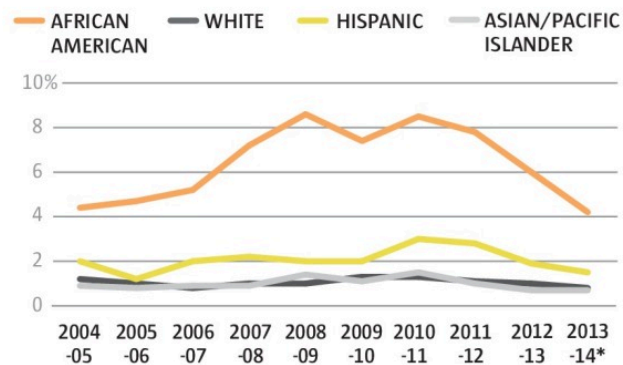
The racial gap in suspensions of less than 11 days for Seattle elementary students widened between 2004 and 2008. It has since narrowed, but black children are still disciplined at more than four times the rate of whites.

**2013-14 rates include in-house suspension*

Note: Native American and multiracial students are not included because of their small numbers.

Source: Seattle Times analysis of data provided by Seattle Public Schools

Short-term suspension rates for Seattle elementary students



STEPHANIE REDDING / THE SEATTLE TIMES

In January of 2014, the federal government for the first time ever issued guidelines to schools for “avoiding racial discrimination” in school discipline (Haeck). The document, “Guiding Principles: A Resource Guide for Improving School Climate and Discipline”, calls for a “positive school climate, establishing clear expectations and consequences, and fairness in punishment” (Haeck). The guidelines suggest that school exclusion should only be utilized as a last resort, but does not condemn the use of the practice (Duncan 9).

Also in 2014, the same year the federal guidelines were issued, “more than 800 black students were sent home...missing weeks of instruction for comparatively low-level offenses like ‘disruptive conduct’ or ‘disobedience’ or ‘rule-breaking’”

(Rowe). At Washington Middle School 94 black students were disciplined and just seven white students. Given how incredibly lopsided the data remains from year to year, many believe the District can no longer avoid asking some uncomfortable questions to make the necessary and essential changes.

What gets children suspended?

In Seattle, hundreds of elementary students were suspended in the 2013-14 school year. Below are the top 10 reasons. For certain behaviors, the number of black children disciplined was twice that of whites.

BEHAVIOR	SUSPENDED STUDENTS	AFRICAN AMERICAN	WHITE	HISPANIC	ASIAN/PACIFIC ISLANDER	AMERICAN INDIAN	MULTIRACIAL
Assault	116	39%	34%	10%	5%	3%	9%
Fighting	107	48	20	14	8	2	8
Disruptive Conduct	87	52	24	6	3	1	14
Threats of Violence	29	34	34	7	14	0	10
Rule Breaking	24	50	17	33	0	0	0
Bullying, Intimidation and Harassment	20	55	25	20	0	0	0
Interfere with School Authority	18	56	6	11	6	11	11
Disobedience	16	44	25	6	0	6	19
Theft	13	54	15	15	0	8	8
Intimidation of School Authority	11	55	18	27	0	0	0

Note: Students who are suspended multiple times for the same behavior are counted once.
 Source: Seattle Times analysis of data provided by Seattle Public Schools

STEPHANIE REDDING / THE SEATTLE TIMES

The Seattle Times, in June of 2015, reported data from the 2013-2014 school year revealing how problems of disproportionality in school discipline start as early as elementary school. (See the above Table). Experts in addressing institutional racism, such as Caprice Hollins, suggest that the District needs to make a philosophical shift in how they address educational and behavioral needs amongst different populations as it pertains to race and culture. Hollins states:

There is research that shows white kids and Asian kids are geared toward rewards. They'll do what you ask in order to get the prize, or the grade, or because the authorities said to; [while]...kids of color, particularly African American kids, it's about relationship. We all

stereotype. We all judge people, and its unconscious. But it is very hard for people to own that because you've got good, kind, moral teachers who are seeing behavior in some kids differently than in others. It's just like the research that came out a few years ago saying we pay more attention to boys than girls" (Rowe).

