

# The O'Connor Project: Intervening early to eliminate the need for racial preferences in higher education

by Lisbeth B. Schorr

Over the half-century since the U.S. Supreme Court's ruling in *Brown v. Board of Education*, our nation has struggled to fulfill its commitment to racial equality. In *Brown*, the Court recognized the indispensable role that equal education opportunity would play in achieving that goal. Yet, not long after *Brown*, the country's courts and political leaders seemed to agree that after centuries of slavery and racial exclusion, equal opportunity alone would not be enough to ensure African Americans an equal stake in our nation's social, cultural, and economic life. Policies of racial preferences were implemented to provide African Americans greater access to educational, employment, and other opportunities. By the end of the 20th century, the backlash against these affirmative action policies threatened to bring progress toward racial inclusiveness to a halt.

Last year, however, the U.S. Supreme Court's decision in *Grutter v. Bollinger* upheld the constitutionality and desirability of diversity programs that take race into account and which, in effect, accord racial preferences to African American applicants to graduate school.<sup>1</sup> In her opinion for the Court, Justice Sandra Day O'Connor emphasized the limited extent to which these preferences may be relied upon by university administrators. She also imposed a durational limitation on their use, declaring her expectation that racial preferences in higher education will no longer be necessary 25 years from now.

Justice O'Connor's expectation is realistic if, and only if, the nation acts promptly to put in place the measures that would eliminate, or substantially reduce, racial disparities that occur between birth and young adulthood. Figuring out the actions needed is the easier part, because the knowledge about *what works* to reduce these disparities

To achieve Justice O'Connor's objective, we must reduce disparities in birth outcomes, school readiness, and school learning

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**In her opinion in *Grutter v. Bollinger*, Associate Justice Sandra Day O'Connor declared her expectation that racial preferences in higher education will no longer be necessary 25 years from now.**

now exists, waiting only to be assembled and disseminated in actionable form. The hard part—mobilizing the political will to implement this agenda—will require a major effort by American opinion leaders, black and white.

Here is what we can and must do to reduce or eliminate racial disparities early in life and thereby eliminate the need for racial preferences at the university level:

- First, reduce racial disparities in birth outcomes.
- Second, reduce the disparities in school readiness.
- Third, attack racial disparities in the outcomes of kindergarten through 12th-grade (K-12) education.
- Fourth, reduce significant racial disparities in the successful transition to young adulthood.

A fundamental tenet of the agenda laid out here, which I call “The O'Connor Project,” is that in a nation in which a legacy of slavery and Jim Crow plays such a powerful and destructive role, no single, isolated change can bring about condi-

tions where racial preferences will be unnecessary. What is needed, rather, is a *combination* of actions that would eliminate racial disparities at each decisive stage of development. As Harvard professor William Julius Wilson, leading scholar of urban poverty, has pointed out, to “drastically reduce and eventually eliminate the environmental differences that create the present gap in black and white achievement,” we must “attack *all* aspects of the structure of inequality.”<sup>2</sup> This is a daunting challenge, but one that this nation can meet by building on widely shared and strongly held values—the importance of education, family responsibility, and social justice.

1. See 539 U.S. 306 (2003).

One encouraging recent development is the establishment at Harvard University of the new Charles Hamilton Houston Institute for Race and Justice. To be headed by Harvard law professor Charles J. Ogletree Jr., the institute will help lead efforts to rally national support for the actions envisioned as part of The O'Connor Project.

Implementation of this agenda will change life trajectories as today's children become healthier, better educated, and better prepared to succeed in good jobs and to be tomorrow's effective parents. This progress, especially in the context of economic growth, will produce further inroads against racism and discrimination.

What follows is a brief review of the state of understanding of the strategies that we must build on as we seek to reduce racial disparities in crucial outcomes between birth and young adulthood.

