

Illinois State University

ISU ReD: Research and eData

Faculty Publications - College of Education

Education

2024

Evading Race: A Critical Race Analysis of Vocational/Career and Technical Education Policy

Chaddrick D. James-Gallaway
Texas A & M University - College Station

ArCasia D. James-Gallaway
Texas A & M University - College Station

Marci Rockey
Illinois State University, mmrocke@ilstu.edu

Rahsaan A. Dawson
Texas A & M University - College Station

Follow this and additional works at: <https://ir.library.illinoisstate.edu/fped>



Part of the [Education Commons](#)

Recommended Citation

James-Gallaway, Chaddrick D.; James-Gallaway, ArCasia D.; Rockey, Marci; and Dawson, Rahsaan A., "Evading Race: A Critical Race Analysis of Vocational/Career and Technical Education Policy" (2024). *Faculty Publications - College of Education*. 43.
<https://ir.library.illinoisstate.edu/fped/43>

This Article is brought to you for free and open access by the Education at ISU ReD: Research and eData. It has been accepted for inclusion in Faculty Publications - College of Education by an authorized administrator of ISU ReD: Research and eData. For more information, please contact ISUReD@ilstu.edu.

This is an accepted manuscript of an article published in *Educational Policy*.

<https://doi.org/10.1177/08959048241231956>.

Evading Race: A Critical Race Analysis of Vocational/Career and Technical Education Policy

Authors

Chaddrick D. James-Gallaway, ArCasia D. James-Gallaway, Marci Rockey, and Rahsaan A. Dawson

Abstract

Using critical race theory (CRT) as both our theory and analytical framework, we interrogated vocational, career, and technical education (VCTE) policy as a racial instrument. We applied key CRT themes to examine both primary sources; including historical and contemporary VCTE Acts (e.g., Perkins I-V) and Congressional reports; and secondary sources, including academic analyses of VCTE, its history, and related legislation. Findings demonstrate that VCTE policy upholds race-neutrality, which we argue is problematic because without being designated a special population, racially oppressed students stand to miss out on important funding opportunities that could dramatically alter and improve their lives.

Keywords

educational policy, racism, racial justice, Critical Race Theory

Introduction

Vocational/career and technical education (VCTE) is a vital form of schooling that sustains integral societal industries such as healthcare, agriculture, industrial manufacturing, maintenance, and technical

communications within the U.S.; its significance is especially pertinent for racially oppressed, first-generation college students, many of whom are from underserved, low-income backgrounds. As VCTE is important, so are the foundations and reauthorizations of the federal vocational education acts that enable and perpetuate it. These acts include the National Vocational Education Act of 1917, the Vocational Education Act of 1963, and Perkins Career and Technical Education Acts I-V (Perkins I-V). For the past century, these acts have made the funding and training of adults and youths in trade-based schooling programs possible. Initially, vocational education “described relevant policies up through the end of the 20th century [until] . . . ‘career and technical education’ became the favored term” (Imperatore & Hyslop, 2017, p. 276). Despite the sizeable number of racially marginalized students who have historically participated and currently participate in these programs, however, these acts continue to evade race in failing to specify racially oppressed groups; that is, they persistently fail to designate racially marginalized groups as a special population warranting targeted VCTE funding, a point that scholars have yet to interrogate. This race-neutrality is problematic because without being designated a special population, racially oppressed students stand to miss out on important funding opportunities that could dramatically alter and improve their employment potential, life trajectory, and quality of life.

The purpose of this paper is to analyze the racial implications of VCTE policy. Specifically, we examine the development of populations designated as special in U.S. VCTE policy relative to race. We, the authors of this paper, situate our analysis primarily, though not exclusively, through a Black perspective because it offers one of the clearest lenses through which to view the racial implications of VCTE policy in its oversight of race. Specifically, we ask: What role does race play in VCTE policy in terms of groups designated for federally funded support? Our analysis showed that with the expectation of race, broad considerations for a variety of vulnerable groups are reflected in the most recent VCTE policy, Perkins I-V; this exception is inconsistent with how administrators and policymakers have historically treated race and overlooked antiBlackness in P-20 education (e.g., C. D. James-Gallaway, 2022). We define

antiBlackness, “or antiBlack racism, as structural or institutional acts and supporting ideologies that oppress, subjugate, or subordinate Black peoples” (A. D. James-Galloway, 2022, p. 222).

Education policy and administration scholars have explored issues related to race in VCTE policy such as career and technical education in high school (Emerick, 2022), college and career readiness in high school (Malin et al., 2017), but they have done so as disparate issues in disparate settings, raising questions about the development of VCTE policy as a wider racialized secondary and post-secondary education issue; this article fills that gap. We argue that the historical foundation of VCTE policy paved the way for the race-evasive framing of Perkins I-V. Implications of this finding suggest that the special populations designation should be race conscious and that scholars should study VCTE policy more critically to call attention to its racial limitations. Critical race theorist Peller (1990) describes race consciousness as “the idea that race matters to one’s perception and experience of the world” (p. 790), and that the best versions of it can represent “a source of community, culture, and solidarity to build upon rather than transcend” (p. 761). We draw on his conceptualization to clarify how it opposes race-neutrality and race-evasion (i.e., colorblindness).

The roadmap for this paper is as follows. First, we discuss our use of Critical Race Theory (CRT), which served as both the theory and analytical framework in this project. To demonstrate the primacy of race in early models of VCTE, we then transition to a discussion of the history of vocational education for Black Americans. Next, we detail the predecessors to Perkins V; which were the first federal VCTE acts, the Smith-Hughes Act of 1917, and the Vocational Education Act of 1963; to underline their glaring omissions of race. In the following section, we examine the landmark *Brown v. Board of Education of Topeka* (1954) case to explain how it transformed the landscape of education policy in the U.S.; we then discuss how *Brown* and the Civil Rights Act of 1964 together facilitated the extension of federal support to social identity-based groups but failed to shift VCTE policy toward an explicit mention of race. The subsequent section traces key legislation that we posit has influenced which populations current VCTE

policy designates as special. We close with a discussion and implications section, commenting on where VCTE policy must go in the future to challenge race evasiveness.

Critical Race Theory: Theory and Analytical Framework

A critical legal framework of the post-Civil Rights era, CRT identifies race as a social construct (Gotanda, 1991; Harris, 1993; Lopez, 1994) and an action instead of an identifier (K. W. Crenshaw, 2010; Thomas, 1990, as cited by Lawrence, 2008). Therefore, wittingly or unwittingly, people are racialized and enact race. CRT applies the social construction of race and racism as fluid and evolving through racial power, privilege, and oppression (Gotanda, 1991; Harris, 1993; Lopez, 1994). CRT views racism a permanent feature of the U.S. and the country's legal system (D. Bell, 1991). Additionally, CRT aims to uncover white-imposed racism (i.e., white supremacy) and to illuminate the pervasiveness of racial inequities that racially marginalized people face (Hamilton, 2021). CRT's understanding of white supremacy is not rooted in white fanaticism, but in racial power that maneuvers to normalize, support, and protect whiteness, which harms racially marginalized people (D. Bell, 1991; K. W. Crenshaw, 2010; Gillborn, 2005; Gotanda, 1991; Hamilton, 2021; Harris, 1993).

