

**ANALYSIS OF EDUCATION POLICY ISSUES  
EDUC 6388**

Graduate School of Education and Human Development  
The George Washington University

Spring, 2020  
Wednesday 5:10 PM – 7:00 PM  
3 credits

Professor Iris C. Rotberg  
Graduate School of Education and Human Development  
The George Washington University  
2134 G Street, N.W., Room 425  
Washington, DC 20052

Telephone/Office: 202-994-2735  
Telephone/Cell: 240-676-5310  
E-Mail: [irrotberg@gwu.edu](mailto:irrotberg@gwu.edu)

***Overview:***

Court decisions have played a major role in current policies that affect equality of educational opportunity in the United States. The 1954 *Brown v. Board of Education* decision, which declared state laws establishing segregated schools unconstitutional, is the best-known of these cases, but the courts have also played a large role in a range of other policies affecting educational opportunity. These include, for example, affirmative action in higher education, school finance, vouchers, charter schools, education of students with disabilities, education of English-language learners, and education of undocumented students. Moreover, judges and opposing lawyers in these cases have frequently drawn on social science research in supporting their positions—on both sides of the arguments.

This course will be organized by court decisions influencing education policy in key areas of education. Students will review the issues addressed in each of the decisions, but rather than debating the legal issues (as would be done in a law course) the main focus will be on analyzing the relevant research, drawing both on research cited in the court cases as well as on the more general body of research.

In the context of these discussions, the course will focus on the role of research in the formulation of education policy. It will be designed to encourage students to be astute consumers of research, to appreciate both its benefits and limitations, to understand the political and practical constraints in applying research to policy, to appreciate the tradeoffs implicit in the policy decisions that are made, and to understand how different

research methodologies and contexts might lead to different findings—and different policies.

Students will be expected to take a critical approach to the assigned readings, to go beneath the surface and to question where the author got the evidence, how valid it is, and whether the interpretation of the findings is supported by the evidence. The course also will explore which questions can or cannot be answered by research, which are political or value judgments, and which can be answered by research but might be unimportant or not necessarily policy relevant to the intended audience. A sign that Einstein is reputed to have kept on his wall put it this way: “Not everything that counts can be counted; not everything that can be counted counts.”

The three key Education Policy learning goals are:

Goal 1: Program graduates will understand the policy process.

Goal 2: Program graduates will understand complexities of school reform.

Goal 3: Program graduates will be able to critically analyze education policy research.

Although all three goals are considered in the course, the course focuses on topics and methods that build on work begun in previous courses but were less emphasized in those courses. The greatest emphasis, therefore, is on Goal 3, with considerable emphasis as well on Goal 2. These goals are integral to the course and incorporated in the learning experiences throughout the course.

Class participation is an essential part of the course. Students are given readings and discussion questions to guide preparation for each class session. Students are also asked to prepare three policy briefs, each related to one of the key issues discussed in class. Together, the class discussions, projects, and policy briefs serve as instructional techniques and as ways to evaluate students' progress. In addition, students write a culminating paper that focuses on a major policy issue, an analysis of key research on this issue, and a methodological analysis of the research that is reviewed. The paper, like the work for each class, is designed to enable students to write logically coherent and methodologically sound research analyses, which are relevant to policy and will serve students who are interested in learning skills relevant to conducting research as well as those who work in policy fields that are not specifically research fields but require astute consumers of research.

### ***Readings:***

Readings and discussion questions will be distributed in class a week before the general class discussions and projects on each topic. Students are also expected to keep in touch with current events in the field of education by reading *Education Week* and a major newspaper and then e-mailing or distributing relevant articles to the class.

### ***Course Activities:***

Each student will be responsible for the following activities during the semester:

- **Class Participation.** This includes (1) review of the readings and preparation to address analytically each of the issues raised in the discussion topics; (2) preparation for debates, briefings, and other class projects; (3) preparation of three policy briefs, each related to one of the key issues discussed in class (specific guidelines to be given in connection with the relevant classes); and (4) contribution of current articles and research information that might elaborate on the topics discussed. 50% of grade.
- **Preparation of Culminating Policy Paper.** The paper should analyze a policy issue in the context of a court case. Please include each of the following sections in the paper, with a focus on the research review and methodological analysis: (1) A description of the court decision, the policy issue it addresses, and its relevance to equality of educational opportunity. It is fine to choose either a court case we discussed in class or another case related to equality of educational opportunity so long as there is a body of research to analyze on the policy issue you choose; (2) A review of a body of research relevant to the policy issue. The research you choose to review should not be the same research we discussed in class. Organize your research review by main findings, with relevant research evidence included under each of the findings. As one part of the review, indicate any inconsistencies in findings across studies; (3) an analysis of the methodological issues that need to be considered in conducting research on this topic, using examples from the research reviewed. As part of this analysis, include a discussion of the factors (for example, different methodological approaches, different samples, or different contexts) contributing to inconsistencies among the studies analyzed; and (4) an analysis of the implications of the findings for the policy described in the first section of the paper. 50% of grade.

The paper should be 10 pages, double-spaced, plus references, using APA style. It should be well-organized and edited, with main points clearly delineated. Support your assertions with research evidence and citations.

Please plan to brief the class on a draft of your paper before writing the final version. The class briefings (5-7 minutes) and discussions of the papers are scheduled for April 1<sup>st</sup> and April 8<sup>th</sup>. The purpose of the briefings is to get feedback from the class that can be considered as you write the final draft of the paper. This process is most effective if the class reviews an overview of the paper in advance of the discussion. Therefore, please distribute to the class a two-page outline highlighting (1) the court case and the policy issues it addresses; (2) examples of the research reviewed and the main findings (with citations); and (3) examples of the methodological issues that will be considered.

**The two-page outline should be distributed to the class by March 25th.**  
**The final version of the culminating paper is due on April 22<sup>nd</sup>.**

***Office Hours:***

By appointment. To make an appointment, please see me before or after class, or contact me at the phone numbers or e-mail address listed on the first page of the syllabus.

***Class Participation and Submission of Written Work Products:***

The class discussions and projects are an integral part of the course, and students are expected to attend each of the class sessions. If there is an important reason to miss a class, please notify me in advance. Students who miss a class will be asked to prepare an essay on the material to be covered in that class in addition to the work that was assigned in preparation for the class.

All assignments are expected to be completed by the specified date in order to receive full credit for the assignment, unless an exception has been agreed to in advance.

***Academic Integrity:***

All papers and other assignments and work products are expected to be completed in conformance with The George Washington University Code of Academic Integrity. Note especially the definition of plagiarism: "Intentionally representing the words, ideas, or sequence of ideas of another as one's own in any academic exercise; failure to attribute any of the following: quotations, paraphrases, or borrowed information."

***Accommodations for Students with Disabilities:***

In order to receive accommodations on the basis of disability, a student must give notice and provide proper documentation to the Office of Disability Support Services (DSS), Marvin Center 436, (202) 994-8250. Accommodations will be made based on the recommendations of the DSS office.

***Class Schedule:***

**Session 1, January 15:**

***INTRODUCTION TO THE COURSE***

Court decisions and policy research

**Session 2, January 22:**

***SCHOOL INTEGRATION/SEGREGATION, Part 1***

Plessy v. Ferguson (1896); Brown v. Board of Education (1954); Parents Involved in Community Schools v. Seattle School District No. 1 (2007)

- School segregation: trends and consequences

**Session 3, January 29:**

***SCHOOL INTEGRATION/SEGREGATION, Part 2***

Green v. County School Board (1968); Swann v. Charlotte-Mecklenburg Board of Education (1972); Milliken v. Bradley (1974); and Texas Department of Housing and Community Schools v. The Inclusive Communities Project, Inc. (2015)

- The role of social policies on school segregation

**Session 4, February 5:**

***SCHOOL CHOICE: VOUCHERS***

Zelman v. Simmons-Harris (2002)

- The impact of vouchers on student achievement and integration

**Session 5, February 12:**

***SCHOOL CHOICE: CHARTER SCHOOLS, Part 1***

Cruz-Guzman v. State of Minnesota (case in progress)

- The impact of charter schools on student achievement, integration, and resources

**Session 6, February 19:**

***SCHOOL CHOICE: CHARTER SCHOOLS, Part 2***

Class debate

**Session 7, February 26:**

***AFFIRMATIVE ACTION IN HIGHER EDUCATION***

Gutter v. Bollinger (2003)

- Polarization of higher education and percentage plans

**Session 8: March 4;**

***SCHOOL FINANCE***

San Antonio Independent School District v. Rodriguez (1973)

- Does money matter?