### Disparities in birth outcomes

Damaging birth outcomes, such as low birth weight, are found twice as often among African American babies than among whites and are associated with serious cognitive impairments, behavioral and learning disorders, and health problems—all of which predispose children to school failure.<sup>3</sup> The causes of racial disparities in infant health can be environmental, such as an exposure to toxic substances; socioeconomic, including poor housing or nutrition, dangerous neighborhoods, or lack of social support; behavioral, including the abuse of drugs or alcohol; or medical, such as the lack of access to prompt, high-quality prenatal care. In

2. Wilson, *The Role of the Environment in the Black-White Test Score Gap*, in *THE BLACK-WHITE TEST SCORE GAP 510* (Jencks and Phillips, eds., Washington, D.C.: Brookings Institution, 1998).

3. See CHILD TRENDS RESEARCH BRIEF, *School Readiness: Helping Communities Get Children Ready for School and Schools Ready for Children* ([http://www.childtrends.org/Files/school\\_readiness.pdf](http://www.childtrends.org/Files/school_readiness.pdf)), based on Halle, Zaslow, Zaff, Calkins, and Margie, *BACKGROUND FOR COMMUNITY-LEVEL WORK ON SCHOOL READINESS: A REVIEW OF DEFINITIONS, ASSESSMENTS, AND INVESTMENT STRATEGIES* (Washington, D.C.: Child Trends, 2000).

4. Jencks and Phillips, *An Introduction*, in *THE BLACK-WHITE TEST SCORE GAP*, *supra* n. 2, at 45-46.



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**Health problems -- all of which interfere with normal development and learning -- are found in African American children at two to three times the incidence among white children. Improved child health care will help reduce racial disparities in school readiness.**

addition, unintended, unwanted, or early pregnancies, also characterized by racial disparities, are associated with a greater risk of developmental delays, lack of stimulating home environments, and lower levels of cognitive and educational attainment.

A wealth of knowledge is available to improve birth outcomes and reduce teen births through, among other things, universal health insurance coverage; universal access to age-appropriate, reproduction-related health education; changes in the policies and practices of health care providers, including prenatal care and family planning services; and efforts to spread community norms that hold that all births should be intended and wanted, when young people are ready for parenthood.

### Disparities in school readiness

Perhaps the most dramatic race-based disparities occur before children enter school. Children who start behind as toddlers are likely to be left behind in the course of schooling. The number of words in a typical three-year-old black child's vocabulary falls below the 20th percentile of the national distribution.<sup>4</sup> Similar disparities appear when the comparisons are by the occupational status of the children's families. In 2002, Kansas City three-year-olds in professional families knew an average of 1,116 words, while three-year-olds in families receiving welfare benefits knew an average of only 525 words.<sup>5</sup> These are disturbing findings when one considers that early vocabulary development is strongly associ-

ated with later school performance.<sup>6</sup>

By harnessing the tremendous growth in understanding of how children's later prospects are affected by their early physical well-being, and by the stimulation, caring relationships, and supports they experience long before they enter school, we could significantly reduce the existing racial gap in how well young children are equipped for school learning.

The remedies here lie in improved child health care, and in strengthening the two domains in which young children spend their time: the family and out-of-home child care.

*Improved child health care.* In many American cities, health problems such as untreated vision and hearing defects, lead poisoning, poor nutrition, and asthma—all of which interfere with normal development and learning—are found in African American children at two to three times the incidence among white children. Moreover, racial disparities extend to medical care itself. For example, among children ages 1 to 5 with the same health conditions, African American children are half as likely as white children to receive prescription medication.<sup>7</sup>

The answer is to extend health insurance coverage to all children under 18 years of age, and to make competent, continuing, and culturally sensitive health care available through a readily accessible source of care, which pediatricians like to call a "medical home," that is closely connected to other community resources.<sup>8</sup>

*Improved home environments.* The family's role in providing the interactions and stimulation so crucial to school readiness is widely recognized, but there is much skepticism about how much change in the ways families deal with their children can be brought about from outside the family. It is encouraging, then, that a rich array of successful, albeit scattered, community-based efforts are already in place that show it can be done. On a small scale that can surely be expanded, these programs are daily enhancing the capacity and impetus of families to read to young

children at home, to engage them in rich conversations, and to limit television viewing.