Our emphasis on the Black experience in the U.S. offers a lucid image of race and racism's function in the U.S. racial project. As critical race theorist Hamilton (2021) wrote,

CRT attempts to expose and explain the persistent presence of Black and other people of color at the bottom of nearly every aspect of social life and measure of social well-being more than a century after the abolition of slavery, and decades after the passage of civil rights legislation. (p. 87)

When education scholars Ladson-Billings and Tate (1995) introduced CRT into education, they underscored the importance of using race as an analytical tool to understand racial inequities. Similarly, Patton (2016) noted that for centuries, white supremacy permeated higher education to the detriment of Black and Indigenous peoples. These emphases highlighted how white supremacy privileges white educational stakeholders while harming those of Color.

CRT and Education Policy

CRT scholars have illustrated how race and racism have impacted U.S. education policy. For example, in the 1980s, D. A. Bell (1980) argued that the 1954 *Brown v. Board of Education* decision, which prohibited racial segregation in schools, served white interests through eliminating only the most obvious forms of racial segregation while keeping more subtle forms in place, including economic, housing and education segregation (Gillborn, 2013). Guinier (2004) argued that racism's shifting nature alongside the normalization of racial hierarchies was to blame for the *Brown* decision's failure to sustain desegregated schools. Detailing education policy in the U.K. and the U.S., Gillborn (2005, 2013) demonstrated that education policy is a vehicle of white supremacy that sustains racial inequities while furthering white dominant systems of oppression. Scholars have used CRT to critique higher education policy, exploring Black students and the desegregation of higher education (Harper et al., 2009; Parker, 2003). They characterize higher education policy as fundamentally antiBlack due to policies that excluded Black students from colleges and universities, the inequitable funding of historically Black colleges and universities, and the deliberate annihilation of race-based admissions.

CRT and Race-Neutrality

Recognizing that CRT resists a prescribed application of specific principles (K. Crenshaw et al., 1995), we selected relevant concepts to guide our analysis. To examine the development of the special populations designation in VCTE policy, we drew on the permanence of racism (D. Bell, 1991) and race evasion (K. W. Crenshaw, 1988, 2010; Gotanda, 1991; Harris, 1993; Ladson-Billings & Tate, 1995; Peller, 1990, 2010). Our operationalization of race neutrality grows out of the CRT contention that "colorblindness [an ableist term we reject in favor of race evasion] and race neutrality are one and the same thing" (Carbado, 2010, p. 1618); thus, we use these three terms interchangeably in this paper. Harris (1993) analysis of Gotanda's (1991) notion of "colorblindness" posits it as "a form of race subordination in that it denies the historical context of white domination and Black subordination" (Harris, 1993 p. 1768). This view

contrasts race consciousness (Peller, 1990). For Black Americans, race evasion represents the idea that past racism lacks current consequences and does not merit rectification (K. W. Crenshaw, 1988; C. D. James-Gallaway & James-Gallaway, 2022). Race neutrality in practice frames race as unimportant, racial discrimination as solely an individual issue, racial equality as achievable when everyone is treated the same, and a focus on race as producing racism (Peller, 1990, 2010).

Analytical Framework and Data

We used CRT as the analytical framework to interrogate VCTE policy as a critical racial instrument. Like higher education scholars who relied on CRT as an analytic to illuminate the role of racism in the history of post-secondary education policy (Harper et al., 2009; Parker, 2003), we used it to analyze VCTE policy because we are interested in race's function within this policy context. Higher education scholars Harper et al. (2009) posited that CRT "is particularly useful . . . because it provides a lens through which to question, critique, and challenge the manner and methods in which race, white supremacy, supposed meritocracy, and racist ideologies have shaped and undermined policy efforts" (p. 390). Similarly, Parker (2003) undertook what he called a "critical race policy analysis" (p. 153) to explore CRT's implications for policy analysis in higher education desegregation, underling that "CRT is important . . . because it situates race . . . at the center of the policy analysis" (p. 156).

Informed by CRT, our guiding question was: What role does race play in VCTE policy in terms of groups designated for federally funded support? To answer this question, an initial examination of Perkins V was conducted, tracing backward the evolution of the special populations designation. This led to a close study of both primary sources; including the legislative act itself, its predecessors, relevant texts such as Congressional hearing transcripts, Congressional committee reports, related Acts and legal cases; and secondary sources; including academic literature vocational education, its history, analyses of legal cases and legislation. Guided by the specific CRT themes noted above, this content was analyzed with careful

attention to where and how race was explicitly or implicitly treated by key players and in the policy itself. We present our findings in a loosely chronological fashion to show change over time and to underline when the opportunity presented itself to key actors for intervention.

Black Vocational Education Pre-1917

Before the federal government worked to enshrine into law provisions for vocational education, Black vocational labor and education were deeply intertwined. Amidst the chattel enslavement of Africans, white southerners in the colonial and antebellum eras curtailed Black education to further their racial subjugation (Woodson, 1968). During the early to mid 1800s, freed and fugitive Black men established vocational education programs in urban centers of the northeast (J. D. Anderson, 1982; Woodson, 1968). However, white anti-abolitionists believed free and enslaved Black people to be deviant and uncivil. As a result, white rioters tried to drive away Black folk seeking education by destroying their homes and school buildings (J. D. Anderson, 1982; J. Anderson, 1988; Woodson, 1968). Additionally, white male vocational master craftsmen withheld apprenticeships from Black men and children, and white vocational enslavers refused to work with those who hired Black people (Woodson, 1968). These antiBlack acts were in part driven by the competition of vocational workers across racial lines (J. Anderson, 1988; Woodson, 1968).

After the Civil War, Black education emerged as a pressing issue as vocational education opportunities blossomed for some. Despite Congress passing the 1862 Morrill Act, which heretofore served as “the major piece of federal legislation for vocational education” (Imperatore & Hyslop, 2017, p. 276), to fund higher education, few of these resources went to Black schools. One of the only Black schools to receive such funding was the Hampton Normal and Agricultural Institute, founded in 1868 as a teacher training school (J. D. Anderson, 1982; J. Anderson, 1988). Scholars argue, however, that it was Hampton’s focus on instilling a sense of subordination, which was modeled at Tuskegee Institute in the 1880s, into its

Black students that made it apt for such support (J. D. Anderson, 1982; J. Anderson, 1988). School founders viewed Black education as a powerful tool that could, if employed strategically, preserve and promote white wealth and white racial power (J. Anderson, 1988). Believing hard manual labor to be vital to the development of Black preservice teachers' "practical and moral foundations" (J. Anderson, 1988, p. 340), founders required teacher trainees to devote significant time to manual labor in lieu of classical classroom instruction. The irony in this effort was that for centuries, African-descendent people had toiled as enslaved chattel. Going forward, these ideologies permeated vocational policy.

National Vocational Education (Smith-Hughes) Act of 1917

In 1917 during World War I, President Woodrow Wilson signed the Smith-Hughes Act, which enlisted federal aid to schools for vocational training. These funds went to individuals who were 14 years of age and older. The first of its kind, the Smith-Hughes Act established federal funding for public secondary vocational education (Dougherty & Lombardi, 2016; Kliever, 1965; R. Werum, 1997; R. E. Werum, 1999; Wolfe, 1978). The Smith-Hughes Act mandated that each state establish a state-run board of vocational education responsible for distributing federal funds; therefore, vocational programs gave states control over access, funding, curriculum, and technical skill program development. Led and promoted by conservative southern Democrats, the Smith-Hughes Act mobilized federal funds for vocational education that would greatly benefit the agricultural South (R. Werum, 1997; R. E. Werum, 1999; Wirth, 1972). For agricultural and home economics programs, federal funds were distributed based on the percentage each state constituted of the nation's rural and farm populations. In contrast, each state's portion of the nation's urban population determined its share of trade and industrial training funds.