***Discussion of guidelines for culminating paper***

**March 11:**

***SPRING BREAK***

**Session 9, March 18:**

**STUDENTS WITH DISABILITIES**

Endrew F. v. Douglas County School District (2017)

- Trends in student participation in special education and costs to school districts

**Session 10, March 25:**

**(1) *ENGLISH-LANGUAGE LEARNERS***

Lau v. Nichols (1970)

- Impact of language of instruction

**(2) *UNDOCUMENTED STUDENTS***

Plyler v. Doe (1982)

- The lasting effects

*Distribute outline of culminating paper to class*

**Session 11, April 1:**

***BRIEFINGS ON CULMINATING PAPERS, Part 1***

**Session 12, April 8:**

***BRIEFINGS ON CULMINATING PAPERS, Part 2***

**Session 13, April 15:**

***INTERNATIONAL TEST-SCORE COMPARISONS***

**Session 14: April 22:**

***INTERNATIONAL POLICY COMARISONS***

*Culminating paper due*

**Tuesday, April 28:**

**Makeup Day**

**ENJOY THE SUMMER!**

## INTRODUCTORY CLASS NOTES

1. Class introductions
2. My background
3. Blackboard
4. Participation in class discussion is a key part of the course: My main interest is not which side of an issue you are on but how well you support your position with evidence and the extent to which you distinguish between research evidence and value judgments—in your comments for class and in the articles you choose for your papers.
5. E-mails and phone numbers
6. Syllabus
7. Readings for next week: Please prepare for each discussion question the main points you would like to make to respond to the question. These are not essays, but the type of prompts you would use if you were giving a speech or preparing a power point outline.
8. What does policy research mean to you and what do you think it can accomplish?
9. To what extent have your other courses and your experiences more generally since you started the program supported, or contradicted, your initial ideas of what education policy is all about?
10. What conclusions have you drawn about test-based accountability, charter schools, access to higher education, education and economic growth, and educational achievement in other countries. What evidence are you using to draw your conclusions? What other evidence would you like to have?
11. What conclusions would you draw about the quality of a state's education system if the students in the state had high average SAT scores? High average NAEP scores? High average scores on high-stakes standardized tests?
12. If you were an advisor to the Secretary of Education, which federal policies would you continue? Which would you change? Where would you place your evidence? What questions would you like to ask Betsy DeVos?
13. Amount spent on K-12 schools in 2015: \$649 billion.
14. Amount spent on higher education, public, private, and for-profit: \$517 billion.

## **SCHOOL INTEGRATION/SEGREGATION, Part 1**

**Discussion Topics, January 22, 2020**

### **Readings:**

### **Court Decisions:**

In all readings related to court decisions, please read enough of the Syllabus, the Court Opinion, and the dissents to understand the main points of the case. I will indicate next to each reading what to focus on in more detail. The material can be found on the Oyez or Justia sites.

- **Plessy v. Ferguson (1896):** Focus on Justice Harlan's dissent.
- **Brown v. Board of Education (1954):** Focus on the Court Opinion.
- **Parents Involved in Community Schools v. Seattle School District No. 1 (2007):** Focus on the Court Opinion; Justice Steven's dissent; and parts of Justice Breyer's dissent (Introduction and first three pages of Section 1, Facts; Section 3, Applying the Legal Standard, Part A Compelling Interest; and Section VI, Conclusions through the end of the dissent.

### **Research Report:**

- **Sean F. Reardon and Ann Owens, "60 Years After Brown: Trends and Consequences of School Segregation,"** November 8, 2013, pages 1-15 and 27-29.

### **Discussion Issues:**

1. Please be prepared to discuss the courts' decisions in the three cases and the main rationales for those decisions.
2. Justice Harlan's dissent in Plessy v. Ferguson has been used in arguments against the use of race as a criterion in school assignments and affirmative action programs. Please explain.