In Harlem, new parents learn effective parenting techniques in nine Saturdays of "Baby College" and in home visits from trained parent educators. In Okolona, Mississippi, syndicated columnist William Raspberry's "Baby Steps" program shows parents how to use ordinary kitchen items to teach word recognition while inspiring an entire town to read to its children, tutor them, and make its preschoolers "the smartest in northeast Mississippi."<sup>9</sup> All over the country, parents are encouraged to read with their children by gifts of free children's books from pediatricians, libraries, and family support centers, and through burgeoning adult literacy programs.<sup>10</sup>

*Higher-quality child care.* Child care that meets high standards of quality and promotes social, emotional, and cognitive development is an essential component of any school-readiness strategy. Because young children develop so rapidly between birth and school entry, many of the skills, abilities, and dispositions that go into school readiness are learned in child care and early education programs. Once again, we have plenty of examples of where it's being done right, but systemic changes are required to build on these successes so that all children, especially African Americans, will have access to the high-quality early care and education programs that are most likely to have a positive impact.

The characteristics that these programs share include, among other things:

- Child groupings small enough, together with adult-child ratios low enough, to permit young children, especially babies and toddlers, to have one-on-one time with caregivers;
- Staff turnover low enough to allow stable, continuing relationships to develop between individual children and adults;
- Staff who are culturally sensitive and responsive to the interests and needs of families;

- Staff who encourage active involvement and participation by parents and provide support to mothers and other family members to strengthen their child-rearing capacities;

- Opportunities for children to interact socially with other children and adults in diverse situations, so that they learn to take turns, remember and follow directions, and use adults as sources of information, discipline, and enjoyment;

- Staff and parents who have high, age-appropriate expectations for children's behavior and ability to learn and achieve; and

- Recognition that school readiness is more than a set of mechanical skills.

This last characteristic means less reliance on didactic, adult-directed teaching of isolated skills, such as naming letters, and more emphasis on instruction that is individualized and builds on children's current understandings, such as engaging them in problem solving and manipulation of materials.<sup>11</sup>

## Disparities in K-12 education

America's primary and secondary schools currently operate in ways that simply do not produce a high enough proportion of minority youngsters graduating from high school with the skills to succeed in four-year colleges, much less in graduate work. Compared with their white counterparts, black children enter schools that have larger class

5. Hart and Risley, *MEANINGFUL DIFFERENCES IN THE EVERYDAY EXPERIENCE OF YOUNG AMERICAN CHILDREN* 176 (Baltimore, Md.: Brookes Publishing Company, 1995).

6. Lee and Burkam, *INEQUALITY AT THE STARTING GATE: SOCIAL BACKGROUND DIFFERENCES IN ACHIEVEMENT AS CHILDREN BEGIN SCHOOL* 8 (Washington, D.C.: Economic Policy Institute, 2002).