The Smith-Hughes Act's application, however, underscores how race-neutral policy manifested antiBlack racism. Jim Crow laws, Black Codes, and other race-based laws were prevalent in the South, and even in the North, many were practiced in a de facto capacity (Hartman, 2019). These laws dictated all aspects

of life for African Americans in housing, work, compensation, and education. Southern Democrats constructed the Smith-Hughes Act, utilizing the argument of states' rights, the idea that rights and powers are in the purview of individual states, not the federal government (R. Werum, 1997; R. E. Werum, 1999). Drawing on states' rights to distribute vocational federal funds stifled federal oversight and thwarted the equitable allocation of federal vocational funds. Southern Democrats relied on arguments of race-neutrality to write and defend the Act (R. Werum, 1997), fostering race-based funding disparities under the guise of states' rights.

The Smith-Hughes Act expanded racial inequities in vocational education via a skewed funding scheme that underserved Black communities and overserved white ones (R. Werum, 1997; R. E. Werum, 1999; Wilkerson, 1939), employing a states' rights model whereby state boards of vocational education maintained complete control over the distribution of federal vocational funds between white and Black communities (R. E. Werum, 1999). This inequitable structure bolstered the southern race-based class divisions among white landowners and black sharecroppers (R. Werum, 1997). One requirement for receiving federal vocational funds under the Smith-Hughes Act was the length of the school year. For example, agriculture-based high schools had to be open 6 months, and industry-based high schools had to be open 9 months. Black communities were unable to access Smith-Hughes funds because public Black high schools were scant, especially in rural areas, until the 1930s (J. Anderson, 1988). Once Black high schools were eligible to receive federal vocational education funding, however, the way state boards of vocational education distributed the funds overpaid white communities and underpaid Black ones. In the 1934-35 school year, for instance, 18 states distributed to their white population "\$3,279,341, or 90%" of the federal vocational education funding "and only \$354,934, or 10%" to Black communities (Wilkerson, 1939, p. 97). Based on the population of Black communities across 18 southern and northeastern states, Black communities were owed \$788,000 of federal vocational funds, which is \$422,801 more than that which they received (Wilkerson, 1939).

Moreover, state boards of vocational education endorsed curricula for vocational education programs that promoted Black subordination and white domination. Black vocational agricultural programs focused on subsistence farming, a form of farming that aims to meet the basic needs of a family rather than increasing crop yields for wholesale or entrepreneurship purposes. In contrast, white vocational programs taught white students farming methods that relied on scientific innovations to increase crop yields beyond subsistence (J. Anderson, 1988; R. Werum, 1997; R. E. Werum, 1999). In an analysis of Georgia, North Carolina, and Mississippi, R. Werum (1997) found that vocational education curricula offered white communities courses that aligned with labor market needs; however, such courses were unavailable to Black communities. Such differences in the vocational education curricula restricted career and economic opportunities for Black Americans, who proved unable to access or maintain the same occupations as white Americans, further racially segregating labor markets (R. Werum, 1997). This backdrop laid the groundwork for the next iteration of vocational education policy.

The Vocational Education Act of 1963

The next major vocational education policy was the Vocational Education Act (VEA) of 1963. The foundation of the VEA is linked to the Smith-Hughes Act of 1917 because the Smith-Hughes Act had previously served as the foundation for federally funded vocational education legislation in the U.S. (Gordon, 2014; Kliever, 1965; LaFollette, 2011). Until the VEA of 1963, Congress had repeatedly opposed from 1929 to 1962 the reauthorization of federal funding of vocational education (Gordon, 2014; Imperatore & Hyslop, 2017). The 1963 VEA sought to improve the structure of federally funded vocational education programs (Gordon, 2014; Hayward & Benson, 1993; LaFollette, 2011). Its intent was to instill “high quality vocational education opportunities for all people in all communities in all occupations which require less than the baccalaureate degree for job entry” (Dugger, 1965, p. 15). As justification, the Department of Labor projected that 15 to 30 million people within the 1975 labor force lacked a high school degree (Kovarsky, 1964). Also, technological advancements in vocational fields

would require 100 million people to be retrained or phased out of their occupations. Alongside technological and other automation-based advancements, the lack of a skilled labor force was compounded by an underdeveloped educational system that struggled to produce high school graduates. Ultimately, vocational education programs were unable to produce workers at the same rate of workers who were retiring (Kovarsky, 1964).

Given these issues, the 1963 VEA identified specific social groups to receive federal vocational education funding. In the early 1960s, President John F. Kennedy enlisted a panel to make recommendations given the bleak outlook of the nation's current and projected labor force (Dugger, 1965). The panel noted that the rapid advancement of technology in the country would create jobs that did not currently exist, indicating that technology was improving faster than the nation's educational system. To prevent leaving future students jobless, the panel recommended vocational education programs be expanded and require sustainable resources to keep pace with the evolution of technology. These recommendations were the foundation of the VEA of 1963, which created federal grants that individual states could draw on to create vocational education programs while improving existing ones (Dugger, 1965; Gordon, 2014). The 1963 VEA also allowed states to use federal funds to pay students aged 15 to 20, who required an income to pursue their education in work study programs. Finally, the VEA mandated that federal funds be used to support those with academic, socioeconomic, or other impediments (Gordon, 2014) that may hinder students' success in vocational education programs.

Although neither race nor racial groups were named in the 1963 VEA, Black Americans were a topic of focus in the legislative discussions surrounding VEA's construction, which implicated employment matters. Members of the Urban League and the NAACP, two prominent Black political organizations, testified about issues they saw with the 1963 VEA, namely, according to Clarence Mitchel of the NAACP, that racially segregated schools would receive federal funds more than a decade after the Supreme Court had banned school segregation (Kliever, 1965). Moreover, ongoing racial segregation in schools

allowed federally funded vocational education programs to offer white students workforce development and withhold such from Black students (Hannah et al., 1963; Kovarsky, 1964). This inequity meant Black Americans' education was widely insufficient for employment in skilled labor positions (Hannah et al., 1963). Mass unemployment in the Black community exacerbated these matters. Nationwide, training by apprentice programs for skilled labor positions was widely inaccessible to Black Americans because white Americans regularly excluded them from unions, which managed apprenticeships (Hannah et al., 1963; Kovarsky, 1964).

House Democrats and Republicans debated the issue of race in the 1963 VEA. Republicans' focus on racial discrimination and racial segregation viewed vocational education as a potential remedy that represented "a necessity for raising the socioeconomic status of the Negro" (Kliever, 1965, p. 35). House Democrats, however, accused House Republicans of being disingenuous, finding it crucial to exclude from the 1963 VEA antidiscrimination language that they thought would cause it to die in the House, Senate or by the Rules Committee (Kliever, 1965). Furthermore, House Democrats believed the Kennedy Administration would pass the Civil Rights Act and therefore did not think it imperative to include in the Act antidiscrimination language. The Kennedy Administration, however, used socioeconomic status to justify the use of federal funds for vocational education and told legislators that solving the issue of education within the Black community would elevate Black people's economic status (Kliever, 1965); this framing served to conveniently assuage southern legislators. Nevertheless, House Democrats were able to move a version of what became the 1963 VEA into the Senate, one that excluded antidiscrimination language and thus any mention of race (Pub. L., 88-210).

