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CLASS BACKWARDS: LINGUISTIC RACISM AND EDUCATIONAL MALPRACTICE IN AMERICAN SCHOOLING

LA CLASE EN REGRESIÓN: RACISMO LINGÜÍSTICO Y MALAS PRAXIS EDUCATIVAS EN LA EDUCACIÓN ESTADOUNIDENSE

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ABSTRACT

Darder's depiction of "Linguistic Racialization", described herein, provides the foundation for this discussion, where raciolinguistic pedagogy has perpetuated a diverse and troubling legacy of educational malpractice against underrepresented language minority students who attend underresourced public schools throughout America. Due, in part, to paradoxical educational practices with differential access to unequal educational resources, the vast majority of linguistically disenfranchised students are often overlooked, or worse, subjected to misguided educational practices that fail to reduce academic disparities that are reinforced by poverty, unequal access to fair housing, and a lack of pedagogical dexterity that might have the potential to promote improved educational outcomes. Some policy proposals conclude this discussion, which, if implemented, could potentially overcome the

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history of unequal academic achievement that has resulted from a combination of De Jure and De Facto educational apartheid.

KEYWORDS: linguistic minorities, culturally informed pedagogy, educational malpractice, raciolinguistics.

RESUMEN

El panorama que traza Darder de la “racialización lingüística”, descrito aquí, ofrece la base de esta discusión, donde la pedagogía raciolingüística ha perpetuado un legado diverso y preocupante de malas praxis educativas hacia estudiantes infrarrepresentados de minorías lingüísticas que asisten a escuelas públicas infradotadas en los Estados Unidos. Debido, en parte, a prácticas educativas paradójicas con un acceso diferencial a recursos educativos desiguales, la gran mayoría de estudiantes privados de derechos lingüísticos son a menudo ignorados, o aún peor, están sujetos a prácticas educativas erróneas que no logran reducir las desigualdades académicas, reforzadas por la pobreza, el acceso desigual a una vivienda digna y la ausencia de destrezas pedagógicas que dispondrían del potencial de promover mejores resultados educativos. Esta discusión concluye con algunas propuestas sobre política educativa que, en caso de implementarse, podrían superar potencialmente la historia de logros académicos desiguales que ha resultado de una combinación de un apartheid educativo *de iure* y *de facto*.

Palabras clave: minorías lingüísticas, pedagogía fundamentada culturalmente, malas praxis educativas, raciolingüística.

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“The educator has the duty of not being neutral”

Paulo Freire, *We Make the Road by Walking: Conversations on Education and Social Change*.

1. INTRODUCTION

Although I am a sociolinguist, concerned with finding ways in which linguistic science can be employed to improve the human condition, I grew up as an African American student who began education in inner-city public schools in Philadelphia and Los Angeles. Nearly unique family circumstances altered my educational trajectory when, in 1959, my parents moved to an upper middle-class suburb of Los Angeles in the western San Fernando Valley, where I was the only student of color¹.

With the advantage of time and educational opportunities that have culminated with my service as president of the Linguistic Society of America, I now know that the educational apartheid that I witnessed as a child in Los Angeles brings special unintended ambiguity to Freire’s quote, which opens this discussion. We know well from his extensive liberatory writings that he seeks to promote teachers who are innovative advocates on behalf of their students, especially if those students are poor and attend schools with limited or inadequate resources.

Freire’s comment about teacher neutrality is a double edged sword; it was my experience that racist teachers were not neutral; they were harmful. Although teachers are not required to emulate the ritual shared by physicians upon entering their professions, a minimal requirement for any teacher should be that they, “do no harm”. *Educational malpractice* (Baugh, 1999) exists across a spectrum of benign-to-willful wrongdoing by educators. In its benign form, educational malpractice

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results from a combination of ignorance, stereotypes, and inadequate preparation that is not nefarious, per se, but which nevertheless perpetuates inadequate pedagogy, often in ways that do not take the cultural, linguistic, or social circumstances of students into account.

Some teachers believe that by treating every student in the same manner they are providing them with equal educational opportunities. Teachers who share this philosophy believe they are being “neutral”, when in reality they may not realize, as Freire (1978) and Darder *et al.* (2009) remind us, that diverse students require different pedagogical strategies if they are to eventually reach equal educational outcomes. Thus, perceptions of “neutrality” by teachers who do not modify their instruction to serve the needs of diverse students perpetuate a status quo of disparate educational outcomes that disserve those students who are most in need of enhanced educational strategies.