Educators such as Ted Howard, the current Principal at Garfield High School and a black educator, are attempting to rectify the problem. After sitting with an inmate at Monroe Correctional Complex Howard saw clearly the treacherous nature of school discipline (Rowe). Howard said, after his visit to Monroe, "I was a part of the problem." It is these sorts of realizations that are moving individual SPS schools, as well as the District, to attempt to make necessary policy changes.

On September 23, 2015 the SPS School Board voted for a one year "Moratorium on Out-of-School Suspensions", but only at the elementary levels (*Moratorium*; Taylor; Cornwell). Originally the resolution proposed a moratorium on out-of-school suspensions for any offense other than ones that threatened health and safety (Cornwell). It was later amended targeting only those suspensions for disruptive conduct, rule-breaking, and disobedience (Cornwell). The final resolution stated:

With the adoption of this resolution, elementary student behaviors that fall into the categories of disruptive conduct, rule-breaking and disobedience will no longer receive out-of-school suspensions. Additional support structures and services will be targeted to students in need of support.

Furthermore, the resolution includes data that shows a drop in the number of school exclusions district wide. However, this data does not include any extrapolations as it pertains to race. As a result, many parents of students of color remain skeptical regarding the effectiveness of the resolution given the District's failure to publically recognize the obvious racial problem.

Black parents, in particular, wonder if "white teachers are targeting their children"; the implications of which makes educators very uncomfortable (Rowe). In many cases, these questions remain unanswered and unaddressed. Parents such as Malik Johnson's mother struggle to understand why their children are continuously being sanctioned. Ms. Johnson told the Seattle Times that she can arrive at only one answer, "Race" (Rowe). Unfortunately, many schools reject this premise inferring that parents, like Ms. Johnson, are the ones preoccupied with race (Rowe).

As of January 2016, many more districts across the nation have been investigated and have settled with OCR (Shaw, *Civil Rights*). However, SPS is still under investigation. OCR has made no recent public statements regarding the investigations continuation and expected outcomes.

VIII. Education and School Exclusion—Why Seattle is Not So Racially Progressive

Since 1858, people have believed Seattle to be the frontier of racial toleration and egalitarianism (*Forging Black Community* 3). Yet, history reveals a different side of the Emerald City. So, too, does Seattle's present. Seattle has historically harbored a deep sense of racial fear, prejudice and discrimination evidenced by the use of racially restrictive covenants, gentrification, racial disproportionality in the criminal

justice system, racial disproportionality in school exclusion, and racialized economic practices (*Forging Black Community* 4). This fear often rears its ugly head covertly through “race-neutral” structural and institutional frameworks. As a result, Seattle is an historically faux progressive city that utilizes the language of progressive organizing to create a façade of progressivism which attracts, comforts, and affirms white supremacy in white liberals. This allows “race-neutral” policies to be applied in racially biased ways that are overlooked because the language sounds “right” or appears colorblind. And in turn, makes Seattle economically viable for those white folks who want to do the “right thing” without sacrificing too much.

Seattle is a perfect example of interest convergence. The City, having a very visible and active Office of Civil Rights, paints itself as a place of “racial harmony” and activism. In *Whitewashing the South: White Memories of Segregation and Civil Rights* sociologist Kristen M. Lavelle interviews older white southerners from Greensboro, North Carolina who lived through segregation, civil rights, and integration. Many of the people interviewed by Lavelle saw their selves as “racially progressive moderates and passive bystanders” who did not participate “in the racial oppression of African Americans under segregation” (Chang). According to Lavelle, Greensboro once had the reputation of being the most racially progressive southern city (Chang). In fact, Greensboro marketed itself as being a racially enlightened city (Chang). Though it must be recognized that not “actively” participating in the oppression of black and brown peoples is not the same in as actively working to end it. Nor is not “actively” participating in the oppression of black and brown peoples very progressive! But what does 1960s Greensboro, North

Carolina have to do with present day Seattle, Washington? It is the manner in which both cities have used progressive rhetoric to cover up their racist past and present while doing very little to actually actively stop racial oppression (Chang).