- 3. Do you find Justice Breyer's choice of social science research effective in making his arguments? Why/Why not? What is the "cruel irony" to which Justice Stevens refers?**
- 4. The Brown decision concluded: "Separate educational facilities are inherently unequal." Although there is no longer any debate about the merits of the Brown decision, the debate continues about whether separate educational facilities can be equal when the segregation is "de facto" (resulting from residential patterns, for example) rather than "de jure" (resulting from legal requirements). Please draw on evidence from the readings and from other social science research to discuss your views on this conclusion.**
- 5. Please be prepared to discuss the findings of Reardon and Owens' report and the implications of the findings in the context of the court decisions and for public policy more generally.**

**Policy Brief:**

- Please write a 3-page, double-spaced, policy brief that presents an argument based on social science research evidence on the issue described in the 4<sup>th</sup> discussion question. The brief should be well-organized and edited, with citations, using APA style.**

## **SCHOOL INTEGRATION/SEGREGATION, PART 2**

**January 29, 2020**

### **CASES:**

- 1. Milliken v. Bradley (1974).**
- 2. Texas Department of Housing and Community Schools v. The Inclusive Communities Project, Inc. (2015).**

### **RESEARCH/POLICY ANALYSIS:**

- 1. Richard Rothstein, "If the Supreme Court Bans the Disparate Impact Standard It Could Annihilate One of the Few Tools Available to Pursue Housing Integration," Economic Policy Institute.**
- 2. Heather Schwartz, "Housing Policy is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland," The Century Foundation.**

### **DISCUSSION TOPICS:**

- 1. Please read brief summaries for each of the two cases listed above. You can find these, for example, on the Oyez site. In addition, read Justice Thurgood Marshall's dissent in the Milliken v. Bradley case. What are the main issues in these cases? How do they relate to each other and to the Rothstein and Schwartz readings? Is Justice Marshall's prediction about the impact of the Milliken v. Bradley decision supported by segregation trends since the 1970s? Please explain. What are the implications for current policy?**
- 2. What is the basic research design of the Schwarz study? How did she attempt to control confounding variables? In your view, what are the strengths and weaknesses of the study?**
- 3. What information would you need to determine whether segregation had increased or decreased in the Washington, DC metropolitan area? What variables would you wish to consider?**

### **POLICY BRIEF:**

- 1. Please write a 3-page, double-spaced, policy brief that presents an argument based on social science research evidence supporting or opposing Justice Thurgood Marshall's dissent in the Milliken v. Bradley**

case. The brief should be well-organized and edited, with citations, using APA style.

## DISCUSSION TOPICS: VOUCHERS

February 5, 2020

### Case:

Zelman v. Simmons-Harris (2002): (1) Facts of the Case, Question, and Conclusion and (2) Opinion Announcement (June 27, 2002). These brief overviews can be found on the Oyez site. In addition, please read Justice Breyer's dissent.

### Research/Policy Analysis:

1. Mark Dynarski, "On Negative Effects of Vouchers," Economic Studies at Brookings, May 26, 2016.
2. Mark Dynarski and Austin Nichols, "More Findings about School Vouchers and Test Scores, and They are Still Negative," Economic Studies at Brookings, July 13, 2017.
3. Matt Barnum, "Do School Vouchers 'Work?' As the Debate Heats Up, Here's What Research Really Says," A Chalkbeat Cheat Sheet, Updated August 15, 2018.

### Discussion Issues:

1. Please be prepared to discuss the main findings of the Zelman v. Simmons case and how their underlying rationale differs from Justice Breyer's dissent.
2. What would you conclude from the three research/policy analysis readings about the advantages and disadvantages of school vouchers? What factors contribute to inconsistent findings? Would additional research be helpful? Why/why not?
3. In your view, why are many supporters of charter schools opposed to vouchers?

### Policy Brief:

Please write a 3-page, double-spaced policy brief that gives an overview of the findings of voucher studies, both from the readings cited here and any others you feel would be helpful. Describe the factors that contribute to inconsistent findings and your view of whether additional research would add clarity to the school voucher debate. The brief should be well-organized and edited, using APA style.

## DISCUSSION TOPIC: CHARTER SCHOOLS

February 12 and 19, 2020

### February 12:

Case: Cruz-Guzman v. State of Minnesota

1. Minnesota State Bar Association, "Minnesota Public School System Goes on Trial," January 1, 2019.
2. *Pioneer Press*, "MN Supreme Court: Parents Lawsuit Accusing State of Racially Segregating Students Can Proceed," July 25, 2018.
3. NPR News, "Court declines to exempt charters from school segregation case," June 12, 2019.
4. *The New York Times*, "How Do You Get Better Schools? Take the State to Court, More Advocates Say," August 21, 2018.