Ladson-Billings (2009), Darling-Hammond (1997, 2000), and Paris and Alim (2017) variously describe pedagogy that is compatible with the cultural background of each student, combined with innovative strategies to increase their opportunities to learn. Flores and Rosa (2017) introduced another dimension to this educational equation when they formulated the concept of “raciolinguistics” with initial attention devoted to academic domains. The linguistic history of the United States is such that there are often parallel alignments between a student’s race and their linguistic heritage. Significantly, many students of color do not acquire mainstream varieties of English as their mother tongue. If a teacher devalues the language and culture of a student, as was the case for me and many of my inner-city classmates attending public schools in Philadelphia and Los Angeles, circa 1958-to-1968, then those students are far less likely to achieve academic success.

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While some superior teacher education programs include courses to prepare diverse teachers to be (more?) successful when teaching students whose cultural and linguistic backgrounds differ from their own, the vast majority of teacher education programs do not include requirements or courses about linguistically disenfranchised students. During the late 1960's, some educational psychologists (e.g. Jensen, 1969; Shockley, 1971) promoted theories claiming that minority student academic failure was the result of genetically based intellectual inferiority. They argued that students of color were incapable academically, based on long-standing data from standardized tests where white students consistently performed better than did students of color.

Although African American psychologists challenged these misguided studies (Williams, 1981; Steele, 1999), other incarnations of nearly identical hypotheses reintroduced some of these debunked theories (Hernstein and Murray, 1994). Some of these assessments that sought to identify the causes for Black academic underachievement did so through a linguistic lens. Farrell (1983) expressed criticism of Jensen's (1969) conclusions; however, he did so by assuming that students who were not fluent readers, writers and speakers of mainstream norms of dominant varieties of academic English lacked the linguistic skills and logical capability necessary for academic success. Orr (1987) extended this linguistic deficiency hypothesis to mathematics, based on experimental mathematical pedagogy where Black and white students attending an affluent private college preparatory school were required to translate mathematical problems into prose. Upon discovering that many of the Black students described these mathematical equations differently than their white classmates, Orr concluded that African American vernacular English (AAVE) was a barrier to her Black student's inability to master mathematics.

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The linguistic assumptions that underpin Farrell's (1983, 1995) and Orr's (1987) hypotheses are well intended but misguided due to a lack of understanding about the ways in which dialect differences operate, or their relevance or lack thereof, when contemplating the intersection between a student's linguistic background and their academic achievement. Both of these scholars conclude that fluency and proficiency employing mainstream dominant varieties of academic English are required to achieve educational success, yet the evidence they rely on to come to these conclusions is flawed in ways that Baugh (1988, 1999) described at length elsewhere. For the purpose of the discussion at hand, these wrongheaded raciolinguistic conclusions could not only be misleading, they occasionally jibe with the philosophy of teachers who see themselves as guardians of "proper English".

2. LANGUAGE, EDUCATION, AND THE LAW

The U.S. Supreme Court has ruled previously in 1954 and 1974 in *Brown v. Board* and *Lau v. Nichols* respectively to address some of the racial and linguistic consequences of long-standing educational policies that once allowed racially segregated public schools to exist, as if they were "separate(d by race) but equal" in all other respects in the first instance, while recognizing that students who do not speak English require pedagogy that takes their native language into account in the second. Although the U.S. Supreme Court has not weighed in with a ruling that might address the unique linguistic circumstances of United States slave descendants of African origin, a federal district court did rule in favor of eleven African American plaintiffs who sued the Ann Arbor school district in 1979 in what has come to be known as "the Black English trial" (Smitherman, 1983; Labov, 1982).

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The ruling in Ann Arbor, written by judge Charles Joiner, acknowledged that the plaintiffs were being asked to employ linguistic norms that were unfamiliar to them, while the defendant school district had never acknowledged their special linguistic circumstances. Additionally, all eleven plaintiffs had received speech evaluations that characterized them as being pathologically abnormal, that is, in terms of their language development. Since that time better informed speech pathologists now recognize that many African American students arrive at their local public school speaking AAVE, a vernacular that differs from prevailing academic varieties of English (Seymour and Seymour, 1979; Washington and Craig, 2004; Wyatt, 2015; Stockman, 2008; Vaughn-Cooke, 2007). However, in the absence of a Supreme Court ruling, each state may or may not choose to consider the issues that were raised during that trial.