[Brown v. Board of Education and the Civil Rights Act of 1964](#)

The Supreme Court's 1954 *Brown v. Board of Education* decision overturned the 1896 *Plessy v. Ferguson* ruling of separate but equal, doctrine sanctioning legal segregation that was anything but equal. This

verdict was vital, as it defied the Jim Crow social and legal structure of the South. Before the *Brown* ruling, scholars note that Black education systems were systematically under-resourced as compared to white education systems (J. Anderson, 1988; D. Bell, 2004). In the compilation of the five cases that comprised the *Brown* case, plaintiffs argued that racially segregated schools were unequal and could not be made equal if kept separate, an idea they argued violated the Equal Protection clause of the 14th Amendment (D. Bell, 2004). Defendants argued for separate but equal systems based on the legal precedent set by the 1896 Plessy v ruling. The Supreme Court in 1954 ruled that operating two separate systems was undemocratic and unconstitutional. Chief Justice Warren was noted as saying,

to separate [Black children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone” (347 U.S. 483 [1954]).

The *Brown* decision was a motivating force behind future, identify-based legislation (Brown, 2004). A decade after the *Brown* decision, Congress passed the Civil Rights Act of 1964, which enforced racial desegregation of public accommodations, facilities, education, and mandated equal opportunity employment. Scholar Brown (2004) noted the Civil Rights Act of 1964 was vital for the enforcement of the *Brown* decision, as the Act empowered the U.S. Secretary of Health, Education and Welfare to document school desegregation via data collection. Plaintiffs were then able to utilize this data to demonstrate districts’ refusal to comply with school desegregation mandates. In doing so, the Civil Rights Act of 1964 enabled the U.S. Attorney General to defund public school districts that did not desegregate (Brown, 2004).

With the passage of the Civil Rights Act of 1964, federally funded programs were required to eliminate racial discrimination as well as other forms of social inequalities (Dougherty & Lombardi, 2016; Dugger, 1965; H.R.7152, 1964; Kovarsky, 1964; Valentin, 1997). Therefore, the Civil Rights Act of 1964 retroactively required users of 1963 VEA funds to eliminate racial discrimination within their locus of control. The Congressional testimonies and debates around the 1963 VEA that pointed out antiBlack

education inequalities and low economic mobility for Black Americans represented, according to some scholars (Hayward & Benson, 1993), a vital step in mobilizing vocational education for marginalized people.

The VEA was amended in 1968 to include antidiscrimination language on the basis of race as well as religion, national origin, and sex (P.L. 90-576, 1968). Although legislators included antidiscrimination language in the 1968 amendment, there was no mention of specific racial groups or racial inequities in vocational education and employment despite having been previously discussed in legislative sessions prior to the passing of the original VEA of 1963. The VEA amendments of 1968 did not explicitly name racial groups as populations of interest. Instead, English language learners (ELLs), students with disabilities, women, and students who face social, educational, or class-based inequalities were included as groups requiring antidiscrimination education and occupational protections (P.L. 90-576, 1968; Wolfe, 1978). These marginalized populations appear to align with special populations designation within the 1984 Perkins Act through the 2018 Perkins V Act.

Tracing Populations Deemed Special in VCTE Policy

This section discusses the histories of the special populations designated by the Perkins Act. We demonstrate how this policy frames these groups as race-neutral (i.e., raceless) despite the clear salience of race. For contextualization, we review the most current iteration of VCTE, Perkins I-V, and move on to specific groups to show how they build on pre-existing legislation.

A 2011 doctoral dissertation from the University of Illinois, Urbana-Champaign is one of the only scholarly examinations linking VCTE and earlier legislative policies through a critical lens. Although Imperatore and Hyslop (2017), for example, have traced a history of VCTE policy, it lacks a critical perspective that discounts the role of race. Astutely, LaFollette (2011) employed a critical historical analysis of the 1984 Perkins legislation to argue that *Brown* was the precedent that led social and legal

reforms within the U.S. and paved the way for the special populations designation within the Perkins Act. These social and legal reforms are the Bilingual Education Act, Title IX, Women's Educational Equity Act, and the Individuals with Disabilities Act (LaFollette, 2011).

Extending LaFollette's (2011) work, we provide an overview of the special populations designations for Perkins I-V with regard to race. Then, we discuss specific pieces of legislation external to the Perkins Act that, we posit, led to special populations. These five pieces of legislation are: Title IX, the Women's Educational Equity Act, the Bilingual Education Act, the Individuals with Disabilities Act, and the Adoption Assistance and Child Welfare Act. What becomes clear in our analysis is that Congress passed race-evasive vocational education policy despite knowledge of racial inequities within U.S. society.

Special Populations in Perkins I-V

In 1984, the federal government authorized the Carl D. Perkins Vocational Education Act, legislation that Congress claimed would serve all people (H.R.4164, 1984; LaFollette, 2011). A key area of focus within this Perkins Act was special populations. Congress explicitly named and shifted over 50% of federal funds toward people with physical/mental exceptionalities (10%), low socioeconomic status individuals (22%) (including ELLs), adult education (12%), single parents/homemakers (8.5%), gender equity (3.5%), and incarcerated individuals (1%) (Gordon, 2014; H.R.4164, 1984; LaFollette, 2011). The remaining funds for the Perkins Act were to be utilized to create new VCTE programming. Within the first five Acts that comprise the Carl D. Perkins Vocational Education Acts, there is little variation among the populations considered "special." Two important exceptions are we follows. In 1990, Congress added individuals that navigated the foster care system to the special populations list (H.R.7, 1990), and in 2018, Congress reauthorized the fifth Perkins Act, adding youth with a parent on active duty in the military.

Proceeding the Perkins Act, the Subcommittee on Elementary, Secondary and Vocational Education held Congressional meetings. In this forum, the Committee on Education and Labor in the House of

Representatives held 20 hearings from February 1981 to September of 1982. Despite witnesses' testimonies on the Congressional record that highlighted the salience of race, the Perkins 1984 Act excluded racial groups from populations deemed special.

Within these hearings, racial and ethnic inequities were a topic of discussion. In the hearing on Sex Equity in Vocational Education, witnesses from the National Advisory Council on Women's Educational Programs demonstrated that Black teenage women had the highest unemployment rate, and Hispanic women had the lowest median income of other racial groups and genders (Hearings on reauthorization of the Vocational Education Act of 1963 part 11: Sex equity in vocational education, 97th Congress, 1981). The hearing on Urban and Rural Education featured testimonies detailing the high poverty conditions of the rural U.S., particularly in the South, where poverty was greatest among Black people (Hearings on reauthorization of the Vocational Education Act of 1963 part 2: Urban and rural vocational education, 97th Congress, 1981). After testimonies on the work, life, and school conditions in the rural South, Representative Kildee of Michigan said that if rural Black people were to be identified as dually oppressed, they would, rightly, require additional support. Furthermore, a 1979 table presented in this session demonstrated that white rural residents graduated high school at a rate of 64% compared to urban white people's 73%, noticeably higher than both Black people in rural (33%) and urban (54%) locales. Ethnic and racial disparities for Black and Hispanic individuals in the U.S. also showed up in other sessions; for example, in Part 6: Consumer and Homemaking Education, a witness reported that in 1978, over 50% of Black and Hispanic women-led families lived below the poverty line in comparison to 24% of white households (Hearings on Reauthorization of the Vocational Education Act of 1963 part 6: Consumer and homemaking education, 97th Congress, 1981).

[Individual Pieces of Legislation](#) The following subsections review individual pieces of legislation that provided the rationale for special populations in the Perkins Act, highlighting the absence of race.