Seattle regularly boasts about 98118 as the most diverse zip code in the nation. However, the Census Bureau, as quoted by Sharon H. Chang of the *Seattle Globalist*, does not “measure whether one zip code is more diverse than another.” When white Seattleites talk about 98118 as the most diverse zip code they do not mention that the schools located in 98118 receive the least amount of funding, the most inexperienced teachers, and rarely see remodels that are not later turned around to benefit white residents first. When white Seattleites talk about the Central District as an historically black neighborhood they do so with a sense of pride that overlooks two very important realities. Firstly, black residents first began residing in the Central District because racially restrictive covenants prevented them from accessing housing anywhere else in the City of Seattle. Secondly, many Seattleites overlook the manner in which black and brown residents have effectively been pushed out of the Central District and displaced by policies such as weed and seed and “urban renewal,” also known as gentrification.

In 2011, only 4 years after the litigation of the 2007 Supreme Court *Parents Involved in Community Schools vs. Seattle School District*, the segregation in Seattle Public Schools superseded that of the 1980s (Chang). Despite how public the organizing for *PICs* was, most Seattleites are entirely ignorant of the role that the *PICs* decision, and ultimately the Seattle parents who pursued that litigation, played not in only re-segregating Seattle Public Schools but many schools across the nation. In

2013 Seattle Public Schools came under federal investigation for racial disproportionality in school exclusion and many argued race was not an issue in Seattle. The colorblind progressivism subscribed to by Seattlites is not new and the ill-effects of such rhetoric and policies is historically documented. People have used colorblindness and “race-neutral” policies to rationalize racial inequalities and inequities for decades—nay centuries!

For example, Seattle Public Schools’ “Moratorium on Out-of-School Suspensions” is emblematic of faux progressive Seattle’s use of progressive rhetoric with limited action. The stated purpose of the moratorium is to “reduce the number of all out-of-school suspensions K-12” (*Moratorium*). However, the moratorium is for only one year and applies only to out-of-school suspensions for “elementary grade students for District Offenses D-110 (Disruptive Conduct), D-120 (Rule Breaking), D-130 (Disobedience)” (*Moratorium*). Data from Seattle Public Schools shows that black students are most at risk in middle school, but the moratorium stops at 5th grade. Research shows that zero-tolerance policies are one of the greatest causes of racial disproportionality in school exclusion. Yet, zero tolerance policies are not addressed anywhere in the SPS moratorium and race as it pertains to disproportionality or disparate impact is not even mentioned. How can this be?

When the SPS school board first began discussing this moratorium many white and/or wealthy parents were outraged. They were concerned that a district wide moratorium on school exclusion would impact the safety and learning of their child. As a result, school board meetings were packed and changes were made to the resolution to accommodate multiple interest. This is arguably an example of interest

convergence. The black, brown, and poor communities that were pushing for a K-12 moratorium were forced to concede to a lesser agreement in order to align their interests with what the District was willing to give based on the push back from white and/or wealthy parents. The moratorium represents an attempt to create incremental change (as opposed to a transformational change); which is often the by-product of policies created through interest convergence.

Ultimately, the resolution that passed represents an incremental reform that will not last more than one year and will not help current 6th-12th graders. As a result, those most at risk remain the most at risk and Seattle Public Schools school board, the City of Seattle, and Seattle residents appear progressive for trying something “new” and “edgy”. Yet it cannot be ignored the black and brown students are not benefitted by this moratorium in the long run. In fact, they will be worse off than before. The District and white parents can now say, “We’ve already done all that we can to help systemically. The rest is up to the individual.”

X. Conclusion—Shifting the Paradigm utilizing a CRT Lens

The typical policymaking process often does not account for power dynamics and differentials or the manner in which policies relate to white supremacy, capitalism, and patriarchy. Sociologist Kristen Buras states, “Politics cannot be separated from policy—education policy is the product of disparate and competing interests between differently often unequally situated groups... Race and racial power are part and parcel of the policymaking process [in the United States]” (218). Critical Race Theory was birthed from legal scholars recognizing this dynamic in the law. It is an uncomfortable task to unpack and challenge the ways in which one’s

racial, class, gender, and religious positionality impact, and in many ways, limits one's ability to effectively construct "good" policies for all people in the United States.