In 1996 these special linguistic circumstances briefly captured global attention when the Oakland Unified School District passed a resolution declaring that the 28,000 African American students who were enrolled in that district were speakers of “Ebonics”, which they initially described as a language that had African origins that were distinctive and therefore should be viewed as a language that was not a dialect of English. A firestorm erupted in the national and international press, and Maya Angelou along with Reverend Jessie Jackson and other prominent African American public figures decried the Oakland proclamation as wrongheaded and detrimental to the educational well being of Black students throughout the country.

Linguists had not been consulted prior to the drafting of the original proclamation, and their subsequent input after the fact resulted in the release of a revised resolution from the school district which still claimed that their students spoke Ebonics, but that their language should be viewed as more than being a mere dialect of English. The controversy reached a crescendo when the United States Senate

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held hearings on the issue, and Robert Williams (1975) and William Labov (1972, 1982) provided expert testimony that evoked a sympathetic response from Senator Arlene Specter, who chaired the committee as a Republican representative from Pennsylvania. Senator Specter recounted his own family's experience as speakers of Yiddish who had experienced linguistic discrimination. The senator also took actions to procure federal funding to conduct further educational and linguistic research that might address the linguistic needs of Black students nationally.

The combination of the legal, policy, and political actions that were triggered by the initial 1996 Oakland resolution were rejected elsewhere. Indeed, the Oakland school superintendent was replaced in the aftermath of these events, which were viewed nationally as a public embarrassment and the vast majority of school superintendents in other parts of the country had no intention of replicating what they perceived to be Oakland's massive blunder. While some linguists and educators have attempted to serve the unfulfilled needs of Black students, who frequently have their linguistic backgrounds ignored in the vast majority of public schools, these efforts – while usually beneficial – do not share the legal clout afforded to non-English speaking students that is bolstered by *Lau v. Nichols* (1974).

Charity-Hudley and Mallinson (2014), Ladson-Billings (2009, 2021), Darling-Hammond (1997, 2000) and Paris and Alim (2017) address a combination of educational, cultural, linguistic, issues in concert with the importance of effective teachers who are mindful that many of their African American students require pedagogy that differs considerably from that which is better suited to students who are native speakers of the dominant mainstream English norms found in affluent public schools where few if any African American students are enrolled.

Similarly, Darder and Torres (2004) and Freire (1970, 1993, 1995) remind us that all of these issues, as they intersect with language and the law with regard to

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education, are also shaped by the political forces that prevail in any given society. Moreover, they argue in favor of pedagogical advances that increase equality while affirming the need to promote social justice to achieve the educational improvements that they champion.

3. (IN)ADEQUATE EDUCATIONAL RESOURCE ALLOCATION

Regrettably, educational malpractice can result from a wide range of causes, some of which are completely beyond the control of classroom teachers, such as the relative size of their classes. Debates about “class size” have long been argued by various stake holders. The point at hand will not resolve that controversy, but there will always be a tipping point where exceedingly large class enrollments dilute the ability of any teacher to do their job effectively. Imagine, for example, if a teacher was attempting to teach a class of sixty first graders; they could not do so effectively. On the flip side, imagine that same teacher with a class enrollment in the single digits. In essence, the assumption is that smaller classes provide greater opportunities for teachers to devote more one-on-one time to each student.

If a teacher finds themselves required to teach too many students in exceedingly large classes, then any educational malpractice resulting from that situation has been created by bureaucratic dictate, rather than any overt pedagogical misconduct on the part of the teacher. Beyond enrollment mandates, resource allocation varies from one school to another. In the United States, for example, public schools are often funded based on local property values. The more affluent the community, the larger the per capita allocation of funding that is provided for each student. Less affluent communities typically have fewer fiscal resources to distribute,

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which could result in alternative forms of educational malpractice that are beyond the control of classroom teachers.