Title IX, the Women's Educational Equity Act and Vocational Education Legislation The foundation of Title IX is rooted within the 1954 *Brown* ruling, and the movement for Civil Rights, both of which were racialized movements led by Black Americans (Valentin, 1997). Strengthening the Civil Rights Act of 1964, Congress passed the Educational Amendments of 1972 through which Title IX banned sex-based discrimination and segregation across the public P-20 system of education (Stromquist, 1993; Valentin, 1997). Many heralded this as a victory for the modern women's rights movement (Valentin, 1997), as Title IX would defund educational programs or activities that were non-compliant yet still receiving federal funding (Stromquist, 1993; Valentin, 1997).

Title IX specifically focused on sex-based discrimination and does not mention race or acknowledge how it intersects with sex or gender, something particularly evident in the lives of Black women. As argued by critical race theorist K. W. Crenshaw (1989), intersectionality represents the idea that race and sex, or gender, interact and are impossible to decouple in the lives of Black women given the dual marginalization they face in combatting antiBlack sexism. Furthermore, Crenshaw explains that a major shortcoming of antidiscrimination law is its single axis or single-issue focus. Based on Crenshaw's theorization of intersectionality in antidiscrimination law, we view Title IX as a single axis focus because it attends only to sex discrimination.

Following Title IX, feminist activists lobbied Congress for 3 years until the Women's Educational Equity Act (WEEA) passed in 1974 (Stromquist, 1993). While Title IX assigned penalties for noncompliance in sex-based discrimination instances, WEEA federally financed educational equity for women and girls within various P-20 education contexts to overcome sexism (LaFollette, 2011; Stromquist, 1993; Valentin, 1997; Wolfe, 1978). Unlike Title IX, racial and ethnic equity in education was a primary focus of WEEA (Valentin, 1997).

Congress extended anti-sex discrimination language in the VEA Amendments of 1976 to align with Title IX as sex discrimination excluded women from accessing vocational education programs and occupations (Stevenson, 1977; Valentin, 1997; Wolfe, 1978). Before the VEA Amendments of 1976, women interested in vocational careers were forced into low level office occupations, food service management, and child and hospital care (Walsh & Totten, 1976). Regarding sex discrimination, the purpose of the 1976 amendments was to end sex binary (e.g., male, female) based segregation within vocational education by allocating the use of federal funds via a sex equity coordinator, workforce reentry programs for women, and efforts that sought to eliminate sex bias (LaFollette, 2011; Stromquist, 1993; Wolfe, 1978; VEA Amendments of 1976). The final enforcement of sex equity within vocational education was the Perkins Act of 1984 and its reauthorizations.

Although Title IX was built on the *Brown* decision and the Civil Rights movement, which focused on race, as well as WEEA's early focus on racial equity, the Perkins Act of 1984 and subsequent reauthorizations fail to explicitly recognize race within special populations, further demonstrating the Act's race-neutrality.

The Bilingual Education Act and Federal Vocational Education Funding Bilingual education in the U.S. has a racialized history punctuated by formal and informal white supremacy; these efforts have sought to erase the language and culture of Indigenous peoples, increase the assimilation of immigrants during World War I, and exclude non-English speakers from participating in the nation's public education system (Leibowitz, 1974). This foundation reflects how bilingual education and its policies in the U.S. are racialized.

The Bilingual Education Act of 1968 (BEA) provided federal funding for bilingual education programming, teacher training, parental involvement and the creation and distribution of resources (Leibowitz, 1980; Stewner-Manzanares, 1988; Wiese & García, 1998). The original BEA was voluntary for school districts,

did not require instruction in students' native language, focused on teaching English, and incorporated education programming that often-segregated ELL students. As a result of these issues with the original BEA, many ELL students had tenuous access to educational success. For example, in 1974, *Lau v. Nichols* underscored that 1800 Chinese immigrant students in San Francisco United School District who were not English language proficient were unable to access an equal education (LaFollette, 2011; Stewner-Manzanares, 1988; Wiese & García, 1998). The Supreme Court ruled that the school district was in violation of the Civil Rights Act of 1964 because the school district received federal funds to educate all its students, yet discriminated against language minorities (LaFollette, 2011; *Lau v. Nichols*, 1974; Moran, 2005). Moreover, the *Lau* ruling understands language as tied to race and/or ethnicity (Moran, 2005), evincing bilingual education policy's racialized implications.

We contend that the Supreme Court's ruling in the *Lau* case paved the way to provide federal funding for bilingual vocational education in the 1976 BEA amendments. The 1974 BEA defined bilingual education and broadened bilingual education programmatic resources for eligible school districts (e.g., teacher/staff training, curricula, research) (Leibowitz, 1980; Punches, 1985; Stewner-Manzanares, 1988). The BEA's 1976 amendments charged government officials with disseminating research on ELL educators, unemployment rates of ELLs, and issuing federal funds (e.g., grant assistance) for non-profit organizations to offer bilingual education programs for vocational occupations. The BEA was amended again in 1978 to clarify lines of eligibility for students who were not proficient in communicating in English and provided guidelines for ELL students to transition into English speaking classrooms (Leibowitz, 1980; Punches, 1985; Stewner-Manzanares, 1988; Wiese & García, 1998). Congressional members passed the BEA amendments in October of 1984, 2 months before the authorization of the Perkins Act, which expanded how school districts utilized federal money to meet ELL students' needs and funded research on discrimination to improve bilingual education (Leibowitz, 1980; Stewner-Manzanares, 1988).

Perkins designates ELLs a special population, allotting them federal funding given the connection we have shown linking VCTE policy to the BAE 1976 amendments (H.R.12835, 1976; Stevenson, 1977).

Despite race being a vital construct in the foundations and legislation of bilingual education, the Perkins special populations designation fails to address specific racial groups or the different racial realities of ELLs.

Individuals With Disabilities Act and Vocational Education Legislation Perkins designates individuals with disabilities a special population, affording them targeted funding. The legislative rationale for focusing on this group rests largely on the Individuals with Disabilities Act, which is not racially specific.

The foundations of U.S. special education, or the schooling of students with exceptionalities, has perennially been defined by ableism, erasure, inadequate classroom settings, and discriminatory testing procedures; these issues have led to an underdeveloped or inaccurate understanding of students' needs (Martin et al., 1996; Weintraub et al., 1977; Zettel & Ballard, 1979). The Brown decision intended to end segregation in public schools and would eventually support legislation for students with exceptionalities (Martin et al., 1996; Spaulding & Pratt, 2015; Weintraub et al., 1977; Zettel & Ballard, 1979). Mayes (2023) argues, however, that

racial integration of public schools further exacerbated black overrepresentation in special education after *Brown v. Board of Education of Topeka* (1954). White educators and psychologists developed special education not to help "disabled" children but rather to protect the interests of white "normal" students who they considered the "future torchbearers of our civilization." (p. 3)

The *Brown* decision, nevertheless, provided a foundation for two landmark cases that supported the inclusion of students with exceptionalities in public education: *Pennsylvania Association for Retarded Children (PARC) vs. the Commonwealth of Pennsylvania* (1972) and *Mills vs. Board of Education of the District of Columbia* (1972). Key arguments in both cases identified students with exceptionalities as a segregated population in schools. Additionally, the rulings in these two cases established guidelines for

ensuring students with exceptionalities are placed in the least restrictive educational setting (Weintraub et al., 1977).

Although these two landmark cases focused on students with exceptionalities, the issue of racial and ethnic marginalization was also intertwined in legislation for students with disabilities. *Larry P. vs. Rile* (1979), which involved Black American students, and *Diana v. State Board of Education* (1970), which involved Mexican American students, both identified testing procedures as discriminatory because they aligned with white cultural norms (Weintraub et al., 1977; Zettel & Ballard, 1979). Building on these cases and nearly 40 others (Zettel & Ballard, 1979), Congress passed in 1975 the Individuals with Disabilities Education Act (IDEA). IDEA required public schools to provide students with exceptionalities specialized classroom settings, specialized evaluation, opportunities for parental participation, due process for special education services, and an individualized education plan (IEP).