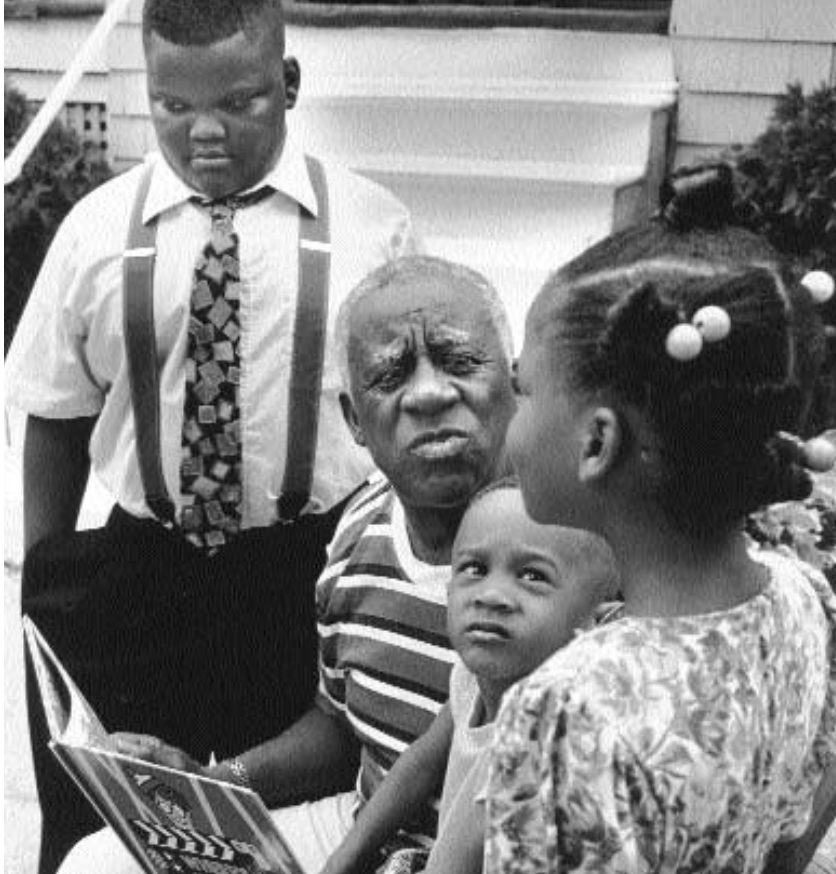
7. Institute of Medicine, *UNEQUAL TREATMENT: CONFRONTING RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE* 54 (Washington, D.C.: National Academies Press, 2003).

8. American Academy of Pediatrics Committee on Children with Disabilities, *Developmental Surveillance and Screening of Infants and Young Children: Policy Statement*, 108 *PEDIATRICS* 192-196 (2001).

9. Raspberry, *Baby Steps*, Wash. Post, Nov. 17, 2003, at A25.

10. See <http://www.reachoutandread.org>, <http://www.healthysteps.org>, <http://www.evenstart.org>, and <http://www.friendsofthefamily.org>.

11. See "High-Quality Child Care and Early Education" pages at <http://www.pathwaystoutcomes.org>.



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**The stimulation, caring relationships, and support children experience can significantly reduce the existing racial gap in how well they are equipped for school learning. Here, Jim Mosley, a UAW retiree, participates in a childhood reading readiness program.**

sizes, undertake less outreach to parents, have fewer well-prepared and experienced teachers, and are

located in areas where safety is an issue.<sup>12</sup> Many have such high mobility rates that a school with an enrollment of 1,000 pupils will have had to try to teach as many as 2,000 different children at some time during the year.<sup>13</sup>

Of the approximately 1.2 million black and Hispanic 18-year-olds in the United States in the year 2000, only about half actually graduated from high school with a regular diploma. Only a quarter had taken the high school courses that would allow them to apply to even the least selective four-year colleges.

The remedies for this start with excellent teachers with high expectations<sup>14</sup> and schools of a size where every child is known by a school adult.<sup>15</sup> These are measures that will obviously benefit whites as well as blacks. But after that, the remedies must differentiate by context. In schools where students of color are in the minority, the most promising strategies to reduce racial disparities focus on recognizing and changing

the subtle and complex institutional practices that perpetuate the gap in academic opportunities, and on convincing those who benefit most from existing arrangements that this is not a zero-sum game. Numerous studies have shown that minority students' progress can occur without detracting from the achievement of white students.<sup>16</sup>

This is not, however, the situation for most black youngsters, nearly half of whom attend high schools from which the majority of students who enter ninth grade never graduate. Only 11 percent of white students attend such high schools. Thus, the biggest risk factor for dropping out of school before graduating is not a personal or even a family characteristic; rather, it is attending a high school in which graduation is not the norm.<sup>17</sup>