4. HOW SHOULD “EDUCATIONAL MALPRACTICE” BE IDENTIFIED, JUDGED, AND ERADICATED?

Shulman (1986, 1987) introduced evaluations of ‘case-studies’ for teaching, and that research was inspired by direct comparisons to the professional training of physicians and attorneys. In other words, by examining the ways in which lawyers and doctors were educated, Shulman (1986) recognized that the field of education might benefit from conceiving of pedagogical activities as case-studies of actual teaching. To examine this analogy further, it is beneficial to consider the relationship between the professional, on one hand, and their client(s), broadly conceived, on the other. For doctors, the physician is the professional and their patient is the client. For lawyers, the attorney is the professional and their client(s) – be they plaintiff(s) or defendant(s) – is the person or persons for whom the attorney seeks to win their case. For education, each teacher is the professional and the students enrolled in their class or classes are the clients.

The client for a medical case is almost always a single person, and not a group. Legal cases vary in this regard, sometimes serving a single client, but class action legal cases, by definition, serve more than one client within the same case. Professional teaching is also a class action activity, serving multiple clients at the same time, with the general assumption being that smaller class sizes provide teachers with more opportunities to better serve their students. Individualized education programs, across the United States, attempt to meet the special educational needs of students who may require personalized pedagogy that could

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be due to disabilities or other circumstances not commonly shared by the majority of other students who are enrolled in the very same class. Some schools offer breakout sessions where a 'special education' student leaves their regular classroom for one-on-one instruction with a specialist, or perhaps a parent who has volunteered to assist the student's classroom teacher. Each state, and various districts within each state, may formulate these individualized education programs differently.

How, then, are these details pertinent to matters of professional malpractice in educational settings? As was the case with Shulman (1986, 1987), Baugh (1999) turned to the training of physicians and attorneys to shed additional light on this topic. Whereas doctors and lawyers receive explicit instruction regarding ways to avoid malpractice, very few teacher education programs devote any courses to this topic. However, another lesson to be gleaned from both law and medicine is that professional malpractice is not only the subject of specific legal and medical classes, formal procedures exist in every state to identify and, whenever possible, rectify instances of doctor or attorney malpractice. In a nutshell, malpractice by a doctor or lawyer may occur when that professional performs their duties in a manner that is dramatically different from the ways in which other physicians or attorneys might handle the identical case, and those deviant practices could cause harm or injury to their client.

Imagine, for example, that a patient arrives at a hospital with a broken arm. There are normal well established procedures known to physicians worldwide regarding what to do, including under less than ideal circumstances, say, where x-rays of the arm might not be available. If a physician or medical team does not follow normal accepted practices for mending a broken arm, the attending physician and/or others who served the patient as part of this case might be subject to a medical

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malpractice law suit, especially if the procedure they employed was nonstandard and resulted in further injury to the patient.

Consider, alternatively, that a person accused of a crime is defended by an attorney who mismanages the defense of that case. While mismanagement alone may not reach the threshold of malpractice, nearly every instance of legal malpractice is likely to include one or more forms of mismanagement, along with other (in?)activities by the attorney that may prevent their client from an adequate defense; that is, based on how other attorneys might approach the very same case, with the very same facts.

Each state within the United States has some mechanism where a medical review board or a legal review board not only exists, but that entity is authorized to review alleged cases of malpractice to determine if a doctor or lawyer who has been accused of malpractice has actually done so. To the best of my knowledge, the field of education does not have comparable organizations within the various state departments of education to identify, evaluate, adjudicate or rectify instances of educational malpractice.

There are other significant considerations to take into account when trying to assess if educational malpractice exists, and the extent to which it has occurred. For example, has a single student been subjected to wrongful educational practices, or has an entire classroom of students been subjected to malpractice? When review boards assess medical or legal malpractice, the standards by which they do so are likely to be more readily identifiable than may be the case for assessing educational malfeasance. If a doctor is treating a broken arm, for example, while there may be slight alterations in the ways patients might effectively be treated, there are multiple ways of teaching reading, or mathematics, or a foreign language, among a myriad

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of other subjects across all grade levels. Much more latitude exists when it comes to effective teaching procedures; one size does not fit all.