Despite race being implicated in the foundations of special education (Mayes, 2023), and its legislation in *Larry P. vs. Rile* (1979), and *Diana v. State Board of Education* (1970), Perkins legislation does not identify race regarding special populations. Four years after the passage of the 1984 Perkins Act, a report from the President's Committee on the Employment of People with Disabilities highlighted that racially marginalized people who are disabled face dual forms of oppression. The report underlines that Clarence Thomas, who at the time was Chairman of the Equal Employment Opportunity Commission, argued in public comments that being Black and having a disability presents a dual form of oppression (Russel, 1988). In 1991, Thomas, whose right-leaning, conservative views diametrically opposed those of his predecessor, Thurgood Marshall, lead NAACP attorney in the legal fight against school segregation, would go on to replace Marshall as the second Black Supreme Court Justice. The use of Thomas's argument and the broader section within this report itself is an indication of race and ability-status as compounding, oppressive factors that Congress chose to ignore.

Adoption Assistance and Child Welfare Act One special population that did not rely on the argument of segregation, and thus cannot be tied as tightly to the Brown decision, was foster youth; their treatment in federal policy, however, suggests that the second iteration of the Perkins Act that Congress passed in 1990 was shaped by the Adoption Assistance and Child Welfare Act. The Adoption Assistance and Child Welfare Act of 1980 did not serve older teenagers in the foster care system; these youths were unlikely to return home or be adopted (Cook, 1988). As a result, roughly 18,000 teenagers in the mid 1980s were poised to age out of the foster care system at age 18. Many of these children required a variety of supports for their transition into adulthood, namely, different life skills such as financial management, meal preparation, housing identification, and forming relationships with others (Cook, 1988). Around the time the original Perkins Act was passed in 1984, members of the House and Senate listened to the testimonies of service providers and scholars who specialized in this population (Allen et al., 1988). A common theme was the dire need to support the many current foster care teenagers struggling with schooling and self-efficacy. Testimonies also underlined that foster care youths who aged out of the foster care system often were unhoused and interacted with the criminal justice system to a higher degree than individuals unassociated with the foster care system. This information convinced many members of Congress that federal investment in teenage foster youth via the Independent-Living Initiative would curb these determinantal outcomes (Allen et al., 1988). Funding provided by this Initiative would give foster youths over the age of 16 access to several services, including a high school diploma or equivalent vocational education degree.

According to Hogan and Siu (1988), locating accurate data on racially marginalized children in the child welfare system at the time was difficult, as the data was not disaggregated by race or ethnicity. Drawing on data 1978 from the Children's Defense Fund, Hogan and Siu relied on publicly and privately collected data to illustrate that Black, Native Indigenous, and Hispanic children were overrepresented in the child welfare system. Decades later, scholars still note the disproportionality of racially marginalized children

in the foster care system, specifically, Black and Native Indigenous children (Cooper, 2013; Roberts, 2008). Historically, these racial impartialities existed due to the federal government's application of white supremacist logics in its racial discrimination against Black and Native Indigenous children within the foster care system (Billingsley & Giovannoni, 1972; Cooper, 2013; Roberts, 2008).

Discussion and Implications: Why VCTE Policy Should be Race-Conscious

This paper fills a gaping hole in scholarship on VCTE policy. We extend the literature, arguing that scholars have overlooked the function and consequences of race-neutrality in VCTE policy. This shortcoming has troubling implications for VCTE widely, especially for racially oppressed students who continue to miss out on the targeted supports associated with being designated a special population. We also challenge race-neutral interpretations of VCTE policy by demonstrating how race is implicated across virtually all dimensions of VCTE policy, whether named explicitly or not. Our contention for race-consciousness (Peller, 1990) in VCTE policy itself and in scholarly analyses of it is supported by CRT's focus on structural racism at present and throughout the history of the U.S. (K. Crenshaw et al., 1995), especially in education policy (Gillborn, 2005; Parker, 2003).

Although the special populations designation in Perkins was created to address inequities in education and employment, these designations have remained disparate identity categories. This issue echoes the failure of antidiscrimination law to address the ways in which race intersects with other marginalized identities to exacerbate the impact of discriminatory systems (K. W. Crenshaw, 1989). While the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) expanded the special populations list to the following nine groups, it maintains race-neutrality: (1) students with disabilities; (2) students from economically disadvantaged families, including low-income youth and adults; (3) students preparing for non-traditional fields; (4) single parents, including single pregnant women; (5)

out-of-workforce individuals; (6) English Learners; (7) homeless students; (8) youth who are in, or have aged out of, the foster care system; (9) and youth with a parent on active duty with the armed forces.

Scholars have generally overlooked issues of race-evasiveness across VCTE policies. They have done so despite a historical justification for the use of federal funds for vocational education programs, justification built on a promise of socioeconomic mobility specific to white and Black Americans (Kliever, 1965). R. Werum (1997) named this framing as problematic, as state control led to the unequal distribution of federal funds to vocational programs serving Black students. Overall, however, scholarship on this topic has named race but failed to interrogate structural policy inequities in a race conscious manner (Peller, 1990).

At the inception of VCTE, there was a bipartisan focus on raising the socioeconomic status of Black Americans (Kliever, 1965). The subsequent legislative and court hearings highlighted racial inequities in education, particularly between Black and white Americans, yet contemporary policies continue to be implemented in a race-neutral fashion. This contradiction perpetuates practices centered on equality versus equity and individuals versus systems. If race truly did not matter at a systemic level, why were there such concerted efforts to discuss race at the inception of the policy and to differentiate funding levels based on race to the benefit of white Americans?

This race-neutral policy ignores the history of white supremacist racism that has punctuated the experiences of all populations designated special and underserved those who have historically endured systemic racial oppression, effectively disregarding the centrality of racial oppression in the U.S. The racialized context for students with disabilities, for instance, is evident in multiple court cases (Weintraub et al., 1977; Zettel & Ballard, 1979), with Clarence Thomas affirming that a person identifying as Black and disabled is dually oppressed (Russel, 1988). The historical context of the U.S. has resulted in severe racial income inequality that directly impacts opportunities for employment and housing. Students

preparing for non-traditional fields is often gender-specific, and while Title IX is also race-neutral, the Women's Educational Equity Act promoted racial and ethnic equity (Valentin, 1997). ELLs experience intersectional identities across diverse racial and ethnic groups and bilingual education itself has a racialized history (Leibowitz; Moran, 2005). The racialized context of youth in foster care has resulted in an overrepresentation of racially minoritized children in the foster care system (Cooper, 2013; Hogan & Siu, 1988; Roberts, 2008) and discriminatory practices particularly for Black and Native Indigenous children (Billingsley & Giovannoni, 1972; Cooper, 2013).

The negative impacts from a legacy of race-evasiveness in VCTE policy will not be redressed without a race-conscious (Peller, 1990) and intersectional approach (K. W. Crenshaw, 1989). Guinier (2004) has argued for a shift from racial liberalism to racial literacy. This approach requires an understanding of race as contextual, connected to power, and intersectional. Without a racial literacy approach, systemic inequities in VCTE will remain unaddressed. This is particularly problematic given the ways the COVID-19 pandemic impacted racially minoritized students and disrupted programs of study that fall under VCTE policy (Dougherty et al., 2022) and contemporary sociopolitical attacks on higher education driven by white supremacy and antiBlackness (Patton, 2016).