### Research/Policy Analysis

1. Grover J. "Russ" Whitehurst, et al, "Segregation, Race, and Charter Schools: What Do We Know?" Center on Children and Families at Brookings, October, 2016: Executive Summary, Introduction, Chapters 2, 4, and 6.
2. Christina Clark Tuttle et al, "Understanding the Effect of KIPP as it Scales: Volume 1, Impacts on Achievement and Other Outcomes," Executive Summary, Mathematica Policy Research, September 17, 2015.
3. Ira Nichols-Barrer et al, "Does Student Attrition Explain KIPP'S Success?" *Education Next*, Fall 2014.
4. Kevin G. Welner, "The Dirty Dozen: How Charter Schools Influence Student Enrollment," 2013.

### Discussion Questions:

1. What are the main arguments and supporting evidence in the case of Cruz-Guzman v. State of Minnesota? If you were a judge considering the case,

- what information would you draw on to assess the role of charter schools in contributing to school segregation? How would you weigh the tradeoffs between the freedom to choose and policies that lead to more diverse schools? In your view, are standardized test scores a valid indicator of school quality?
2. What are the findings on the link between charter schools and segregation, as described in Whitehurst's overview? How does the methodology used influence the findings? In your view, which methodology is most appropriate for making a valid assessment of the link between charter schools and segregation? What role does context play in the findings?
  3. Please be prepared to analyze the KIPP achievement findings in the context of the Nichols-Barrer and Welner analyses. What other factors might account for the findings? What are the benefits and "costs" of the instructional and behavioral approaches? What policy implications would you draw from all of this? What role does your personal experience with test-based accountability play in your comments?

**Policy Brief:**

Please write a 3-page, double-spaced policy brief that (1) summarizes the link between charter schools and segregation and (2) analyzes how the methodology used and the context influence the findings. Draw on Whitehurst's report and any others you feel would be useful. The brief should be well-organized, with citations, using APA style.

**February 19:**

Class debate: Issues to be discussed in class. See attachment for example.

**Class Debate:**

A class debate on charter schools, which will address four topics: achievement, integration, unique programs, and resources.

Resolved: As compared to traditional public schools, charter schools are more likely to strengthen education.

Pro:

Con:

Achievement: \_\_\_\_\_

\_\_\_\_\_

Integration:: \_\_\_\_\_

\_\_\_\_\_

Unique Programs: \_\_\_\_\_

\_\_\_\_\_

Resources: \_\_\_\_\_

\_\_\_\_\_

Summation: \_\_\_\_\_

\_\_\_\_\_

“Objective” Summations:

\_\_\_\_\_

\_\_\_\_\_

Each debater will have four minutes to present the argument, with 5-minute summations on the pro and the con sides. We will alternate between pros and cons. Each side will then have 10 minutes to question the other side, with the con side beginning the questioning. Students summarizing can participate with each side as it poses questions.

The debate will conclude with the objective summations (5 minutes each).

***Please prepare a one-page summary of the main points you plan to make to distribute to the class.***

## DISCUSSION TOPICS

### AFFIRMATIVE ACTION IN HIGHER EDUCATION

February 26, 2020

#### Case

1. Grutter v. Bollinger (2003), Oyez site: Facts of Case, Question, Conclusion.
2. Grutter v. Bollinger, Opinion of the Court (Justice Sandra Day O'Connor).

#### Research/Policy Analysis

1. Anthony P. Carnevale and Jeff Strohl, "Separate & Unequal," Georgetown Public Policy Institute, 2013.
2. Stella M. Florez and Catherine L. Horn, "Texas Top Ten Percent Plan: How It Works, What Are Its Limits, and Recommendations to Consider," Educational Testing Service, 2015.

#### Discussion Issues

1. Please be prepared to discuss the main arguments in Justice O'Connor's decision. What is the link between the arguments in the Grutter case and the Carnevale/Strohl and Florez/Horn studies? What are the main findings of each of the studies? The evidence on which these findings are based? The policy implications?
2. What are the contextual factors that make a difference in the results of ten percent plans? The methodological challenges in designing research on these plans? The unknowns? Do you think the ten percent plans do more good than harm? More harm than good? Please explain. How might the policy affect the increasing polarization of higher education? Would you continue the policy? What alternatives would you consider?