Many policymakers view rulemaking as a process that necessitates a colorblind lens in order to create "race-neutral" policies. Most policymakers in the United States lean towards a "rational" lens of policy development believing they are effectively considering a range of solutions and therein selecting the best alternative to bring about the best outcome for all (Buras 217). However, reality is the United States is highly racialized. "Rational" policymaking utilizes reductive formulae and therein "fails to address the fact that policymakers don't act neutrally in a world where color and cash matter" more than human lives; and in fact, human lives often are translated into money by politicians (Buras 220). U.S. history alone necessitates truthfully and honestly investigating the many historical racialized atrocities effectuated by the government currently occupying this land mass—such as genocide of indigenous peoples, enslavement of black peoples, internment of the Japanese, Islamophobia, Guantanamo Bay—and the impact of these injustices upon the governmental psyche and decision-making. Instead of attempting to cover up racism with "race-neutral" policies what is needed is a racial realism approach to policy analysis and rulemaking.

Many believe education policymaking to be one of the few areas of rulemaking that can successfully utilize a colorblind approach. However, it is in fact one of the most important areas to acknowledge the impact of race and racism. The ever-growing opportunity gap is divided along racial and class lines. This is not new

information. Yet, this information is not utilized to inform the approach of policymakers in developing educational policy. It is time to change the paradigm by which educational policy is created.

Critical race policy analysis, according to Buras, requires: 1) situating policy within a history of white supremacy; 2) mapping the racial-legal infrastructure that presently shapes education policy; 3) using and developing critical race constructs to analyze policy formation and implementation; 4) centering the counter-stories of the racially oppressed in assessing policy effects; and 5) acting in alliance with communities affected by racially destructive policies (Buras 222-227).

Seattle is not a city devoid of white supremacy no matter how progressive it appears. It is essential to situate all policymaking within the context and understanding of Seattle's racialized history and relationship to whiteness in its past construction and present functioning. For Seattle Public Schools it is essential to have an extensive understanding of SPS's racialized history and how that relates to the overarching history of the City of Seattle. While SPS was never *de jure* segregated it was *de facto* segregated by design due to the construction of the City, the use of racialized housing covenants, and a deep commitment to neighborhood schools. The fight for integration in Seattle was a long hard battle later defeated in 2007 by the *PICs* decision. As a result, Seattle Public Schools are once again incredibly segregated. A shallow, short-term or limited understanding of Seattle history allows policymakers to re-create old paradigms with newish skin pleading ignorance when the outcomes are the same or worse.

In the United States it is pertinent to acknowledge how government infrastructure and the resulting policies and practices therein undergird the perpetuation of white supremacy and patriarchy. In order to combat this reality policymakers need to be committed to “[unearthing] the indeterminate nature of the law and the racial interest undergirding [the infrastructure’s] manipulation” (Buras 224). This means practices such as standardized testing, test scores, data collection, data analysis, etc. cannot be regarded as neutral means of measurement. Rather, they must be investigated for the manners in which they are utilized to justify and preserve the current system.

For example, the original data collected from Seattle Public Schools regarding school exclusion was woefully incomplete. The District collected data regarding the race and grade of the student, the general offense committed, and the punishment. However, the District did not collect and data regarding the race of the teacher and the specifics of the original offense from both the teacher and the student perspective. This is an example of a policy that does not consider the full breadth and depth of the racial implications holistically. A critical race analysis not only informs policymaking, but also the infrastructure that undergirds how and why certain policies are created and enforced—including data collection. In a society that uses a “rational” lens for policy development statistics are a crux upon which rules and laws are built. Without a critical race analysis the data collection, data analysis, and interpretation will reinforce old racist paradigms instead of calling them out so they can be changed.

According Cheryl Harris, whiteness in the United States functions as a sort of property and is undergirded by the fact that “the origins of property rights in the United States are rooted in racial domination” (Harris 277). Therein, white people utilize whiteness to effectuate rights and entitlements that effectively exclude non-white groups—especially if those groups disrupt, harm, or inhibit white rights or entitlement. “Data-driven policymaking” is a buzz phrase and practice often used to protect whiteness. “Date-driven policymaking” without a critical race analysis undergirds and reinforces white supremacist infrastructures. Most importantly, data is often used to protect whiteness, whether policymakers realize it or not. “Using theoretical constructs such as whiteness as property...enables critical race education policy analysis to delve below taken-for-granted understandings and provide a reading of policy formation and implementation processes that accounts for the very real power that [white people and white institutions] exercise to their own benefit” (Buras 225).