Most recently, Perkins V introduced the requirement to complete a Comprehensive Local Needs Assessment to bring partners in the VCTE pipeline together to address equity gaps for special populations. Since the federal policy driving this requirement maintains race-neutrality, those responsible for program implementation at the state and local levels can and do opt out of conversations surrounding race. This is especially problematic as at least a dozen, mostly southern, states have proposed legislation to abolish diversity, equity, and inclusion efforts at public colleges and universities (C. D. James-Gallaway & Dixon, 2023). Even in northern states such as Illinois that have centered racial equity (Rockey & James-Gallaway, 2019), the absence of race in special populations at the federal level limits the extent to which states can shift to a racial literacy lens locally.

Despite the historical significance of vocational education to African Americans (J. D. Anderson, 1982), as just one example, VCTE policy has remained race-evasive. We have demonstrated, nevertheless, the myriad opportunities key stakeholders—with the power to do so—declined to designate as a special population racially marginalized students. Perhaps they assumed vulnerable racial groups would be subsumed in one of the other categories. But CRT tells us that racial issues cannot be rectified a race-evasive manner (K. Crenshaw et al., 1995); race consciousness is requisite (Peller, 1990). The consequences of this refusal bolster white supremacy and antiBlackness, integral features CRT views as endemic to the nation, its laws, and its education system (K. Crenshaw et al., 1995; Ladson-Billings & Tate, 1995). Thus, for those invested in equity outcomes, it proves crucial to push for race conscious VCTE policy as a step toward justice for racially marginalized students.

Acknowledgments

We would like to thank Dr. Anjalè D. Welton for being a thought partner during the early iterations of this project.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

References

- Allen M., Bonner K., Greenan L. (1988). Federal legislative support for independent living. *Child Welfare*, 67(6), 515–527. PubMed.
- Anderson J. (1988). *The education of Blacks in the south (pp. 1860–1935)*. University of North Carolina Press.
- Anderson J. D. (1982). The historical development of Black vocational education. In Kantor H., Tyack D. B. (Eds.), *Work, youth, and schooling: Historical perspectives on vocational education (pp. 180–222)*. Stanford University Press.
- Bell D. (1991). Racism is here to stay: Now what. *Howard Law Journal*, 35(79), 79–93.
- Bell D. (2004). *Silent Covenants: Brown V. board of education and the unfulfilled hopes for racial reform*. Oxford University Press.
- Bell D. A. (1980). Brown v. board of education and the interest-convergence dilemma. *Harvard Law Review*, 93(3), 518–533.

- Billingsley A., Giovannoni J. M. (1972). *Children of the storm: Black children and American child welfare*. Harcourt College.
- Brown F. (2004). The first serious implementation of Brown: The 1964 civil rights act and beyond. *Journal of Negro Education*, 73(3), 182–190.
- Brown v. Board of Education of Topeka. (1954). 347 U.S. 483.
- Carbado D. W. (2010). Critical what what? *Connecticut Law Review*, 43(5), 1593–1644.
- Cook R. (1988). Trends and needs in programming for independent living. *Child Welfare*, 67(6), 497–514. PubMed.
- Cooper T. A. (2013). Racial bias in American foster care: The national debate. *Marquette Law Review*, 97(2), 215–279.
- Crenshaw K., Gotanda N., Peller G. (Eds.) (1995). *Critical race theory: The key writings that formed the movement*. The New Press.
- Crenshaw K. W. (1988). Race, reform, and retrenchment: Transformation and legitimation in antidiscrimination law. *Harvard Law Review*, 101(7), 1331–1387.
- Crenshaw K. W. (1989). Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1989(1), 139–167.
- Crenshaw K. W. (2010). Twenty years of critical race theory: Looking back to move forward. *Connecticut Law Review*, 43(5), 1253–1354.
- Diana v. State Board of Education, CA 70 RFT, (N.D Cal. 1970).
- Dougherty S. M., Ecton W. G., Bonilla S., McGuinness S. (2022). The effects of the COVID-19 pandemic and recession on career preparation during high school. *Peabody Journal of Education*, 97(3), 326–343.
- Dougherty S. M., Lombardi A. R. (2016). From vocational education to career readiness: The ongoing work of linking education and the labor market. *Review of Research in Education*, 40(1), 326–355.
- Dugger R. (1965). The vocational education act of 1963. *The Bulletin of the National Association of Secondary School Principals*, 49(301), 15–23.
- Emerick M. R. (2022). Diversity ideology and school leadership: Obscuring inequities for emergent bilingual students in career and technical education. *Educational Administration Quarterly*, 58(2), 223–257.
- Gillborn D. (2005). Education policy as an act of white supremacy: Whiteness, critical race theory and education reform. *Journal of Education Policy*, 20(4), 485–505.
- Gillborn D. (2013). Interest-divergence and the colour of cutbacks: Race, recession and the undeclared war on Black children. *Discourse Studies in the Cultural Politics of Education*, 34(4), 477–491.
- Gordon H. R. (Ed.). (2014). *The history and growth of vocational education in America* (4th ed.). Waveland Press.
- Gotanda N. (1991). A critique of our constitution is color-blind. *Stanford Law Review*, 44(1), 1–68.
- Guinier L. (2004). From racial liberalism to racial literacy: Brown v. board of education and the interest-divergence dilemma. *Journal of American History*, 91(1), 92–118.
- Hamilton V. E. (2021). Reform, retrench, repeat: The campaign against critical race theory, through the lens of critical race theory. *William and Mary Journal of Race Gender and Social Justice*, 28(1), 61.
- Hannah J. A., Storey R. G., Griswold E. N., Hesburgh T. M., Rankin R., Robinson S. W. (1963). *Civil rights 1963 report of the United States commission on civil rights*. U.S. Government Printing Office.
- Harper S. R., Patton L. D., Wooden O. S. (2009). Access and equity for African American students in higher education: A critical race historical analysis of policy efforts. *Journal of Higher Education*, 80(4), 389–414.
- Harris C. I. (1993). Whiteness as property. *Harvard Law Review*, 106(8), 1707–1791.
- Hartman S. (2019). *Wayward lives, beautiful experiments: Intimate histories of riotous black girls, troublesome women, and queer radicals*. WW Norton & Company.
- Hayward G., Benson C. (1993). *Vocational education: Major reforms and debates 1917-present*. Office of Vocational and Adult Education.