#### ~~Policy Brief~~

~~Please write a 3-page, double-spaced policy brief that draws on the Grutter v. Bollinger case and the two research reports to make policy recommendations that might mitigate the basic problem addressed in the Carnevale/Strohl article. Base your recommendations on research evidence to show why they might be effective. What can the federal government do? States? Colleges and universities? Families? The brief should be well organized, with citations, using APA style.~~

## DISCUSSION TOPICS

### SCHOOL FINANCE

March 4, 2020

#### Case

- San Antonio Independent School District v. Rodriguez (1973), Syllabus and Opinion, as summarized in the Oyez site.
- Taylor and Francis (2013), "Dissenting Opinion by Thurgood Marshall in San Antonio Independent School District v. Rodriguez."

#### Research/Policy Analysis

- Ross Ramsey, *The Texas Tribune*, "Analysis: Texas' Most Persistent Policy Problem," January 23, 2018.
- Bruce D. Baker, Albert Shanker Institute, "Does Money Matter in Education?" Second Edition, 2016.

#### Discussion Topics

1. What are the main arguments made in the opinion, San Antonio Independent School District v. Rodriguez? In Justice Thurgood Marshall's Dissent? How are the arguments in the opinion and dissent linked to previous cases (for example, Brown v. Board of Education)? To school finance trends since the decision? What are the factors that make it difficult to equalize funding? To what extent have the school finance cases made a difference? How would you assess this? At a national level (for example, by comparisons between high-poverty and low-income districts)? Within a metropolitan area? Or? What are some unintended consequences?
2. Please be prepared to explain and comment on the arguments made in the Albert Shanker Institute report to support the conclusion that money matters. These arguments are organized in three categories:
  - Does money matter?
  - Do school resources that cost money matter?
  - Do school finance reforms matter?

## Policy Brief

In a 3-page, double-spaced policy brief, please write a response to one of the following statements that were quoted in the Albert Shanker Institute report. Each of the statements was made in opposition to the conclusion that money matters (or, implicitly, that budget cuts matter). Please present the research evidence that you believe supports, or contradicts, these statements. The brief should be well-organized, with citations, using APA style.

“...while spending per pupil has increased dramatically and pupil to teacher ratios have declined, scores on national assessments have stagnated and scores on international assessments have fallen behind the rest of the developed world.”

“Not only do we spend too much, but we get too little in return. We spend more money on education than any state in the nation, and we are number 34 in terms of results.” (New York Governor Andrew Cuomo)

“According to Mr. Christie, New York taxpayers are spending \$22,000 per student in the Newark school system ...less than a third of these students graduate, proving that more money isn't the answer to better performance.” (Wall Street Journal interview with New Jersey Governor Chris Christie)

“Socrates trained Plato ... on a rock and then Plato trained ... Aristotle roughly speaking on a rock. So, huge funding is not necessary to achieve the greatest minds and the greatest intellects in history.” (Virginia Representative Dave Brat)

## DISCUSSION TOPICS: STUDENTS WITH DISABILITIES

March ~~18~~<sup>11</sup>, 2020

### Case:

- The Supreme Court of the United States, Proceedings in the case of Endrew F. v. Douglas County School District, argued January 11, 2017.
- Justia site, Endrew F. v. Douglas County School District, Justia Opinion Summary, March 22, 2017.

### Research/Policy:

- John Fensterwald, "Special education funding is a morass; straightening it out might not be cheap or easy. EdSource, March 8, 2018.
- Clare McCann, "Report: Federal Special Ed Dollars Not Always Fairly Distributed." New America Foundation, Blog Post , June 27, 2014.
- Maya Srikrishnan, "Federal Education Costs Are Rising." New America Weekly, February 8, 2018.

### Discussion Issues:

1. Please be prepared to describe the main arguments in Endrew F. v. Douglas County School District and the relevance of the Board of Education v. Rowley case (1982) that was frequently cited in the Endrew case.
2. What did Justice Samuel Alito mean when he described the Endrew arguments as a "blizzard of words?"
3. What are the main issues/problems in special education funding? How do these combine with more general inequities in education to exacerbate the problem? What policies would you propose?
4. In what way is this case relevant to school finance cases generally? To the controversies over "Does money matter?"