Consider what this reveals about the 2015-2016 Seattle Public Schools moratorium on out-of-school suspensions for K-5th students. The moratorium focuses on five offenses and is very limited in regards to the population it can and will impact. Therein, does the moratorium actually challenge and undo white supremacy or does it protect whiteness as property? In reality, the moratorium on the surface appears to be intended to address issues of racial disproportionality in school exclusion. However, if one scratches below the surface the ways in which this moratorium protects whiteness and further excludes non-white peoples becomes clear. The moratorium allows the District to act as if they are addressing the

problem while still ensuring white children and white families receive an educational experience that is not too disrupted by changes to the school discipline policy (intended to end racial disproportionality). As stated earlier, the moratorium does not actually address what are known to be “problems” with school exclusion such as the impact of zero tolerance policies, an over abundance of mostly white teachers, bias and stigmatization, and improper application of allegedly “race-neutral” policies.

Whiteness as property also tends to determine what stories are told, how they are told, what weight stories carry, and who knows them. A critical race policy analysis requires not simply considering the stories of those who are disenfranchised by the current system or the negative impact of a system based in white supremacy, but it means centering those stories in both the dialogue and solution building. Without the voices of the most impacted leading the conversation it is difficult for those in power, especially those in power who subscribe to the dominant culture, to know whose viewpoints and story are missing in the policymaking process. As a result, it is crucial to create non-exploitative spaces where those stories can be told, listened to, and inform the policymaking process.

For example, as the moratorium was developed, and later voted on by the school board, public comments were taken at school board meetings. The problem with public comment in this instance is that the comments are in theory all weighted the same. However, a critical race analysis points out three important concepts that inform the manner in which the process of public comment making must evolve to actually be useful. Firstly, the words and comments of those who

have race privilege, power and capital carry more weight. This is often unintentional, however, it is nonetheless a by-product of existing within a racialized system that privileges whiteness and wealth. Secondly, the words and comments of those who are systemically disenfranchised and already the targets of disproportionality carry less weight. This also is often unintentional, but still an unfortunate by-product of the system. Thirdly, those parents and community members who are able to attend a school board meeting likely are not representative of those parents whose children are most disenfranchised by the school system and as result those students and families most needing the moratorium on out-of-school suspensions are not able to take advantage of the opportunity to inform the process. As a result, the moratorium is shaped by the interests of those who already have power, privilege and capital in the system and ultimately ends up protecting whiteness and white interests.

Lastly, in order to effectively shift the paradigm there must be a concerted effort to “act in alliance with communities affected by racially destructive policies” (Buras 227). This is where critical race theory becomes critical race praxis. In short, this is how the “rubber meets the road” in effectively shifting the paradigm of educational policymaking and solution building. According to Buras, these sorts of paradigm shifts require “(1) government transparency, policy, and public education; (2) democratic curriculum, pedagogy, and assessment; and (3) grassroots school improvement and community engagement [that is genuine and non-exploitative]” (228). In order for Seattle Public Schools to address racial disproportionality in school exclusion SPS will have to work with and listen to those communities most

negatively impacted by the current school discipline policies and use of school exclusion practices. This will require pushing back against protecting whiteness and acknowledging the construct of whiteness as property as a part of the problem. This will require implementing solutions brought forward by the most impacted communities even if it disrupts the experience of white students and families. Because of the manner in which white people have benefitted from an inequitable system for centuries, creating an equal and equitable system ultimately means envisioning and building a new one. Rather than trying to make more functional and equal for a all a system that from its inception was built upon inequality and the exploitation of black and brown peoples. Lastly, white people and white communities have to be willing to do with less so that people of color and communities of color can have equal and equitable access and opportunity. These are the sort of paradigm shifts that create progress and are truly progressive.

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