Educational malpractice should therefore not be judged by potentially elusive differences found among alternative approaches to teaching the same subject; rather, is the teacher causing real or potential harm to students by using methods or curricula that are detrimental to the student and their academic development? Baugh (1999) describes a particularly egregious case of educational malpractice found in a middle school mathematics class, where a substitute teacher in an inner-city school that was populated heavily with African American and Latinx students created a “specialized” math curriculum that the teacher argued was “culturally relevant”.

These students attended a school where 98% qualified for free lunch programs, as well as other resource allocations reserved for students who attend underresourced schools serving significant numbers of students who live in low-income communities. While it is a fact of life that many of these same communities experience high rates of crime, the teacher in question created “word problems” for mathematics that used drug sales, prostitution, and other crimes as examples upon which to teach multiplication, division, and fractions.

In this particular instance, parents and school administrators intervened as soon as they became aware of these assignments, and the teacher was removed from the classroom and the profession. However, there can be no doubt that the typical mathematics teacher, in an inner-city school or an affluent suburban school, would not use examples drawn from urban crime as the basis upon which to teach basic math concepts. Moreover, the claim of doing so on the basis of cultural relevance was not only wrongheaded, it may have caused psychological damage among other harmful effects that confirmed clear evidence of educational malpractice.

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5. SOME ADDITIONAL CONSIDERATIONS REGARDING (IN)ADEQUATE ALLOCATIONS OF TIME AND MONEY

Thus far we have considered a combination of factors that could impact students variously along a continuum of superior-to-inferior-to potentially harmful educational conditions. Moreover, some of these factors are not within the control of teachers, while others are the direct responsibility of each classroom teacher. At this juncture we turn to two additional resources that can impact the quality of schooling; namely, (in)adequate allocations of time and (in)adequate allocations of funding.

Before turning directly to these resources, it is beneficial to remind readers of a paradoxical reality of American schooling. There is no central ministry of education that controls schooling nationally. The fact that each state is free to determine how best to educate the children who reside within that state is both a blessing and a curse. The “curse” can be realized from time-to-time when schooling is negatively impacted by any number of unfortunate to nefarious circumstances. An example of this can be found whenever funds that have been allocated for a specific purpose, say, to provide workshops for teachers to better serve language minority students, are redirected so as to displace that effort because the funds have been used for a different purpose.

Some unscrupulous vendors inflate prices to public school districts, assuming that school board members may not notice, or worse, they collude with unethical educational leaders assuming that tax payer funds may receive less scrutiny. During the dot com boom in Silicon Valley prior to the turn of the century, the superintendent of a large urban school district perpetuated a fraud that had gone undetected for years. While employed by the school district, this former school superintendent, previously an aspiring school administrator, informed colleagues of his plans to pursue a Ph.D. in psychology at a prestigious university in the region. He would leave

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This brings us to consideration of how different schools utilize time, and whether or not they have enough funding to meet the needs of their students. According to the World Population Review (2021), “Per Pupil Spending” by states varies between \$24,040 in New York, and \$7,628 in Utah. The cost of living in New York, anywhere within the state and particularly in New York City, far exceeds the cost of living in Utah, which accounts for part of this financial discrepancy. Be that as it may, the over \$16,000 difference paid per student shows that funding varies greatly throughout the country. So too does the length of each school day.

To illustrate these differences Figure 1 depicts a three by three matrix where time and money correspond to one of three categories: more than adequate, adequate, and inadequate. The result produces a comparative model of service capacity, which should be viewed in terms of local school circumstances. As indicated, schools in New York are likely to require more funding than will be the case in Utah.

Figure 1. A comparative model of educational service capacity based on allocations of *time* and *money*.

Time	Funding		
	More than adequate (A)	Adequate (B)	Inadequate (C)
More than adequate (1)	A1	B1	C1
Adequate (2)	A2	B2 <i>Minimum standard</i>	C2
Inadequate (3)	A3	B3	C3

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While it would be desirable for every student to be educated in one of the four cells that include adequate or more than adequate allocations of time and money (i.e., A1, A2, B1 and B2), the reality is that far too many children are educated under circumstances reflected in the bottom row (i.e. A3, B3, C3) or the right column (C1, C2, C3). Although it is not necessarily the case that students who are taught in these less than ideal circumstances should be viewed as being harmed by educational malpractice. However, it is incontrovertible that neither teachers, nor parents, or their students would prefer *inadequate* educational resources.