**DISCUSSION TOPICS: 1. ENGLISH-LANGUAGE LEARNERS  
2. UNDOCUMENTED STUDENTS**

March 25, 2020

**Cases:**

- Find Law site, *Lau v. Nichols*, Supreme Court Opinion, 1974.
- Find Law site, *Plyler v. Doe*, Supreme Court Opinion, 1982.

**Policy/Research:**

- Ruby Takanishi and Suzanne Le Menestrel, Editors, "Promoting the Educational Success of Children and Youth Learning English: Promising Futures," National Academy of Sciences, 2017, Summary plus.
- Wendy Cercantes, Rebecca Ullrich, and Hannah Matthews, "Our Children's Fear: Immigration Policy's Effects on Young Children," The Center for Law and Social Policy (CLASP), March 2018.
- National Immigration Law Center, "Basic Facts About In-State Tuition for Undocumented Immigrant Students," Last Updated June 21, 2019.

**Discussion Issues:**

1. What was the rationale for the Supreme Court decision in *Lau v. Nichols*? In your view, was this decision consistent with the case of *San Antonio Independent School District v. Rodriguez*, decided the previous year? Why? Why not?
2. The *Lau* opinion stated: "No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others. Petitioners ask only that the board of education be directed to apply its expertise to the problem and rectify the situation." This statement has led to endless political and research controversy in the past 45 years. Drawing on the National Academy of Sciences report and anything else you wish, please be prepared to discuss the factors a school district would need to consider in deciding on the optimum instructional approach for English-Language Learners.
3. What was the rationale for the Supreme Court decision in *Plyler v. Doe*?
4. What are the opportunities and constraints for undocumented students in elementary/secondary and higher education in the United States?

## **DISCUSSION TOPICS: INTERNATIONAL TEST-SCORE COMPARISONS AND BEYOND**

**April 15 and 22, 2020**

### **READINGS:**

- **PISA Results, 2018.**
- **Tom Loveless, "Lessons from the Pisa-Shanghai Controversy," Brookings, March 18, 2014.**
- **Council of Europe, Commissioner of Human Rights, "Fighting School Segregation in Europe through Inclusive Education," September, 2017, pages 5-12.**
- **Margareta Matache and Arian Fuller, "Fighting School Segregation in Europe," Harvard Center for Health and Human Rights, May 27, 2015.**
- **Bo Maimberg et al, "Residential Segregation of European and Non-European Migrants in Sweden: 1990-2012," Springer European Journal of Population, May, 2018, Abstract and Concluding Discussion.**
- **Helen F. Ladd and Edward B. Fiske, "Lessons for US Charter Schools from the Growth of Academies in England," Brookings, November 3, 2016.**
- **Michele S. Moses and Laura Dudley Jenkins, "Affirmative Action around the World," The Conversation, August 7, 2017.**
- **Emma Jacobs, "A French Take on Affirmative Action Relies on Geography, not Race," PRI's The World, December 5, 2016.**
- **James McAuley, "For Some French Officials, the Headscarf Is Such a Threat They Are Attacking a Teenager," The Washington Post, Europe, May 30, 2018.**
- **"Burqa Bans, Headscarves, and Veils: A Timeline of Legislation in the West," The Guardian.**

### **DISCUSSION TOPICS:**

1. **The first part of the April 15<sup>th</sup> class will draw on the PISA and Tom Loveless reports, along with other readings of your choice, to discuss the main factors that need to be considered in drawing conclusions from the PISA test-score comparisons. These questions will be discussed:**

- **What data would you require to assess whether the international comparisons are a valid indicator of each country's ranking?**
  - **In your view, are the rankings a valid indicator of the quality of each country's education system? Why? Why not?**
  - **Policies such as test-based accountability and school choice have, in part, been a response to concerns about the ranking of U.S. students on international tests. In your view, have these policies been a relevant response to the results of the comparisons? Your reasons? Alternative proposals?**
- 2. The remainder of the April 15<sup>th</sup> class and the April 22<sup>nd</sup> class will focus on examples of international perspectives on issues we have discussed in class. The readings listed earlier provide some of the examples. Specific issues to be discussed will be chosen in class.**