A preponderance of research and experience now suggests that the strategies that would change outcomes in these predominantly poor and minority schools involve staffing them with the best and most experienced teachers and adopting a principle enunciated long ago by W.E.B. Du Bois: the combination of strong social support with high levels of "academic press."<sup>18</sup> The Consortium on Chicago School Research proposes that neither social support nor academic press alone is sufficient, but that the combination can significantly change outcomes. The consortium has concluded that the most successful schools are able to create school and classroom environments that (1) promote strong, caring, and supportive personal relationships between students and teachers, parents, and other students; and (2) place a heavy emphasis on high expectations for academic success, rigor, and conformity to specific standards of achievement.<sup>19</sup>

Of course, it is not easy to create schools with these characteristics, but as more and more education leaders around the country become engaged in precisely this enterprise, the lessons from experience are accumulating and showing the way, so that not only individual schools but whole districts

12. Lee and Burkam, *supra* n. 6, at 76.

13. Rothstein, *CLASS AND SCHOOLS: USING SOCIAL, ECONOMIC, AND EDUCATIONAL REFORM TO CLOSE THE BLACK-WHITE ACHIEVEMENT GAP* 46 (Washington, D.C.: Economic Policy Institute, 2004).

14. Ferguson, *Teachers' Perceptions and Expectations and the Black-White Test Score Gap*, in *THE BLACK-WHITE TEST SCORE GAP*, *supra* n. 2, at 273-317.

15. National Research Council, Institute of Medicine, *ENGAGING SCHOOLS: FOSTERING HIGH SCHOOL STUDENTS' ENGAGEMENT AND MOTIVATION TO LEARN* 159 (Washington, D.C.: National Academies Press, 2004).

16. Noguera, *Racial Politics and the Elusive Quest for Excellence and Equity in Education, Part 3: Making Steps Toward Educational Equity*, in *Motion Magazine*, Sept. 30, 2001 (<http://www.inmotion-magazine.com/er/pnrp3.html>).

17. Swanson, *WHO GRADUATES? WHO DOESN'T? A STATISTICAL PORTRAIT OF PUBLIC HIGH SCHOOL GRADUATION, CLASS OF 2001* (Washington, D.C.: Urban Institute, 2004); Balfanz and Legters, *LOCATING THE DROPOUT CRISIS: WHICH HIGH SCHOOLS PRODUCE THE NATION'S DROPOUTS? WHERE ARE THEY LOCATED? WHO ATTENDS THEM?* (Baltimore, Md.: Johns Hopkins Univ. Center for Social Organization of Schools, 2004).

18. Lee, Smith, Perry, and Smylie, *SOCIAL SUPPORT, ACADEMIC PRESS, AND STUDENT ACHIEVEMENT: A VIEW FROM THE MIDDLE GRADES IN CHICAGO 6* (Chicago: Univ. of Chicago Consortium on Chicago School Research, 1999).

19. *See id.*

will be able to reorganize on the basis of these principles.

## Disparities in transition to adulthood

The greatest risk factors that stack the odds against a smooth transition into adulthood are: dropping out of school, becoming an unmarried teen mother, becoming involved with the juvenile justice or foster care system, and living in a neighborhood of concentrated poverty and unemployment. Each of these risk factors occurs disproportionately among African American youth.

This essay has already explored some of the actions needed to reduce racial disparities with regard to school dropout and teen parenting. What follows are some proposals for reducing racial disparities resulting from the prevailing practices of the foster care and juvenile justice systems and from the persistence of neighborhoods of concentrated poverty.

The foster care and juvenile justice systems, with a few exceptions, are not working well for most American youngsters, but young people of color are the worst off. For many, involvement with these systems not only fails to support healthy development, but actually adds more risk factors to the burdens they already carry. African American youngsters are more likely to be in residential or group care instead of family foster care, they stay in out-of-home care longer, and they are least likely to be

reunited with their families.<sup>20</sup> The number of youth detained in secure detention facilities, which is perhaps the most significant predictor of a non-mainstream adulthood, has increased by almost 100 percent since 1985. Virtually all of this growth can be accounted for by the greatly increased rates of detention for youth of color.<sup>21</sup>

Although they have rarely done so in the past, and despite the fact that these systems have proven inordinately resistant to change, they *could*, as a few such systems have demonstrated, partner with communities in ways that move them beyond a purely punitive to a supportive role in the lives of heretofore marginalized individuals and neighborhoods. They *could* do much to ensure that the young people over whom they exercise authority have or obtain, among other things, needed skills, education, and physical and mental health services; financial, vocational, entrepreneurial, and recreational resources that connect them to mainstream prospects; and access to caring adults who provide them with the support they need to persevere in their pursuit of change, and to overcome their sense of exclusion and inadequacy.