- Hearings on reauthorization of the Vocational Education Act of 1963 part 11: Sex equity in vocational education, 97th Congress. By United States. Congress. House, Committee on Education and Labor. Subcommittee on Elementary, Secondary, and Vocational Education. (1981).
https://books.google.com/books?id=NUq6AyzIYtMC&printsec=frontcover&source=gbs_atb#v=onepage&q&f=false
- Hearings on reauthorization of the Vocational Education Act of 1963 part 2: Urban and rural vocational education. By United States. Congress. House, Committee on Education and Labor. Subcommittee on Elementary, Secondary, and Vocational Education. (1981). 97th Congress.
https://books.google.com/books?id=BiKlgRVXkRoC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false
- Hearings on Reauthorization of the Vocational Education Act of 1963 part 6: Consumer and homemaking education. By United States. Congress. House. Committee on Education and Labor. Subcommittee on Elementary, Secondary, and Vocational Education. (1981). 97th Congress.
https://books.google.com/books?id=OcZFAQAAMAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false
- Hogan P. T., Siu S. F. (1988). Minority children and the child welfare system: An historical perspective. *Social Work*, 33(6), 493–498.
- H.R.12835. (1976, August 31). 94th Congress (1975-1976): Vocational education amendments.
<https://www.congress.gov/bill/94th-congress/house-bill/12835>
- H.R.4164. (1984, October 19). 98th Congress (1983-1984): Carl D. Perkins vocational education act.
<https://www.congress.gov/bill/98th-congress/house-bill/4164/text>
- H.R.7. (1990, September 25). 101st Congress (1989-1990): Carl D. Perkins vocational and applied technology education act amendments of 1990. <https://www.congress.gov/bill/101st-congress/house-bill/7>
- H.R.7152. (1964, July 2). 88th Congress (1963-1964): Civil rights act of 1964. <https://www.congress.gov/bill/88th-congress/house-bill/7152/text/pl>
- Imperatore C., Hyslop A. (2017). CTE policy past, present, and future: Driving forces behind the evolution of federal priorities. *Peabody Journal of Education*, 92(2), 275–289.
- James-Gallaway A. D. (2022). Under a black light: Implications of Mexican American school segregation challenges for African Americans in Texas. *Teachers College Record*, 124(12), 220–251.
- James-Gallaway C. D. (2022). “The kids in prison program”: A critical race personal counternarrative of a former Black charter school teacher. *Teachers College Record*, 124(11), 58–81.
- James-Gallaway C. D., Dixson A. D. (2023). We have seen this before: The racial status quo and “anti-CRT” discourse. *Dialogues in Social Justice: An Adult Education Journal*, 8(1), 1–14.
- James-Gallaway C. D., James-Gallaway A. D. (2022). Why opportunity isn’t enough: Restrictive v. expansive views of equality, Texas top ten percent policy, and race liberalism. *The Professional Educator*, 45(1), 1–12.
- Kliever D. E. (1965). Vocational education act of 1963, a case study in legislation. American Vocational Association.
- Kovarsky I. (1964). Apprentice training programs and racial discrimination. *Iowa Law Review*, 50(3), 755–776.
- Ladson-Billings G., Tate W. F. (1995). Toward a critical race theory of education. *Teachers College Record*, 97(1), 47–68.
- LaFollette A. M. (2011). An historical policy analysis of the Carl D. Perkins legislation: Examining the history, creation, implementation and reauthorization of the law [Doctoral dissertation, University of Illinois at Urbana-Champaign].
- Larry P. vs. Rile. (1979). 495 F. Supp. 926.
- Lau v. Nichols. (1974). 414 U.S. 563.
- Leibowitz A. H. (1974). Language as a means of social control: The United States experience.
<https://files.eric.ed.gov/fulltext/ED093168.pdf>

- Leibowitz A. H. (1980). The bilingual education act: A legislative analysis. National Clearinghouse for Bilingual Education.
- Lopez I. F. H. (1994). The social construction of race: Some observations on illusion, fabrication, and choice. *Harvard Civil Rights-Civil Liberties Law Review*, 29, 1–63.
- Malin J. R., Bragg D. D., Hackmann D. G. (2017). College and career readiness and the every student succeeds act. *Educational Administration Quarterly*, 53(5), 809–838.
- Martin E. W., Martin R., Terman D. L. (1996). The legislative and litigation history of special education. *Future of Children*, 6(1), 25–39. PubMed.
- Mayes K. A. (2023). *The unteachables: Disability Rights and the invention of Black Special Education*. University of Minnesota Press.
- Mills vs. Board of Education of the District of Columbia. (1972). 348 F. Supp. 866.
- Moran R. F. (2005). Undone by law: The uncertain legacy of *Lau v. Nichols*. *Berkeley La Raza Law Journal*, 16(1), 1–11.
- Parker L. (2003). Critical race theory and its implications for methodology and policy analysis in higher education desegregation. *Counterpoints*, 195(1), 145–180.
- Patton L. D. (2016). Disrupting postsecondary prose: Toward a critical race theory of higher education. *Urban Education*, 51(3), 315–342.
- Peller G. (1990). Race consciousness. *Duke Law Journal*, 1990(4), 758–847.
- Peller G. (2010). History, identity, and alienation. *Connecticut Law Review*, 43(5), 1479–1502.
- Pennsylvania Association for Retarded Children (PARC) vs. the Commonwealth of Pennsylvania. (1972). 334 F. Supp. 1257.
- P.L. 90-576. (1968). Vocational education amendments. <https://www.govinfo.gov/content/pkg/STATUTE-82/pdf/STATUTE-82-Pg1064.pdf>
- Punches M. W. (1985). The shaping of a social policy: The bilingual education act, 1968-1984. *Journal of Thought*, 20(4), 62–70.
- Roberts D. E. (2008). The racial geography of child welfare: Toward a new research paradigm. *Child Welfare*, 87(2), 125–150. PubMed.
- Rockey M., James-Gallaway C. (2019). Advancing practitioner understandings of equity in Illinois Community Colleges. *Insights on equity and outcomes*. Office of Community College Research and Leadership, 21(1), 1–4.
- Russel H. (1988). Fiscal Year 1988 Report. The President's committee on employment of people with Disabilities. <https://eric.ed.gov/?q=ED319166&id=ED319166>
- Spaulding L. S., Pratt S. M. (2015). A review and analysis of the history of special education and disability advocacy in the United States. *American Educational History Journal*, 42(1/2), 91–109.
- Stevenson W. W. (1977). The educational amendments of 1976 and their implications for vocational education. National Institute of Education.
- Stewner-Manzanares G. (1988). The bilingual education act: Twenty years later. *New Focus, Occasional Papers in Bilingual Education*, 6(1), 2–8.
- Stromquist N. P. (1993). Sex-equity legislation in education: The state as promoter of women's rights. *Review of Educational Research*, 63(4), 379–407.
- Thomas K. (1990). Comments at panel on critical race theory. Conference on Frontiers of Legal Thought, Duke Law School.
- Valentin I. (1997). Title IX: A brief history. *Holy Cross Journal of Law and Public Policy*, 2, 123–138.
- Walsh J., Totten J. L. (1976). An assessment of vocational education programs for the disadvantaged under part B and part A Section 102 (b) of the 1968 Amendments to the Vocational Education Act. Final Report.
- Weintraub F. J., Abeson A., Zettel J. (1977). The end of the quiet revolution: The education for all handicapped children act of 1975. *Exceptional Children*, 44(2), 114–128. PubMed.

- Werum R. (1997). Sectionalism and racial politics: Federal vocational policies and programs in the prede-segregation South. *Social Science History*, 21(3), 399–453.
- Werum R. E. (1999). Tug-of-war: Political mobilization and access to schooling in the southern racial state. *Sociology of Education*, 72, 89–110.
- Wiese A. M., García E. E. (1998). The bilingual education act: Language minority students and equal educational opportunity. *Bilingual Research Journal*, 22(1), 1–18.
- Wilkerson D. A. (1939). *Special problems of Negro education* (No. 12). US Government Printing Office.
- Wirth A. G. (1972). John Dewey's philosophical opposition to Smith-Hughes type vocational education. *Educational Theory*, 22(1), 69–77.
- Wolfe M. L. (1978). *The Vocational Education Act of 1963, as Amended: A Background Paper*. Congressional Research Service, Library of Congress.
- Woodson C. G. (1968). *The education of the Negro prior to 1861*. New Arno Press.
- Zettel J. J., Ballard J. (1979). The education for all handicapped children act of 1975 PL 94-142: Its history, origins, and concepts. *Journal of Education*, 161(3), 5–22.