It is at this juncture that readers would be well advised to consider and perhaps reconsider many of the educational suggestions, insights, and observations that Freire (1970, 1978, 1995) and Darder (1995, 2002, 2012) advocate, where teachers are not neutral and they adapt their pedagogy to meet the needs of culturally and linguistically diverse students. Readers of this article will no doubt be aware of many other superb scholars, not given full throat in this discussion, who champion the causes of underserved students, such as Ball (2009, 2012), Ladson-Billings (2009, 2021), Darling-Hammond (1997, 2000), Paris and Alim (2017), Giroux (1988), Flores and Rosa (2017), Charity-Hudley and Mallinson (2014), and Brice-Heath (1983). Although this list of laudable educational scholars could continue, and perhaps should continue, let us turn to an alternative idea that – if implemented – would likely reduce if not eliminate resource and pedagogical disparities that remain a lingering stain on unequal educational opportunities in America.

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6. A POTENTIAL (RADICAL?) POLICY THAT COULD ENHANCE THE PEDAGOGY OF UNDERSERVED STUDENTS IN THE UNITED STATES

An unfortunate consequence of current educational policies across the United States is that they perpetuate the existing class structure, and in order to reverse this trend, it might be beneficial to invert educational practices, so that they become “class backwards”, that is, striving to promote educational equity and justice that gives primacy to ensuring educational improvement to the poorest students as a top priority.

One massive challenge that still confronts public education in America is the fact that the idea of a free public education for every child is, essentially, a socialist idea. Yet, public schools in the United States operate within a capitalist system, where some citizens choose to send their children to private schools. In purely financial terms, these people (i.e., those who choose to send their children to private schools) pay twice; they pay taxes that would allow them to send their children to a public school, and they pay whatever tuition is required for their child or children to attend a private school. Moreover, these private schools are not subject to any governmental regulation³.

As previously mentioned, many public schools in different regions of the United States are outstanding. They provide an excellent education to their enrollees, and those students tend to do well when they go on to higher education. The flip side is that there are also many public schools throughout the nation that fare less well. The students who attend those schools are not receiving a good education, that is, if the quality of a student’s education is to be judged by their academic performance, or lack thereof.

If we contemplate the consequences of this dual system, where public and private schools operate by different rules through different funding streams, then we

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soon discover, as Freire (1995) repeatedly emphasizes, that the efforts to provide education to children who live in poverty is often neglected by the very entities that are officially responsible for their welfare. How, then, might this situation be rectified? Parents who send their children to private schools are highly unlikely to call for them to be disbanded in the name of egalitarianism. Were that to be the case, many of the most expensive and elite private institutions would no longer exist. We can therefore assume that the elimination of private education does not constitute a viable remedy to the legacy of educational disparities that continue to exist in many low-income urban and rural communities.

While it is the law of the land that every child born in the United States is entitled to an education, there is no law confirming that every child must attend a school that ensures access to a high quality education. Indeed, many academic shortcomings are often (mis?)placed directly at the feet of less fortunate students and their parents based on myths of intellectual inferiority, which tend to be exacerbated if these same students also happen to be nonwhite with linguistic backgrounds that do not jibe with academic varieties of English. As previously mentioned, Jensen (1969), Shockley (1971) and Hernstein and Murray (1994) would have us believe that it is the student who exhibits intellectual shortcomings, rather than the fact that less fortunate students rarely have comparable resources, or highly qualified teachers, that might increase their opportunities to learn.

The proposed solution to this problem can be stated easily, but its implementation will no doubt face many challenges, if not swift and hostile resistance. A radical solution would be to compel every politician holding an elected office, that is, serving any branch of government in any capacity anywhere within the United States, to enroll all children that are related to them, either by blood or by

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8. NOTES

¹ These personal educational experiences are described more fully in [Equality Smatters](#)

² The fraudulent activity of this individual did not end with his departure from the school. He continued to [deceive ensuing employers](#) who later discovered additional misdeeds after his death.

³ Increasing numbers of parents choose to avoid schools altogether by “home-schooling” their children. Because this educational option does not take place in a school setting, be it public or private, the education of children who learn at home exceeds the present discussion.

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