Finally, we have learned much about how to reduce the risk factors facing the young people who live in neighborhoods of concentrated poverty and unemployment. Nearly four decades after federal legislation outlawed residential segregation, *de facto* segregation persists. Blacks continue to experience more severe racial isolation due to residence than any other racial group,<sup>22</sup> as well as the accompaniments of racial isolation, including concentrated social and economic disadvantage,<sup>23</sup> high rates of crime and unemployment, and deteriorated and unsafe housing.<sup>24</sup> All of these factors contribute to the racial disparities in the transition to adulthood. All of them make it more likely that even strong families cannot protect their children against the magnetic pull of the streets.

The remedies here start with more

jobs that pay a living wage and stronger income supports. Additional tools are community based. Among them: programs to promote homeownership, which is linked to family and neighborhood stability, increased civic participation and social networks; community policing and other efforts to make disinvested neighborhoods safe and attractive; local initiatives to develop and maintain libraries, recreation centers, after-school programs, community centers, parks, and play spaces; and local enforcement measures to eliminate abandoned buildings, drug houses and drug dealing, and violations by absentee landlords. Finally, systematic efforts at the community level are required to provide opportunities for youths to connect with and establish solid, trusting relationships with competent and caring adults from outside their own families.

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There is little question that the agenda outlined in this essay would sharply reduce racial disparities in children's birth-related issues, health, school readiness, and transition to young adulthood. It would thereby also help eliminate the need for racial preferences beyond the year 2028, as Justice O'Connor's decision in the *Grutter* case requires. Many of the answers about *what to do* exist, and need only to be put together in actionable form.<sup>25</sup> Our understanding of *how to do it* may be less refined than we wish, but much of that learning can be assembled as we go. We undeniably have, today, the *actionable intelligence* we need in order to get started. Now we must mobilize the political will to implement this agenda of both structural and individual change, so that the nation can realize Justice O'Connor's goal for the nation by 2028. ❧

### LISBETH B. SCHORR

directs the Pathways Mapping Initiative of the Project on Effective Interventions at Harvard University (<http://www.pathwaystoutcomes.org>).

20. Nelson, *Moving Youth from Risk to Opportunity*, in KIDS COUNT 2004 DATA BOOK 7-9 (Baltimore, Md.: Annie E. Casey Foundation, 2004).

21. *Id.*

22. See Massey, Charles, Lundy, and Fischer, *THE SOURCE OF THE RIVER 70* (Princeton, N.J.: Princeton Univ. Press, 2003).

23. See Wilson, *TRULY DISADVANTAGED: THE INNER CITY, UNDERCLASS, AND PUBLIC POLICY* (Chicago: Univ. of Chicago Press, 1987); Wilson, *WHEN WORK DISAPPEARS* (New York: Alfred A. Knopf, 1996); Jaworsky, *POVERTY AND PLACE: GHETTOS, BARRIOS AND THE AMERICAN CITY* (New York: Russell Sage Foundation, 1997).

24. See Booth and Crouter, *DOES IT TAKE A VILLAGE? COMMUNITY EFFECTS ON CHILDREN, ADOLESCENTS AND FAMILIES 5-6* (Mahway, N.J.: Lawrence Erlbaum Associates, 2001).

25. See Schorr and Auspos, *Usable Information About What Works: Building a Broader and Deeper Knowledge Base*, 22 J. OF POL'Y ANALYSIS & MGMT. 669-676 (2003).